



AGENDA

CITIZEN PUBLIC SAFETY OVERSIGHT TASK FORCE

A Regular Meeting via Teleconference

Wednesday, September 16, 2020 at 5:00 p.m.

La Mesa Police Department Community Room
8085 University Avenue, La Mesa, California

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic.

The public may view the meeting live using the following remote options:

Teleconference Meeting Webinar

<https://zoom.us/j/95647270651>

Telephone (Audio only)

(669) 900-6833 or (253) 215-8782 | Webinar ID: 956 4727 0651

Public Comments for Items non on the Agenda

Members of the public who wish to make public comments may submit their comments by email to be read aloud at the Citizen Public Safety Oversight Task force meeting by staff. Email comments must be submitted to Comments@cityoflamesa.us by 3:00 p.m. the day of the Task Force meeting and be no more than 300 words. Any language beyond the 300 words shall not be read during the Task Force meeting. The counting of words, for the purposes of public comment submissions, shall follow the same standards as set forth in Elections Code § 9 (*see Attachment A*). Please note in your email subject line that this is for "PUBLIC COMMENT". All email comments shall be subject to the same rules as would otherwise govern speaker comments at the Task Force meeting.

Public Comments for Items on the Agenda

Members of the public who wish to make comments on items on the agenda may submit their comments by email to be read aloud at the Citizen Public Safety Oversight Task Force meeting by staff. Email comments will be accepted prior to the Task Force meeting and up until the time that the Chair announces that public comment is closed for that item. Email comments must be submitted to Comments@cityoflamesa.us and be no more than 300 words. Any language beyond the 300 words shall not be read during the Task Force meeting. The counting of words, for the purposes of public comment submissions, shall follow the same standards as set forth in Elections Code § 9 (*see Attachment A*). Please note in your email subject line the agenda item number related to the comment. All email comments shall be subject to the same rules as would otherwise govern speaker comments at the Task Force meeting.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

NOTE: Members of the public may address the Task Force on subjects within the jurisdiction of the Task Force. Unless such subjects are contained within this agenda, there can be no discussion or action by the Task Force until a subsequent, publicly noticed meeting.

CURRENT BUSINESS

1. **APPROVAL OF THE MINUTES FOR THE CITIZEN PUBLIC SAFETY OVERSIGHT TASK FORCE REGULAR MEETING HELD WEDNESDAY, JULY 15, 2020 AND SPECIAL MEETING HELD WEDNESDAY, JULY 29, 2020**
2. **REVIEW AND APPROVAL OF SUGGESTED CHANGES TO THE TASK FORCE'S PROPOSAL BY THE LA MESA CITY COUNCIL FROM THE SEPTEMBER 15, 2020 CITY COUNCIL SPECIAL MEETING**
3. **DISCUSSION OF PRESENTATION FOR THE SEPTEMBER 22, 2020 LA MESA CITY COUNCIL MEETING – General Counsel Larson**
4. **REVIEW OF THE DRAFT COMMUNITY COMPLAINT PROCESS HANDBOOK – Chair McRae and Members Dillard and Willey**
5. **STAFF AND TASK FORCE MEMBER ANNOUNCEMENTS**

ADJOURNMENT to the Regular meeting of Wednesday, October 21, 2020 at 5:00 p.m. in the La Mesa Police Department Community Room, 8085 University Avenue.

Materials related to an item on this agenda submitted to the Task Force after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 8130 Allison Avenue, during normal business hours.

Copies of the Task Force Agenda are posted for public review on the lobby door of the La Mesa Police Department and the announcement boards located near the entrance to City Hall and the entrance to the Council Chambers, 8130 Allison Avenue, La Mesa, California, no less than seventy-two (72) hours prior to a meeting of the Task Force

The City of La Mesa encourages the participation of disabled individuals in the services, activities and programs provided by the City. Individuals with disabilities, who require reasonable accommodation in order to participate in Task Force meetings, should contact the City's Americans with Disabilities Act (ADA) Coordinator, Rida Freeman, Director of Administrative Services, 48 hours prior to the meeting at 619.667.1175, fax 619.667.1163, or rfreeman@cityoflamesa.us.

State of California**ELECTIONS CODE****Section 9**

9. (a) Counting of words, for purposes of this code, shall be as follows:
- (1) Punctuation is not counted.
 - (2) Each word shall be counted as one word except as specified in this section.
 - (3) All proper nouns, including geographical names, shall be considered as one word; for example, "City and County of San Francisco" shall be counted as one word.
 - (4) Each abbreviation for a word, phrase, or expression shall be counted as one word.
 - (5) Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
 - (6) Dates shall be counted as one word.
 - (7) Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "one hundred" shall be counted as two words. "100" shall be counted as one word.
 - (8) Telephone numbers shall be counted as one word.
 - (9) Internet Web site addresses shall be counted as one word.
- (b) This section shall not apply to counting words for ballot designations under Section 13107.

(Amended by Stats. 2014, Ch. 697, Sec. 3. (SB 1253) Effective January 1, 2015.)

**SPECIAL MEETING OF THE CITY OF LA MESA
CITIZEN PUBLIC SAFETY OVERSIGHT TASK FORCE
5:00 PM, LA MESA POLICE DEPARTMENT COMMUNITY ROOM
8085 UNIVERSITY AVENUE, LA MESA, CA 91942**

**MINUTES
July 15, 2020**

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic.

