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Pomona Police Oversight Overview:

**Investigating incidents and/or
problematic patterns**

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- Changes in Law
- POBR
- Overview of POC Ordinance
- Approaches to consider:
 - Pattern / Practice
 - Investigations
 - Hybrid
- Next steps





Change in Law: **AB 847**

Police Personnel Records & Police Oversight:

- Amends Penal Code § 832.7
- Effective Jan. 1, 2026
- Goal: clarify and expand access to confidential peace officer personnel records for civilian oversight bodies
- Does not make these records public under Public Records Act
 - It's about oversight access, not general disclosure to public.

Background:

- Penal Code § 832.7: peace officer personnel records are confidential, with narrow exceptions.
- Explicit access for: Grand juries, District Attorneys, Attorney General, and POST.
- Civilian oversight commissions were NOT specifically listed.
- Oversight commissions relied on subpoenas or CPRA categories (under PC 832.7)
- Often faced resistance and/or litigation
- Agencies argued they could not share personnel files with oversight bodies without violating PC 832.7
 - (e.g., *LASD v. Civilian Oversight Commission*).

What may be released to public under 832.7:

- Records related to:
 - OIS
 - UOF resulting in GBI
- Sustained findings regarding:
 - Excessive force
 - Failure to intervene re: excessive force
 - Sexual assault
 - Dishonesty
 - Discrimination
 - Unlawful arrest/search

Key Changes:

- Penal Code § 832.7 revised:
- Civilian police oversight commissions are expressly authorized to access confidential officer personnel records for oversight investigations and related proceedings
- Oversight Commissions' access to LEO personnel files not restricted to the 8 categories in 832.7
- Oversight bodies must maintain confidentiality; records remain non-public.
- Records may be reviewed in closed session, consistent with Brown Act

Revised PC 832.7:

... the personnel records of peace officers and custodial officers and records maintained by a state or local agency ... are confidential

This section does not apply to investigations or proceedings concerning the conduct of peace officers ... conducted by a grand jury, a district attorney's office, the Attorney General's office, or the Commission on Peace Officer Standards and Training, **or a civilian oversight board or commission for a law enforcement agency**



**California
Public Safety Officers
Procedural Bill of Rights Act
(GC § 3300 et seq)**

POBR Rights Re: Interrogation

- Who Conducts Admin Invest?
 - Internal: IA, HR, COC
 - External: IG, law firm
 - Could be both. But:
 - No more than 2 interrogators at one time



Timing Of Investigations

- Agency must provide notice of intent to discipline within one year of discovery of misconduct by someone with authority to investigate it.
- Clock Does NOT begin when invest does
- But: Clock tolled during related criminal investigation



