

CLERB STRENGTHS & OPPORTUNITIES ASSESSMENT

Appendix B: List of Improvement Opportunities

Opportunity	Responsibility
Jurisdictional Scope & Powers	
Subject Matter Jurisdiction	
√ Consider adding "domestic violence" to list of complaint-based investigative authority	BOARD – County BOS
√ Consider authorizing CLERB to conduct pattern & practice investigations	BOARD – County BOS
Personal Jurisdiction	
√ Consider expanding jurisdiction to cover all Department employees	BOARD – County BOS
Investigative Powers	
√ Consider adding ordinance provision that affords CLERB direct access to Department reports and information systems	BOARD – County BOS
√ Consider adding ordinance provision that enhances ability to enforce duty to cooperate to the extent permissible by law	BOARD – County BOS
Disciplinary Recommendations	
√ Consider adding ordinance provision requiring Departments to provide CLERB with information to support specific disciplinary recommendations & public reporting of aggregated disciplinary information	BOARD – County BOS
Policy Recommendations	
√ Consider adding ordinance provision formalizing that Department response to CLERB policy recommendations is required	BOARD – County BOS
Policies & Procedures	
Investigative Process – Complaint Intake	
√ Consider eliminating ordinance provision that requires complaints to be signed under penalty of perjury	BOARD – County BOS
√ Accept electronic signatures unless prohibited by law	BOARD – Staff
√ Develop policies & procedures governing steps required to secure a signed complaint before a complaint can be dismissed for lack of signature	Staff
√ Consider eliminating requirement that complainants agree to forgo issuing subpoenas to CLERB	BOARD – Staff
Investigative Process – Preliminary Investigations	
√ Continue pursuit of immediate notifications of critical incidents by Departments	BOARD – Staff
√ Respond to scenes to conduct preliminary investigative steps, more independent fact-finding (canvassing for witnesses & video) as soon as practicable	Staff
√ Pursue access to and participation in the Departments' Critical Incident Review Board proceedings reports	Staff
√ Conduct independent investigative steps as soon as practicable after incident occurs (rather than awaiting documents from the Departments)	Staff
Investigative Process – Information Access	
√ Pursue direct (front-end and back-end) access to Department reporting information systems	BOARD – Staff
Investigative Process – Investigative Planning and Management	
√ Develop investigative plans	Staff

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✓	Consistently document investigative progress – including delays	Staff
✓	Develop technology-based case management tools to enhance quality and timeliness of investigations	Staff
✓	Develop more robust policies and procedures to enhance timeliness and quality → investigator manual	Staff
Investigation Process – Witnesses, Subpoena Power & the Duty to Cooperate		
✓	Conduct and record witness interviews in person to the extent possible	Staff
✓	Enforce subpoena power	BOARD – Staff
✓	Enforce duty to cooperate	BOARD – Staff
✓	Consider conducting non-public investigative hearings and public hearings at officers' request where doing so would improve fact-finding	BOARD – Staff
Internal Investigative Case Review		
✓	If not already doing so, require full file review by at least 2 staff members before closing a case	Staff
✓	For serious cases, require legal input throughout investigative process and legal review prior to closing	Staff
Investigative Outcomes		
✓	Pursue aggregated disciplinary data and other information from the Departments to inform more specific disciplinary recommendations	BOARD – Staff
✓	Pursue and publish data from the Departments on the ultimate outcome of matters within CLERB's jurisdiction	BOARD – Staff
Oversight of Detention Facilities		
✓	Pursue visits in response to complaints and critical incidents	BOARD – Staff
✓	Consider pursuing unannounced visits	BOARD – Staff
Policy Development		
✓	Engage community in the development of recommendations regarding public-facing policies	BOARD
✓	Develop recommendations to enhance the Departments' transparency	BOARD – Staff
Management & Administration		
✓	Consider tailoring performance evaluation system to address organizational needs – reinforcing key values of integrity, timeliness, and neutrality	BOARD – Staff
✓	Increase use of data management technology to drive timeliness and quality	Staff
Board Procedures & Decision-making		
✓	Share responses to board member questions about individual cases with all board members	Staff
✓	Provide a formal opportunity for board members to review key evidence	Staff
✓	Consider requiring board members to attest to having reviewed the summary report and key evidence prior to decision-making	BOARD
✓	Develop a protocol for appointing an "Acting Executive Director" in the event of vacancies in that position	BOARD
✓	Consider allowing for community input into the Executive Director performance objectives	BOARD
✓	Consider appointing Executive Director to a term of years with removal only for cause	BOARD
Board Selection Process		
✓	Identify ways to streamline the process to minimize time of vacancies	BOARD – County CAO

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√	Assess whether geographic representation is inhibiting diversity of board composition	BOARD – County CAO
√	Consider expanding the board to add members with helpful subject matter expertise – personal experience	BOARD – County BOS
√	Enhance transparency around the selection process and criteria for selection	BOARD + County CAO
√	Allow Board input to the selection criteria for each vacancy to enhance diversity of representation and address needed subject matter expertise	BOARD + County CAO
√	Consider creating standing committees to take on regular tasks, and ad hoc committees to take on larger non-recurrent projects	BOARD
Resources		
Human Resources		
√	Increase investigative staffing to enhance ability to conduct independent investigative tasks and improve investigative timeliness and quality	BOARD – Staff – County BO
√	Pursue in-house capabilities: data analysis, policy analysis, & legal affairs	BOARD – Staff – County BOS
√	Review quality and consistency of onboarding training – leverage available external resources (e.g. NACOLE)	BOARD + Staff
√	Provide consistent, regular training for Board and Staff to stay abreast of Department policies and operations and best practices in policing and civilian oversight	BOARD – Staff
√	Pursue external subject matter expertise as needed	Staff
√	Pursue independent selection of outside counsel – periodically review	Staff – County Counsel
Technical Resources		
√	Pursue database management technology to track timeliness of investigative process	Staff
√	Pursue external video evidence analysis capabilities	Staff
Financial Resources		
√	Increase funding to support optimal investigative staffing	BOARD – County BOS
√	Increase funding to afford in-house capabilities (policy, data, legal)	BOARD – County BOS
√	Increase funding for training (Board – Staff)	BOARD – County BOS
√	Increase funding for investigative equipment (vehicles, recording devices)	BOARD – County BOS
√	Consider reimbursing Board members for reasonable expenses	BOARD – County BOS
Case & Data Management		
√	Leverage or acquire case management tools to enhance timeliness & quality of investigations	Staff
√	Incorporate timeliness drivers in case management policies and procedures	Staff
√	Leverage CLERB data to identify trends in Department performance	Staff
√	Leverage data to identify patterns and practices of misconduct	Staff
Community Engagement & Transparency		
Public Reporting & Meetings		
√	Explore feasibility of publishing investigative reports and information to the extent permissible by law	BOARD – Staff
√	Unless legally prohibited, disclose all MOU's with Departments and unions	BOARD – Staff

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√	Pursue aggregated data from the Departments on case outcomes that can be used to support public reporting on matters within CLERB's jurisdiction	BOARD – Staff
√	Conduct periodic audits to assess whether the SDSD is following its own policy regarding the release of information on critical incidents that is required by law	Staff
√	Develop a data dashboard for the website on key metrics and case information (status and outcome)	Staff
√	Ensure public comments received at meetings that require a response from CLERB or the Departments are directed to the appropriate resource	BOARD – Staff
Community Engagement		
√	Develop a strategic plan for community outreach supporting 2-way communication: seek feedback – provide education	BOARD – Staff