CALL TO ORDER

City Clerk Wiegelman called the meeting to order at 5:01 p.m.

ROLL CALL (X indicates present)

Robert Duff		X
Dr. Janet Castanos		X
Jamal McRae	X	
Susan Wayne	X	
Caitlin Tiffany	X	
Patricia Dillard	X	
Rev. Frank Willey	X	
Joshua David Morse		X
Steven Evans	X	
Jack Shu	X	
Vacant (Police Beat 4 Resident Representative)		

Others present: City Clerk Wiegelman; Lieutenant Bell; Community Service Officer Allsberry

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

City Clerk Wiegelman and Lieutenant Bell read aloud the emailed public comments submitted by 3:00 p.m. the day of the Task Force Meeting.

Sarina Dahlan submitted a comment regarding standards for law enforcement officers.

Vinton Omaleki submitted a comment regarding his objection to having a police officer on the future La Mesa Police Oversight Committee.

Dave Palmer submitted a comment regarding his support of the Task Force and their possible transition to an official citizen review board.

Breanne Leinum submitted a comment regarding her support of a town hall meeting and a Police Oversight Committee.

Andy Trimlett submitted a comment regarding NACOLE's principles.

Demetrius and Rebecca Antuna submitted a comment regarding potential oversight committee members.

Cheri Robertson submitted a comment regarding the components she would like in an Independent Citizens Police Oversight Board.

Emily Green submitted a comment regarding her support for a citizens oversight board.

Anonymous submitted a comment regarding the support of a police officer as a voting member for a potential oversight committee.

Sasha Jonestein submitted a comment regarding her support for the Task Force's work.

Ann M. Johns submitted a comment regarding her opposition to having a police officer on the La Mesa Oversight Commission.

Sarah Young submitted a comment regarding her support for LMPD and an independent citizen oversight board.

Melissa submitted a comment regarding her appreciation for the work the Task Force is doing.

Debbie Kinsinger submitted a comment regarding the need for community conversation.

Jessyka Heredia submitted a comment regarding her approval of, and appreciation for an independent citizens police oversight task force.

Missy Solis submitted a comment regarding her support for the Task Force.

Patricia Harris submitted a comment regarding her support for the Task Force.

The following comments were not received by the 3:00 p.m. deadline, and therefore were not read aloud during the Task Force Meeting:

Ashley Brown submitted a comment regarding her support for a police oversight committee.

Emily McDonald submitted a comment regarding how the La Mesa Citizen Police Review Board members should be selected.

CURRENT BUSINESS

1. APPROVAL OF THE MINUTES FOR THE CITIZEN PUBLIC SAFETY OVERSIGHT TASK FORCE SPECIAL MEETING HELD WEDNESDAY JULY 1, 2020

ACTION: Motioned by Member Duff and seconded by Vice Chair Shu to approve the minutes for the Citizen Public Safety Oversight Task Force Special Meeting held Wednesday, July 1, 2020, as amended, to change Bill Larson to Dale Larson on page 4 and add the names of the Subcommittee Members to Item 6's motion.

Vote: 10-0

Yes: Chair McRae, Vice Chair Shu, and Members Castanos, Duff, Wayne, Tiffany, Morse, Evans, Dillard, and Willey

No: None

Abstained: None

Absent: None

Motion passed.

2. BRIEFING ON THE ROLES AND RESPONSIBILITIES OF A CITIZEN POLICE REVIEW BOARD

National City Community & Police Relations Commission Members Dan Long and Candy Morales

Mr. Long is National City Police Department's POA Secretary and is a non-voting member of their review board. Mr. Long acts as a resource to deal with policy issues and answered questions of the board members.

Ms. Morales is the Chair of National City's review board. Ms. Morales described how they review IA cases.

Vinton Omaleki submitted a comment regarding law enforcement presence on a review board.

Task Force Member Willey left the meeting.

3. DISCUSSION REGARDING THE POSSIBLE TRANSITION OF THE CITIZEN PUBLIC SAFETY OVERSIGHT TASK FORCE TO A CITIZEN POLICE REVIEW BOARD

ACTION: Motioned by Vice Chair Castanos and seconded by Chair McRae to propose to the City Council to transition the Task Force to the Oversight Board on a temporary basis until City Council approval.

Vote: 7-1-1

Yes: Chair McRae Vice Chair Castanos, and Members Wayne, Tiffany, Morse, Dillard, and Duff

No: Member Evans

Abstained: Vice Chair Shu

Absent: Member Frank Willey

Motion passed.

Debbie Kinsinger submitted a comment regarding transitioning the Task Force to the Commission.

Sarah Young submitted a comment regarding opposition to having law enforcement on the Commission.

Rebecca Littlejohn submitted a comment regarding the transition process.

Gayle Neville submitted a comment regarding her support for a completely independent citizen police oversight commission.

4. DISCUSSION OF THE PROPOSAL TO ESTABLISH A CITIZEN POLICE REVIEW BOARD FOR LEGAL COUNSEL REVIEW

The Task Force discussed the seats to be filled on the Board, term limits, law enforcement presence, legal support, budget, meeting frequency, complaint processes, audits vs. investigations, subpoena power and details regarding the language of the proposal.

- Task Force Member Evans left the meeting.

Rev. Rebecca Littlejohn submitted a comment regarding the components of the proposal.

Rev. Kelly Ryan submitted a comment regarding the presence of LMPD within a Citizen Police Review Board.

Debbie Kinsinger submitted a comment regarding her opinion that it should not be a deliberative body.

Teri Andre submitted a comment regarding the presence of a police representative on the committee.

- Task Force Member Willey returned to the meeting.

ACTION: Motioned by Vice Chair Shu and seconded by Member Duff to create an ad-hoc subcommittee, consisting of Patricia Dillard, Frank Willey and Jamal McRae, to work on a complaint handbook for the committee.

Vote: 9-0

Yes: Chair McRae, Vice Chair Shu, and Members Wayne, Tiffany, Morse, Castanos, Dillard, Duff, and Willey

No: None

Abstained: None

Absent: Member Evans

Motion passed.

ACTION: Motioned by Vice Chair Shu and seconded by Member Duff for the Task Force to make a presentation to the City Council regarding the proposal.

Vote: 9-0

Yes: Chair McRae, Vice Chair Shu, and Members Wayne, Tiffany, Morse, Castanos, Dillard, Duff, and Willey

No: None

Abstained: None

Absent: Member Evans

Motion passed.

5. BRIEFING ON LA MESA PD INTERNAL AFFAIRS INVESTIGATIONS OVER THE LAST 5 YEARS

ACTION: Motioned by Member Willey and seconded by Member Duff to table the briefing on La Mesa PD internal affairs investigations over the last 5 years.

Vote: 9-0

Yes: Chair McRae, Vice Chair Shu, Members Wayne, Tiffany, Morse, Castanos, Dillard, Duff, and Willey

No: None

Abstained: None

Absent: Member Evans

Motion passed.

6. DISCUSSION OF CONDUCTING A SURVEY TO ESTABLISH BASELINE DATA TO DETERMINE CHANGES TO THE POPULATION OVER TIME

ACTION: Motioned by Member Castanos and seconded by Member Dillard for Janet Castanos and Caitlin Tiffany to create a participant questionnaire for a pre-survey.

Vote: 9-0

Yes: Chair McRae, Vice Chair Shu, and Members Wayne, Tiffany, Morse, Castanos, Dillard, Duff, and Willey

No: None

Abstained: None

Absent: Steven Evans

Motion passed.

Debbie Kinsinger submitted a comment regarding the need for a round table meeting.

7. STAFF AND TASK FORCE MEMBER ANNOUNCEMENTS

Task Force Member Duff brought up scheduling conflicts with other City Board and Commission meetings.

ADJOURNMENT

Chair McRae adjourned the meeting at 8:23 p.m.

The next regular meeting is scheduled for Wednesday, August 19, 2020.

Prepared by:

Nora Allsberry, Community Service Officer

**SPECIAL MEETING OF THE CITY OF LA MESA
CITIZEN PUBLIC SAFETY OVERSIGHT TASK FORCE
5:00 PM, LA MESA POLICE DEPARTMENT COMMUNITY ROOM
8085 UNIVERSITY AVENUE, LA MESA, CA 91942**

**MINUTES
July 29, 2020**

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic.

CALL TO ORDER

Chair Jamal McRae called the meeting to order at 5:00 p.m.

ROLL CALL (X indicates present)

Robert Duff		X
Dr. Janet Castanos		X
Jamal McRae	X	
Susan Wayne	X	
Caitlin Tiffany	X	
Patricia Dillard	X	
Rev. Frank Willey	X	
Joshua David Morse		X
Steven Evans	X	
Vacant (Police Beat 4 Resident Representative)		
Vacant (La Mesa Older Adult Representative)		

Others present: City Clerk Wiegelman; Lieutenant Bell; Community Service Officer Allsberry

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

City Clerk Wiegelman and Lieutenant Bell read aloud the emailed public comments submitted by 3:00 p.m. the day of the Task Force Meeting.

Richard L. Hammett submitted a comment regarding concerns over the proposal for using an investigation focused model of oversight board.

Richard L. Hammett submitted a comment regarding True North Research.

Dave Myers submitted a comment regarding the Task Force's presentation to the City Council.

Emily Green submitted a comment regarding support of an independent oversight board.

Melissa Walter submitted a comment regarding support for the Task Force.

Vinton Omaleki submitted a comment regarding support for the Task Force.

Jennifer Grigg submitted a comment regarding displeasure with the work of the Task Force.

Sasha Jonestein submitted a comment regarding support for the Task Force.

The following comments were not received by the 3:00 p.m. deadline, and therefore were not read aloud during the Task Force Meeting:

Missy Solis submitted a comment regarding support for the Task Force.

The Agenda Items were considered in the order presented, except for Item 6 which was heard prior to Item 5.

CURRENT BUSINESS

1. APPROVAL OF THE MINUTES FOR THE CITIZEN PUBLIC SAFETY OVERSIGHT TASK FORCE SPECIAL MEETING HELD WEDNESDAY JULY 8, 2020

ACTION: Motioned by Vice Chair Castanos and seconded by Member Willey to approve the minutes for the Citizen Public Safety Oversight Task Force Special Meeting held Wednesday, July 8, 2020.

Vote: 9-0

Yes: Chair McRae and Members Castanos, Duff, Wayne, Tiffany, Morse, Evans, Dillard, and Willey

No: None

Abstained: None

Absent: None

Motion passed.

2. SELECTION OF TASK FORCE VICE CHAIR

ACTION: Motioned by Member Duff and seconded by Member Dillard to nominate Member Castanos as Task Force Vice Chair.

Vote: 9-0

Yes: Chair McRae and Members Castanos, Duff, Wayne, Tiffany, Morse, Evans, Dillard, and Willey

No: None

Abstained: None

Absent: None

Motion passed.

3. BRIEFING ON THE CITY OF DAVIS' OVERSIGHT COMMISSION

Abram Jones is a current commissioner for the oversight commission for the City of Davis Police Department. Jones helped to create oversight commissions for the police departments of the City of Davis and for UC Davis.

Jones explained that their number one goal is to create and support community outreach. He stated that the oversight commission for the City of Davis works through an auditor and is not investigatory.

Richard L. Hammett submitted a comment regarding the Oversight Board's proposal.

David Myers submitted a comment regarding subpoena power and POBAR.

Melissa Walter submitted a comment regarding the oversight commission for the City of Davis Police Department.

Following Task Force questions and comments, no action was taken.

4. REVIEW OF UPDATED PROPOSED DRAFT OF COMMUNITY POLICE OVERSIGHT BOARD

General Counsel Larson reminded the Task Force of advice given by NACOLE regarding different models of oversight commissions. General Counsel Larson also discussed the roles of an oversight commission.

General Counsel Sheridan Ordin and General Counsel Larson both recommend an external professional auditor who reports to the oversight board. They recommended a Memorandum of Understanding, rather than subpoena power. A limitation of the investigatory model was that the board cannot enforce disciplinary actions.

Task Force Member Evans left the meeting.

Rev. Marcus C. Lohrmann submitted a comment regarding concern with Section II of the proposal.

Rev. Rebecca Littlejohn submitted a comment regarding concern with the language in Section II.

Rev. Kelly Ryan submitted a comment asking the Task Force to be as specific as possible in writing the proposal.

David Myers submitted multiple questions for the Task Force and the attorneys.

Task Force Member Willey left the meeting.

ACTION: Motioned by Vice Chair Castanos and seconded by Member Dillard to request that the lawyers draft an ordinance which focuses on the auditor monitor board structure and incorporates the other changes discussed.

Vote: 7-0

Yes: Chair McRae, Vice Chair Castanos, and Members Wayne, Tiffany, Morse, Dillard, and Duff

No: None

Abstained: None

Absent: Members Evans and Willey

Motion passed.

5. PRESENTATION AND DISCUSSION OF DRAFT HANDBOOK REGARDING THE COMPLAINT PROCESS

Chair McRae explained that they want to make the complaint process as easy as possible. The Task Force listed possible avenues for filing complaints.

Lieutenant Bell stated that the complaint form will be posted online.

David Myers submitted a comment regarding the development of a handbook not being part of the Task Force mandate.

Following Task Force questions and comments, no action was taken.

6. CRIME MAPPING AND HOW THE LA MESA POLICE DEPARTMENT UTILIZES ITS INFORMATION

Chair McRae explained the website CrimeMapping.com, which can be utilized to view what crimes have occurred in a specific geographical area.

David Myers submitted a comment questioning how Crime Mapping relates to the mission of the Task Force.

Following Task Force questions and comments, no action was taken.

7. FIVE MINUTE PRESENTATION OF LA MESA POLICE DEPARTMENT INVESTIGATIONS FOR THE LAST FIVE YEARS

This Item was withdrawn.

8. REVIEW DRAFT SURVEY OF LA MESA RESIDENTS' PERCEPTION OF THE LA MESA POLICE DEPARTMENT

This Item was tabled to a future meeting.

9. STAFF AND TASK FORCE MEMBER ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

Chair McRae adjourned the meeting at 8:16 p.m.

The next regular meeting is scheduled for Wednesday, August 19, 2020.

Prepared by:

Nora Allsberry, Community Service Officer

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MESA, CALIFORNIA, ADDING CHAPTER ~~2~~.30 TO THE LA MESA MUNICIPAL CODE FOR THE PURPOSE OF CREATING A COMMUNITY POLICE OVERSIGHT BOARD AND INDEPENDENT POLICE AUDITOR

WHEREAS, the City Council, in order to strengthen police-community relations, foster trust, increase transparency, respond to public demand, and build accountability, wishes to create an independent Community Police Oversight Board;

WHEREAS, on October 8, 2019, the City Council unanimously established a Citizen Public Safety Oversight Task Force (the “Task Force”) to serve as an advisory body to the City Council charged with conducting specific research and making recommendations to the City Council;

WHEREAS, the Task Force has met regularly since its formation and has researched (1) what a citizen police oversight committee would look like in La Mesa; (2) what other cities of similar size are doing in regards to citizen police oversight commissions; (3) the difference between citizen police oversight commissions in general law cities and charter cities; and (4) solutions that can be achieved under each type of government and within state and local laws and policies; and

WHEREAS, as a result of that research, the Task Force has recommended the formation of a Community Police Oversight Board and the retention of an Independent Police Auditor substantially similar to that in this Ordinance;

NOW, THEREFORE, THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION I: Title 2 of the La Mesa Municipal Code is hereby amended to add Chapter ~~2~~.30, entitled “Community Police Oversight Board,” to read as follows:

Sections:

- ~~2~~.30.010 **Creation and purpose.**
- ~~2~~.30.020 **Appointment and qualifications of members.**
- ~~2~~.30.030 **Terms of office.**
- ~~2~~.30.040 **Officers.**
- ~~2~~.30.050 **Meetings.**
- ~~2~~.30.060 **Compensation.**
- ~~2~~.30.070 **Budget.**
- ~~2~~.30.080 **Bylaws and procedures.**
- ~~2~~.30.090 **Training.**

- 2.30.100 Powers and duties.**
- 2.30.110 Public reports.**
- 2.30.120 Independent Police Auditor.**
- 2.30.130 Requirement of cooperation by the La Mesa Police Department and all other City employees and officials with the CPOB.**
- 2.30.140 Severability.**

2.30.010 Creation and purpose.

(a) There is hereby permanently created the Community Police Oversight Board (hereinafter referred to as the "CPOB"). The purpose of the CPOB is to advise the Chief of Police, Mayor, City Council, and City Manager on the administration of the La Mesa Police Department and on matters of public safety within the City.

(b) The CPOB shall function as a means of community participation and oversight by directing and reviewing audits, and by reviewing and recommending policies, practices and programs designed to bring about community policing that is sensitive, effective, and responsive to the needs of the City and its residents.

(c) The CPOB shall promote and encourage open communication and cooperation between the La Mesa Police Department and residents of the City, recognizing that policing the City of La Mesa is a shared responsibility. The CPOB shall also develop and make recommendations directed toward informing the community of its rights and responsibilities when coming into contact with police officers.

2.30.020 Appointment and qualifications of members.

(a) The CPOB shall consist of eleven (11) voting members appointed by the Mayor in consultation with one other City Council member and confirmed by the City Council. All voting members of the CPOB shall be residents of the City of La Mesa. The CPOB voting members shall include:

- one (1) representative from each of the four (4) beat areas of the City,
- one (1) representative of a La Mesa faith-based community,
- one (1) representative of the La Mesa business community,
- one (1) adult employee or designee of Helix Charter High School,
- one (1) adult employee or designee of the La Mesa-Spring Valley School District,
- one (1) young adult between the ages of 18 to 30,
- one (1) advocate for people experiencing homelessness, substance abuse, mental health or other social issues, and
- one (1) senior aged 62 or older.

(b) The CPOB shall create an internship program for La Mesa residents currently enrolled in high school or college and between the ages 16 and 22, inclusive, through which students may serve as temporary, non-voting CPOB members.

(c) The Mayor and City Council shall strive to appoint CPOB members who reflect a diverse representation of the community and include individuals with diverse backgrounds, experiences, economic status, interactions with law enforcement, and beliefs. No one shall be excluded from the CPOB because he or she has a criminal record.

(d) No current ~~police~~public safety officers or members of their immediate ~~family~~families, and no individuals who served as a public safety officers in the past five (5) years or members of their immediate families, may be appointed to serve on the CPOB, but the CPOB shall regularly include participation from the Chief of Police or his or her designees in CPOB meetings as described in section ~~2---~~30.050, subdivision (b). For purposes of this subdivision, "public safety officer" is defined in Government Code section 3301.

~~2---~~30.030 **Terms of office.**

(a) The term of each member of the CPOB shall be for two years, but the terms of not more than six (6) members shall expire in any year. Therefore, when the initial eleven (11) members are selected, five (5) of them shall be randomly chosen to serve an initial one-year term and the remaining six (6) shall serve an initial two-year term. No members shall serve for more than four consecutive full terms. For this purpose, the initial one-year terms in this paragraph shall be considered full terms. After four consecutive full terms, an interval of two years must pass before a member is eligible to be reappointed. The expiration date of all terms shall be December 31, but each member shall serve until his or her successor is duly appointed and qualified.

(b) A member may resign before the expiration of a term with written notification to the chairperson of the CPOB and the Mayor.

(c) Members of the CPOB serve at the pleasure of the City Council and may be removed from office by a majority vote of the Council. The CPOB may recommend to the City Council that a member be removed for reasons including but not limited to: (1) misuse of position as a CPOB member, (2) misuse of police-issued documents, (3) misconduct that impedes the member's ability to serve as an effective and impartial CPOB member, (4) unexcused absences from at least three consecutive meetings, (5) violation of the Code of Ethics of the National Association for Civilian Oversight of Law Enforcement (NACOLE), or (6) conflict of interest.

(d) Upon receipt of notification of resignation or upon a Council vote of removal, the position shall be considered vacant and eligible for the Mayor, in consultation with one other City Council member, to appoint the replacement followed by confirmation by the City Council for the remainder of that term.

~~2.30.040~~ 2.30.040 Officers.

During January of each year, the CPOB shall elect one of its members as chairperson and one as vice-chairperson who shall each hold office for one (1) year and until their respective successors are elected. No officer shall be eligible to immediately succeed himself or herself more than once in the same office. Officers shall be elected no later than the second meeting of the CPOB following its appointment.

~~2.30.050~~ 2.30.050 Meetings.

(a) The CPOB shall hold its first meeting within thirty days after all of its members have been appointed and confirmed. At the first meeting, and again at the first meeting of each calendar year, the CPOB shall set the time and place of regularly scheduled meetings. The CPOB shall meet at least monthly, but during the first year after the CPOB is created, the CPOB shall meet at least every two weeks. All CPOB meetings are subject to the Brown Act.

(b) In the interest of upholding and modeling a positive relationship between the citizens of La Mesa and the La Mesa Police Department, the La Mesa Chief of Police or his or her designee shall be invited as a guest to attend the beginning of all public meetings of the CPOB and, as the first order of new business, be placed on the agenda to comment or report on any matters under consideration by the CPOB.

~~2.30.060~~ 2.30.060 Compensation.

Members of the CPOB shall serve without compensation, provided that the City Council may authorize the reimbursement of reasonable expenses incurred by the members in the performance of their duties.

~~2.30.070~~ 2.30.070 Budget.

~~_____ Funding for~~ The City shall provide funding for general operating expenses, an independent auditor, expenses to communicate with the public, and, from time to time as needed, outside legal support shall be provided upon approval from the City Council. Additionally, the City ~~Manager and City Council~~ shall provide ~~appropriate~~ funding for staff and clerical support including an executive director upon request and upon a showing of need by the CPOB. If needed, the executive director will be ~~interviewed~~appointed by the ~~CPOB and recommended to the City Council for final approval~~Manager with input from the CPOB.

2-~~---~~.30.080 Bylaws and procedures.

The CPOB may adopt bylaws and operating procedures from time to time, which shall be approved by the City Council, provided that if any provision of such bylaws or operating procedures conflicts with this Chapter 2-~~---~~.30, this chapter shall prevail.

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2-~~---~~.30.090 Training.

The City ~~Manager and City Attorney~~ shall provide appropriate funding for introductory training of new CPOB members as well as continuing education for all members. Training shall be developed in consultation with the National Association for Civilian Oversight of Law Enforcement's ~~(NACOLE)~~ Recommended Training for Board and Commission Members and shall cover all of the following, but not be limited to:

- (a) The ordinance establishing the CPOB;
- (b) Laws governing local public records and public meetings, confidentiality, police officer rights, arrestee rights, excessive force;
- (c) Police policies, practices, and procedures around stops, arrests, use of force, detention, large-scale protests and marginalized communities; and
- (d) Confidentiality training for the purpose of reviewing personnel or other documents that are protected by privacy laws.

2-~~---~~.30.100 Powers and duties.

To effectuate its purpose, the CPOB shall, in compliance with the California Public Safety Officers Procedural Bill of Rights Act (Gov. Code, §§ 3300 et seq.), Government Code section 38630, Government Code section 37104, Penal Code section 832.7, and all other applicable state and federal law:

- (a) Independently receive, register, and deliver to the Chief of Police, in compliance with state and federal law, all complaints against officers of the La Mesa Police Department regarding allegations of misconduct.
- (b) Automatically initiate and review audits prepared by the Independent Police Auditor of all investigations and dispositions of incidents of use of force, involving the following: accidental discharge of weapons, officer-involved shootings, officer-involved deaths, or officer-involved interactions resulting in serious bodily injury, including those that occurred before the formation of the CPOB.

(c) Have the power at its discretion to initiate and review audits prepared by the Independent Police Auditor of the Internal Affairs investigations and dispositions of any complaints of misconduct by the La Mesa Police Department or its officers.

(d) Make recommendations, in coordination with the Independent Police Auditor, to the Chief of Police regarding further investigation, processes, and dispositions.

(e) From time to time, as deemed necessary by the CPOB if the Independent Police Auditor and the CPOB are denied access to any files or witnesses, request in writing that the City Council issue subpoenas pursuant to its inherent subpoena power under State law to compel production of the requested files or witnesses to the Independent Police Auditor and CPOB.

(f) Develop a program for the mediation of complaints, in coordination with the Chief of Police and with the assistance of resources such as National Conflict Resolution Center or other similarly qualified experts.

(g) Regularly review and make recommendations, relying on the expertise and assistance of the Independent Police Auditor as needed, as to La Mesa Police Department's:

- (1) policies, procedures, practices, and training as to regular operations;
- (2) policies, procedures, and practices as to hiring and promotions;
- (3) policies, procedures, practices, and training as to internal investigations of misconduct;
- (4) initial and in-service trainings in de-escalation techniques, human relations instruction, and implicit bias training;
- (5) policies, procedures, practices, and training as to community-oriented policing; and
- (6) any and all other areas of policing or La Mesa Police Department policies, procedures, practices, and training that the CPOB finds appropriate for review.

(h) Study, develop, and recommend alternative crime-prevention policies and strategies to the Chief of Police, Mayor, City Council, and City Manager; assess and make recommendations regarding alternatives to policing in crime prevention, and the role in public safety of various social services, including but not limited to those targeting related to mental health, alcohol and substance abuse, homelessness, juvenile justice, and education.

(i) Develop and recommend, in conjunction with the Chief of Police, Mayor, City Council, and City Manager, education programs regarding policing in La Mesa and community outreach events such as townhall meetings, forums to communicate information about neighborhood watch programs, or events designed to encourage safety and emergency preparedness.

(j) Request and review data from the La Mesa Police Department as needed to effectuate its powers and duties. Such data may include, but is not limited to data regarding police use of force; demographics of individuals stopped, searched, or arrested; demographics of La Mesa Police Department officers and staff; officer training and qualifications; criminal proceedings; and civil lawsuits and administrative claims.

(k) Consult with City staff and the City Council in drafting the Request for Proposal for the Independent Police Auditor ~~and in evaluating, evaluate~~ the proposals, and recommend candidate(s) to the City Council for appointment. Once every two years, the CPOB shall evaluate the performance of the Independent Police Auditor and provide a written evaluation to the City Manager, Mayor, and City Council.

2-30.110 Public reports.

(a) The CPOB shall draft and issue public reports regarding the issues described in 2-30.100, subdivisions (g)(1) – (g)(5) and (h) annually. An annual report may be in the form of an update from a previous year's report. The CPOB may issue additional public reports as it deems appropriate.

(b) The CPOB shall, in conjunction with the Independent Police Auditor, provide semi-annual public reports to City Council and City Manager on the number and types of complaints reviewed and the CPOB's responses, investigative findings, analysis of police data, police progress on CPOB recommendations and other updates relevant to the mission of the CPOB.

(c) All public reports shall omit or redact any confidential or privileged information as defined by State law.

2-30.120 Independent Police Auditor.

(a) The City shall retain the services of an Independent Police Auditor. The Independent Police Auditor shall have the authority to review and assess for objectivity, thoroughness, and appropriateness of disposition citizen complaint investigations of misconduct and internal affairs investigations associated with the La Mesa Police Department and make recommendations regarding those investigations to the Chief of Police. The essential functions and duties of the Independent Police Auditor shall be to:

- (1) Receive citizen complaints of police misconduct directly and deliver them to the Chief of Police and the CPOB;
- (2) Timely receive copies of all complaints of police misconduct received directly by the La Mesa Police Department;
- (3) Automatically review and assess for objectivity, thoroughness, and appropriateness the investigations and dispositions of ~~all~~ incidents of use of force, involving the following: accidental discharge of weapons,

- officer-involved shootings, officer-involved deaths, or officer-involved interactions resulting in serious bodily injury;
- (4) Review and assess for objectivity, thoroughness, and appropriateness the Internal Affairs investigations and dispositions of any complaints of misconduct by the La Mesa Police Department or its officers at the request of the CPOB, regardless of how the complaint was received;
 - (5) Provide reports of each investigation and disposition to the CPOB upon completion;
 - (6) Make recommendations to the CPOB and Chief of Police regarding further investigation, processes, and dispositions;
 - (7) Meet with the City Manager, Chief of Police, and City Council upon request, but at least annually, to discuss the Independent Police Auditor's observations, concerns, and recommendations;
 - (8) Meet with the CPOB once per quarter to discuss the Independent Police Auditor's observations, concerns, and recommendations; and
 - (9) Assist the CPOB at the CPOB's request in the auditing and assessment of the issues described in section ~~2.100.30100~~ 2.100.30100, subdivisions (g) and (h).

(b) As part of his or her essential functions and duties, the Independent Police Auditor shall, in conformity with state and federal law, have the discretion to interview witnesses and have access to all La Mesa Police Department files.

(c) The Independent Police Auditor shall serve at the pleasure of the City Council and may be removed by a majority vote of the Council.

~~2.100.30.130~~ 2.100.30.130 Requirement of cooperation by the La Mesa Police Department and all other

(a) The La Mesa Police Department and all other City of La Mesa employees and officials shall, except as expressly prohibited by law and to the extent authorized by the City Manager, respond promptly to any and all reasonable requests for information, interviews, data, or records for the purpose of enabling the CPOB to carry out its powers and duties. Any confidential information, including any documents pertaining to Internal Affairs complaints or investigations obtained by the CPOB from the La Mesa Police Department, shall remain confidential and shall not be disclosed to the public.

(b) The Chief of Police shall, within 30 days of delivery of any recommendations of any kind by the Independent Police Auditor or CPOB, respond in writing to both the Independent Police Auditor and the CPOB regarding further investigation, processes, and dispositions of any complaints or investigations. The Chief of Police may request the City Manager for a single 30-day extension to respond to any recommendations upon a showing of good cause.

2. ~~30~~.140 Severability

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If any section, division, sentence, clause, phrase or portion of this chapter is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, the portion shall be deemed a separate, distinct and independent provision, and the holdings shall not affect the validity of the remaining portions of this chapter.

SECTION 2: This ordinance shall be effective 30 days after its adoption and the City Clerk shall certify to the adoption of this Ordinance and cause the same to be published at least once in the East County Californian/La Mesa Forum within 15 days of its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of La Mesa, California, held the ____th day of _____ 2020, and thereafter PASSED AND ADOPTED at a regular meeting of said City Council held the ____th day of _____ 2020 by the following vote, to wit:

~~@@@~~

APPROVED: _____, City Attorney

[ADD BOILERPLATE]

[Draft: Online Handbook]

How to File a Complaint About Police Conduct in the City of La Mesa

INTRODUCTION

The Community Police Oversight Board (CPOB) is committed to ensuring that the complaint process is accessible to all community members. An open and reliable complaint process fosters community confidence, trust, understanding, and respect. These characteristics are vital to the success of the La Mesa Police Department (LMPD). The LMPD is committed to the safety and well-being of all the citizens it is sworn to serve. The LMPD is dedicated to the idea that good law enforcement is based upon the ongoing cultivation of just and mutually respectful relationships with all who live in and visit La Mesa.

The employees of the LMPD La Mesa Police Department are carefully selected and highly trained. They take justifiable pride in their professionalism. At the same time, they also understand that deviations in police culture or individual performance can occur that may require investigation and corrective action. The City of La Mesa wants all allegations of misconduct against LMPD personnel to be investigated thoroughly and objectively, and appropriate corrective actions to be taken when necessary, in order to maintain the integrity of the Department and the confidence of the public.