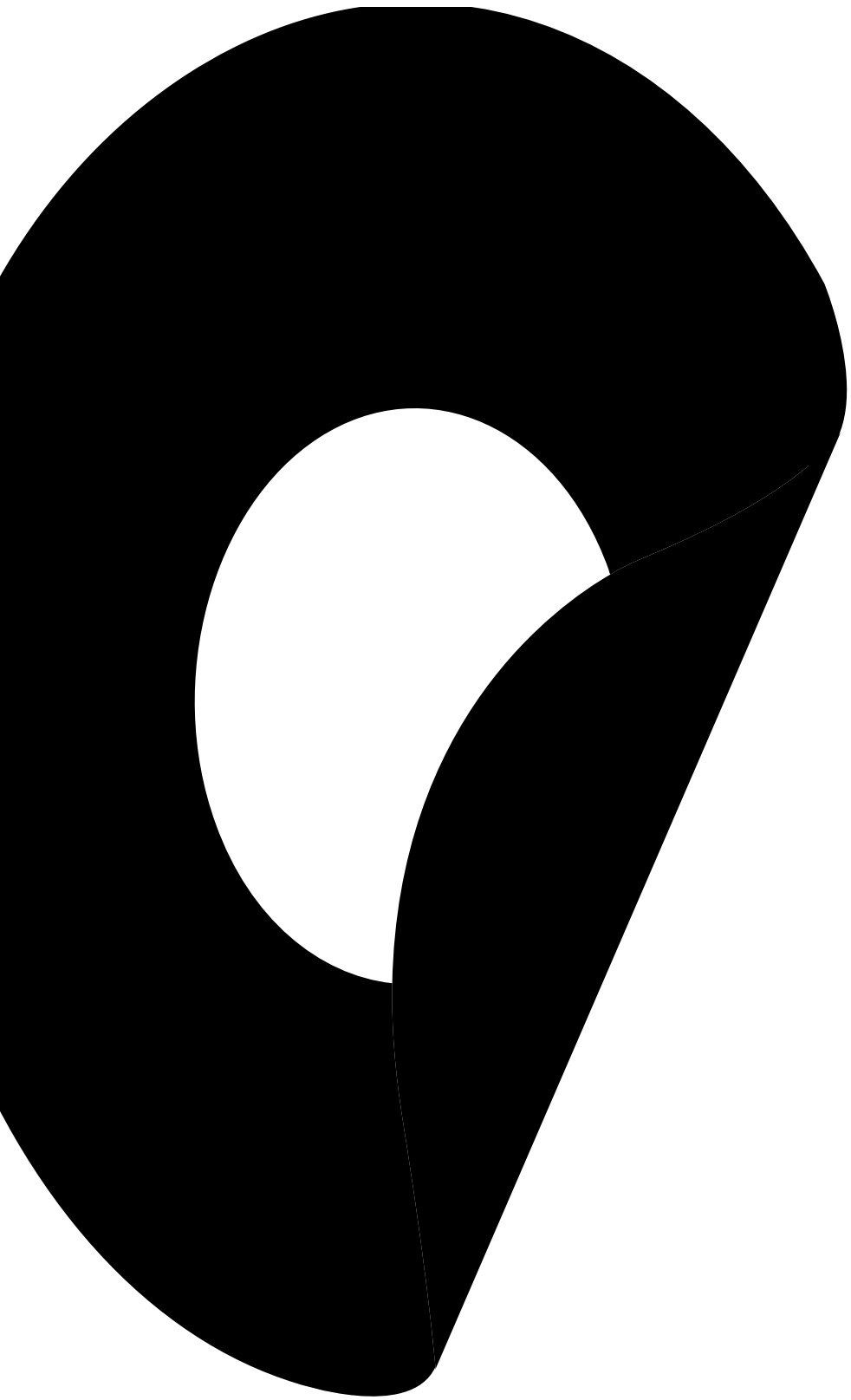


POC Ordinance: A hybrid model

Typical Oversight Models

Approaches to Oversight differ based on structure:

- Investigations.
 - Focus on investigating one officer at a time
 - Goal of holding individual officers accountable for specific instances of misconduct
- Audit (or Pattern/Practice).
 - Focus on identifying problematic trends in the dept
 - Goal of implementing policies/training/revisions to preclude problems moving forward
- Hybrid.
 - Combines both, but can be unwieldy



POC Ordinance: The Focus on Investigations

The POC may:

- Direct IG to investigate any new incident that:
 - has created a controversy in the community and
 - is the type of incident requiring public disclosure under SB 1421 (related to PC 832.7).
- Receive community complaints and refer them to the CM, PPD, or IG for review/response
 - See PCC § 2-665 (g and h)

The POC may also:

- Authorize the IG to review and/or investigate incidents arising out of or in connection with the actions of sworn personnel, including:
 - death arising from UOF
 - complaints of UOF against a minor, and
 - other incidents involving sworn personnel ... as determined by a majority of the POC
 - ✓ (so, anything, really)
 - ✓ See PCC § 2-665(e)

Following an investigation:

- POC:
 - May make findings/recommendations to city manager and chief related to allegations of misconduct
- Chief “shall consider them when making disciplinary recommendations” if received prior to disciplinary action being taken
 - See PCC § 2-665(e)
- Remember POBR:
 - Department must provide notice of intent to discipline within one year of discovery of misconduct by someone with authority to investigate it.



POC Ordinance: The Focus on Audits

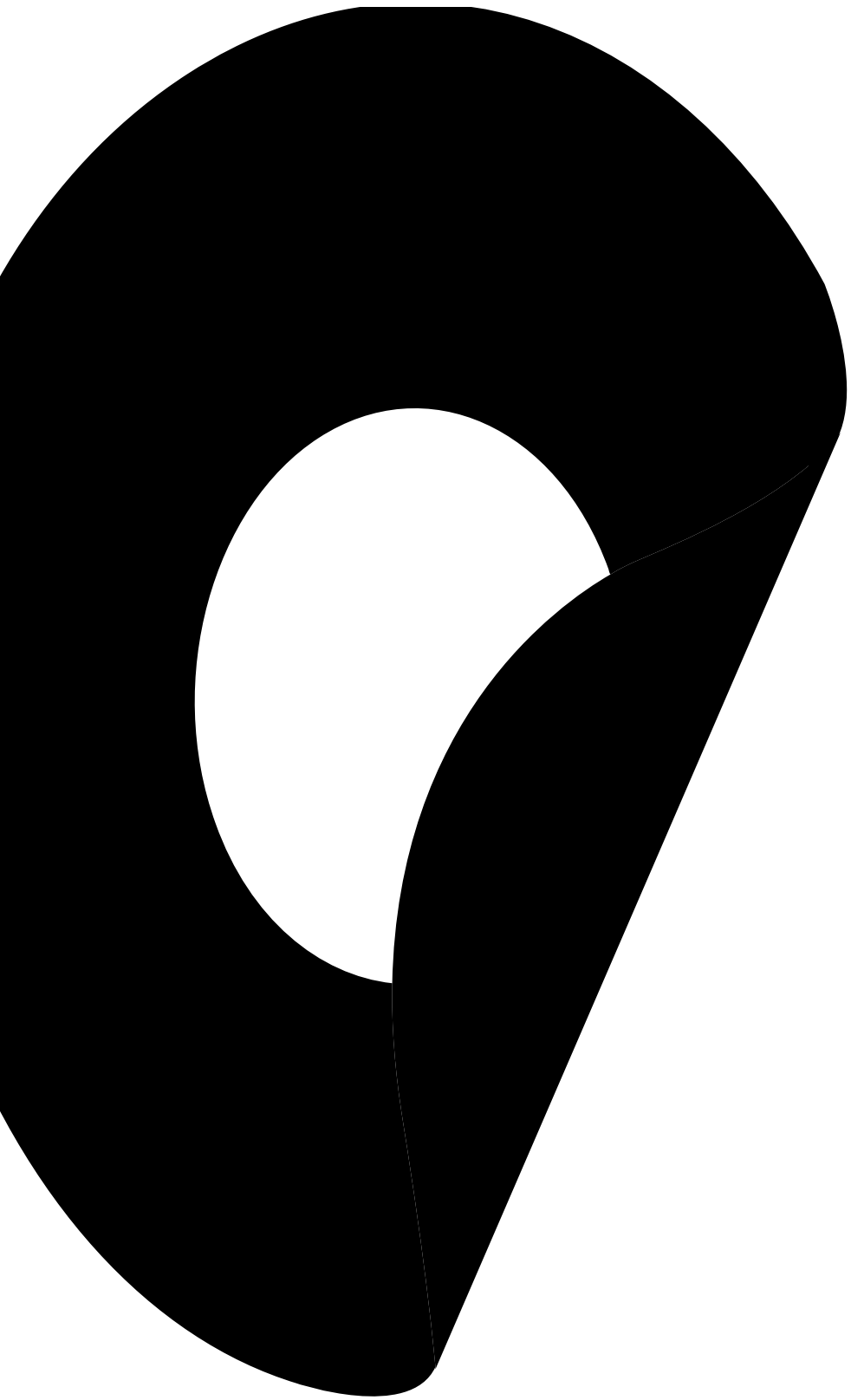
In addition to investigations, the POC may:

- Authorize the IG to:
 - Audit complaint files
 - Review policies
- Goal of audits/policy reviews:
 - ensure best practices are implemented
- IG may make recommendations as result of audit/review



Issues to Consider

- Lack of clarity regarding local protocol
- Allegations of misconduct are already investigated internally at PD
- Need to determine how interviews of officers would proceed
 - 2 separate interviews?
 - Combined IA/IG?
 - To what extent would information be shared between IA / IG?
 - If information shared, to what extent is IG investigation “independent”?
- POC / IG investigations and disciplinary recommendations affect officers’ conditions of employment
 - City must meet/confer “in good faith” regarding such measures



Practical Application: Pattern / Practice Review

A Closer Look: Pattern/Practice Investigations

2013 DOJ Investigation of Cleveland Police:

November 29, 2012

- Vehicle pursuit
- 100+ officers
- 62 patrol cars
- 137 rounds fired
- Both vehicle occupants unarmed



2013 DOJ Investigation: Cleveland Police

- Reviewed 600+ UOF incidents, including deadly force
- Analyzed UOF policies and procedures
- Attended academy and in-service training
- Interviews with community members, leaders, patrol officers, commanders
- Internal accountability systems



2013 DOJ Investigation: Cleveland Police

Conclusions:

- Officers shoot at people who do not pose an imminent threat of death or serious bodily injury
- Hit people who are handcuffed
- Hit people on head with guns
- Accidental discharges
- CDP supervisors found all 4,427 UOF incidents justified over 4 years
- Between 2005 and 2011, Tasers used 969 times; all but 5 deemed justified (99.5 % clearance rate)

2013 DOJ Investigation: Cleveland Police

Underlying problems:

- Inadequate Force policies and training
 - Insufficient focus on de-escalation
 - Little to no crisis intervention policies/training
 - Head strike w/ firearm allowed
- Poor UOF Review
 - Inadequate IA investigations
 - Supervisors rubber-stamp reports
 - No analysis of officer actions

Case: 1:12-cv-03029-WHB Doc #: 14-1 Filed: 04/22/13 1 of 24. PageID #: 62

GPO 2.1.01 Appendix A

CLEVELAND DIVISION OF POLICE
USE OF NON-DEADLY FORCE REPORT

SUBJECT INFORMATION
Name: HART, TAMELA Address: REDACTED DOB: REDACTED
Gender: Male ☐ Female ☒ Height 5'7" Weight 170 Race BLK Alcohol Involved ☒ Yes ☐ No
Build: Muscular ☒ Thin ☐ Average ☐ Heavy ☐ Obese ☐ Drugs Involved: ☐ Yes ☒ No

OFFICER INFORMATION
#1 Name: PO. GARMAN Badge 1582 RMS ID# 61037 Assignment 1st C Pltn
Gender: Male ☒ Female ☐ Height 5'10" Weight 195 Age 42
#2 Name: PO. GUERRA Badge 579 RMS ID# 0579 Assignment 1st C Pltn
Gender: Male ☒ Female ☐ Height 6'0" Weight 245 Age 45

SOURCE OF ASSIGNMENT: RMS# 10-249357 Date 8-7-10 Time 0415
Radio Broadcast ☒ Citizen Complaint ☐ Off-Duty ☐ On-View ☒ Secondary Employment ☐ Other ☐
District 1 Zone S Address/Area of Occurrence 11209 CLIFTON

WHAT PRECIPITATED ASSIGNMENT: Drugs ☐ Domestic ☐ Disorderly Conduct ☐ Flight ☐ Traffic ☐
Fight ☒ Crowd Control ☐ Mental ☐ Suicidal ☐ Jail Incident ☐ Assault on Officer ☒ Other Homicide

FORCE OPTION(S) SELECTED (Check All That Apply)
Body Force ☒ ASP ☐ OC Spray ☐ Baton ☐ Firearm ☐ Beanbag Shotgun ☐ Taser ☐ Other ☐

ACTION RESPONSE CONTINUUM (Check All That Apply)

SUSPECT ACTIONS	MEMBER RESPONSES
RED	RED
☐ Weapon used against member	☐ Firearm/Shotgun ☐ Other Deadly Force
☐ Attempting to disarm member	☐ Sleeper Hold
☐ Life threatening weaponless assault	☐ Beanbag Shotgun
☐ Suicide Attempt-Threat	☐ Head Strike w/ Firearm/ASP/Other Object
ORANGE	ORANGE

2013 DOJ Investigation: Cleveland Police

Corrective Measures:

- New policies and training regarding de-escalation and crisis intervention
- Established specialized crisis-intervention teams
- More robust force reporting and reviews
- General ban on using firearm as impact weapon
- Document unholstering firearms
- More restrictions regarding Taser use
- Early Intervention System to track potentially problematic officers

Cleveland Division of Police

	2017	2018
January	23	10
February	19	9
March	22	8
April	24	16
May	16	14
June	23	18
July	12	15
August	18	11
September	25	21
October	17	19
November	16	11
December	22	16
TOTAL	237	168

Use of Force Trends: 2017 - 2018

- UOF down by 29%
- Crime Fell
 - Homicide - 4.6%
 - Robbery – 25%
 - Felonious Assault – 9.5%
 - Burglary – 21%
 - Arson – 40%
- Officer injuries down
 - Overall – 20%
 - UOF incidents – 22 %
- