



South Pasadena Policing Presentation

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INDEPENDENT OFFICE OF LAW ENFORCEMENT REVIEW & OUTREACH

Jerry Threet Introduction & Background

- ▶ Founding Director of IOLERO, Civilian Oversight of County Sheriff (2016-2019)
 - ▶ Reviewed internal investigations, policies, training, systems, providing critical feedback loop
- ▶ Taught community policing for Police Academy
- ▶ SF Deputy City Attorney (2005-2016) – worked closely with SFPD and diverse community members in Tenderloin District of SF
- ▶ Attorney w/ N. Cal. District U.S. Attorney Robert Mueller (1997-1999)
- ▶ Criminal & Civil Trial Attorney, U.S. DOJ (1987-1991)
- ▶ Briefing Attorney w/ Presiding Judge, Texas Court Criminal Appeals (1988)
- ▶ Legislative experience in Texas State Senate and SF Board of Supervisors
- ▶ Community organizing & advocacy experience and training in various contexts
- ▶ Community mediator training

Overview

- ▶ **KEY QUESTION:** What are the authorities of elected City Councils in making decisions about police budgets and oversight of police policies, practices, training, etc.?
- ▶ What is the authority of general law cities in this area?
- ▶ How might that authority be restricted by ballot measures approved by voters (propositions/charters)?
- ▶ How might that authority be changed by labor agreements

Preliminary considerations

- ▶ Presumptions underlying this presentation.
- ▶ Police departments are a part of a civilian, democratic government that responds to the will of the people
- ▶ The people operate through an elected City Council
- ▶ City council state statutory authority to manage PD
- ▶ City Council delegation of authority to City Manager

Preliminary considerations

- ▶ Policing decisions historically have been excluded from robust democratic decision-making
- ▶ Recent public demands seek to change that dynamic
- ▶ Equity: should voices historically excluded be given special consideration in the current processes of considering police budgets & oversight?
- ▶ How can democratic participation in these decisions be increased effectively?

S. Pasadena Legal Framework

- ▶ General Law City, no charter
- ▶ City manager Form of government – council management authority delegated to City manager
- ▶ No local legal prohibition of interference by City Council in administration
- ▶ No apparent ballot measures restricting decisions around policing
- ▶ No apparent MOU restricting staffing, budget, disciplinary decisions by City government for SPPD

S. Pasadena Legal Framework

- ▶ Meyers-Milias-Brown Act applies.
 - ▶ Cal. Gov't Code § 3500.
- ▶ The governing body . . . shall **meet and confer** in good faith regarding wages, hours, and other **terms and conditions of employment** with representatives of such recognized employee organizations, . . . prior to arriving at a determination of policy or course of action.
- ▶ **Core Management decisions** = no obligation to M&C (budgets, reorganization, layoffs, UOF policies, civilian oversight of police)
- ▶ “Meet & confer” = discuss, **not** negotiate terms of decisions

Traditional Approaches to Police Oversight

- ▶ Traditionally, policing has operated outside of significant local civilian oversight
- ▶ Aura of expertise prevails in policing policies/training
- ▶ Public has been reluctant to look at what is done in their name, including violence, incarceration, etc.
- ▶ Police organizations tend to be insular & secretive, resistant to change
- ▶ Traditional council deference to City Manager, City Manager deference to Police Chief

Emerging Approaches to Police Oversight

- ▶ BLM protests have shifted public views, generally
- ▶ Public now demanding to know what is done in their name, including violence, incarceration
- ▶ Re-imagining policing efforts nationwide (from reprogramming to defund to abolition)
- ▶ Blossoming of efforts to create more robust and effective mechanisms for police oversight

Process to Consider These Issues

- ▶ Community Conversations about Policing in South Pasadena
- ▶ Community Conversations about racial/ethnic issues in your communities
- ▶ Independent Assessment of S. Pasadena Police Department
- ▶ Re-imagining Policing Workshops
- ▶ Ballot proposition campaigns

Community Values



What processes for documenting community values for policing should be used?

Community listening sessions
Community roundtables
Targeted focus groups
Language, cultural & other accessibility issues



Should there be an institutional process for periodic input from the public on these issues?

S. Pasadena Police Department

- ▶ **KEY QUESTION: What does SPPD really look like, upon examination?**
 - ▶ Not general public perception, but informed view
 - ▶ How do we find out? – Independent Review?
- ▶ **Public perceptions**
 - ▶ Customer Service Surveys
 - ▶ Polling instruments
 - ▶ Focus groups, roundtables

South Pasadena Police Department

- ▶ **Independent, Professional Objective PD Review**
- ▶ Provide objective look at current status of police department
- ▶ Review existing policies, practices, procedures, and training
- ▶ Compare existing to “best practices” and to community desires/values
- ▶ **Consult:** community, rank & file officers (past & present), officer union, agency management (past & present), sister agencies, City officials, non-profit service partners, plaintiffs’ attorneys
- ▶ Compile & review SPPD data
- ▶ **Public report at City Council**

South Pasadena Police Department

Scoping Issues

- ▶ Confidential v. public information
 - ▶ POBR restricts public access to personal details of most investigation
 - ▶ Conclusions regarding functioning of accountability system can be public
- ▶ Department Policies & Training – which ones?
 - Use of Force
 - Bias in policing
 - Whistleblowers
 - Conflicts of interest
 - Immigrants
 - Homelessness
 - Youth

South Pasadena Police Department

Scoping Issues

- ▶ Relationships between management and rank & file
- ▶ Procedural Justice: internal & external
- ▶ Transparency: Data collection and reporting issues
 - ▶ Use of Force
 - ▶ Stops
 - ▶ Early warning system
- ▶ Transparency: BWC video releases; SB 1421 records; etc..

South Pasadena Police Department

Scoping Issues

- ▶ Accountability systems: fairness, completeness, timeliness
 - ▶ UOF investigations
 - ▶ Investigations re dishonesty
 - ▶ Conflict of interest issues
- ▶ Community policing/ community relationship building
 - ▶ Community meetings
 - ▶ Community volunteering
 - ▶ Including community in agency processes – hiring, training, promotions, policies

Community Policing in South Pasadena

Civilian Oversight Function?

- ▶ Ongoing civilian review of functioning and progress
- ▶ Transparency to public through reporting
- ▶ Independent, objective review of department
- ▶ Process for community input into policing
- ▶ Institutionalized, positive, dynamic feedback loop
- ▶ Considered best practice by many experts
- ▶ Increasingly common across the country

Community Policing in South Pasadena

CIVILIAN OVERSIGHT MODELS

- ▶ Independent Investigation (SF Office Police Accountability);
- ▶ Community Review Boards (Berkeley; Richmond);
- ▶ Professional Auditor (San Jose; *Sonoma County*);
- ▶ Disciplinary Commission (Oakland)
- ▶ HYBRID (BART Independent Auditor + Citizen Board)

Community Policing in South Pasadena

CRITERIA FOR EFFECTIVE OVERSIGHT

- ▶ Independence
- ▶ Adequate budget and staff
- ▶ Unfettered access to information
- ▶ Unfettered access to staff

Community Policing in South Pasadena

CRITERIA FOR EFFECTIVE OVERSIGHT

- ▶ Adequate legal authority
- ▶ Ability to review & suggest changes to policy
- ▶ Effective community engagement
- ▶ Robust transparency

Community Policing in South Pasadena

LIMITATIONS OF CIVILIAN OVERSIGHT

- ▶ Agency Leader Choice More important
 - ▶ Sets the tone for the organization
- ▶ Agency culture more important
 - ▶ Culture eats policy, training – flows from vets to new officers

Community Policing in South Pasadena

LIMITATIONS OF CIVILIAN OVERSIGHT

- ▶ Agency community engagement more important
 - ▶ Without community support, oversight withers
- ▶ Oversight is still necessary & a best practice, providing a crucial tool for public feedback and transparency

South Pasadena Policing's Future?

REIMAGINING POLICING?

- More focused mission?
- Shifting resources to other service delivery models?
- “Department of Peace”?
 (“Peace Officers”)
- Restorative Justice training and programs?
- Community partnerships?

PUBLIC
INPUT
PROCESS

Town halls

Focus groups

Roundtables

Listening sessions

PUBLIC INPUT PROCESS

Survey instruments

Suggestion boxes online

Compiling and organizing input

Translation

Equity

THANK YOU



QUESTIONS?



DISCUSSION?