To this end, the La Mesa City Council has commissioned the establishment of an independent Citizens Community Police Oversight Board (CPOB). Resident citizens of La Mesa—appointed by the Mayor and with City Council recommendations and approval—comprise the Board’s membership. To this end, the CPOB’s purpose is to strengthen police-community relations, foster trust, increase transparency, build accountability, and serve as a liaison between community members and the LMPD. Independently of the LMPD, the CPOB is also responsible for reviewing all applications of complaint against LMPD. It also has the power to initiate independent audits of police investigations and practices and to make recommendations to the Police Chief, Mayor, and City Manager regarding LMPD policies, procedures, and programs.

The CPOB and the LMPD wishes to ensure that both complainants and witnesses are able to bring complaints forward without fear of retaliation or adverse consequences. The City of La Mesa, as well, is committed to the safety and well-being of all the people it serves.

THE PROCESS OF FILING A COMPLAINT

Citizen complaints made through an open and responsive process can foster community confidence in the police. Such confidence can only help to increase officers' effectiveness in helping to ensure public safety.

Any individual citizen or group of citizens has the right to file a complaint against any employee of the Police Department. Among other things, such complaints can provide the La Mesa Police Department and Citizen Police Oversight Board with helpful information that may be used:

- To hold officers accountable when they fail to demonstrate LMPD and community standards of conduct or otherwise engage in legal or ethical misconduct.
- To improve police services through the refinement of policies, procedures and training.
- To identify points of friction between officers and the community which can, in turn, inform the development of more effective community outreach and education.

A complaint may be made to any LMPD supervisor, or the Internal Affairs Division, or directly to the CPOB. All complaint forms submitted to the LMPD shall also be immediately shared with the CPOB. (All manual complaint forms submitted inside the LMPD will be immediately shared with the CPOB.)

(Kiosk or laptop)?

A complaint may be filed in a variety of ways including:

1. the online complaint form ([add link](#))
2. in person at the Police Department, 8085 University Ave, La Mesa, CA 91942,
3. by telephone, 619-667-1400,
4. by mail , La Mesa Police Department, 8085 University Ave, La Mesa, CA 91942 or ([add CPOB PO Box address](#)),
5. by email ([add email address](#)),
6. by fax 619-667-7519
7. on the website ([add website URL](#)),or
8. at the scene of an incident, by a person not directly involved in the incident.

Complaint forms are available online at cityoflamesa.org,([add direct URL link](#)) or in person at La Mesa Police Department. When the complaint is filed in person, the LMPD will release to the complaining party a copy of his or her own signed statement. All other complaints will be mailed to the complainant. Complaints may be made anonymously as well as by a person not directly involved in the incident. People can also file a complaint directly with the LMPD by asking to speak with a supervisor at the scene. In all cases, copies of statements of complaint will be immediately sent to the CPOB for review.

Once received, the complaint will be:

- 1) forwarded to the Internal Affairs Division where it will be given a file number and assigned for investigation; and
- 2) acknowledged in a correspondence from LMPD to the plaintiff(s), noting receipt of the complaint and the assigned file number.
- 3) shared with both the CPOB and the La Mesa Police Department for review forwarded to the CPOB for review.

Upon completion of the Internal Affairs investigation of the complaint by the LMPD, the case will be sent to the Captains, Deputy Chiefs and/or Chief of Police for appropriate action.

After the Police Department completes its review of the complaint, it will be independently reviewed by the Community Citizen's Police Oversight Board if deemed necessary. Upon completion of these reviews, the plaintiff(s) will be sent another letter confirming that both reviews have been conducted and that appropriate action has been describing any actions taken as a result.

Note: The average time it takes to fully process and investigate a complaint can be between 3 and 6 months, however each case is unique.

WHAT TO INCLUDE IN A COMPLAINT and HOW TO FILE A COMPLAINT

The more detail you can include in your complaint, the better. Please include as much of the following as possible.

The following information is important when filing a complaint:

- Using any smartphone, tablet or laptop visit cityoflamesa.org/CPOB & [\(LMPD website\)](#) download the "Complaint Form."
- Choose the language that best suits your needs.
- Identify the officer's name and description, badge number, and vehicle number, if obtained.
- Report any witnesses' names, home mailing addresses, email addresses, and telephone numbers.
- Include any other evidence you feel may be important such as copies of citations, photographs, video recordings, etc.
- It is important that you file your complaint as soon as possible, especially if you or someone was injured in the incident, so that photographs can be taken, and medical records obtained quickly.

Anyone who files may check on the status of their complaint by contacting the Citizen's Police Oversight Board at the email provided below.

(City of La Mesa should provide CPOB an email address for follow-up complaints or other concerns. service@CPOB.org)

The CPOB obtains all complaints but only reviews those that include:

1. False arrest
2. Criminal conduct
3. Discrimination based on gender, race, color, national origin, ancestry, religion, physical or mental disability, medical condition, age, political beliefs, marital status, sexual orientation, lifestyle or similar characteristic
4. Slur (based on items listed in #3)
5. Force that is unreasonable and unnecessary
6. Officer involved shootings at a person and in-custody deaths.

The CPOB may also choose to review less serious allegations including:

1. Poor service
2. Discourtesy
3. Failure to follow LMPD procedures
4. Conduct unbecoming an officer

The primary goal of the CPOB is to ensure that all complaints are thoroughly and fairly investigated with equal consideration given to all parties involved.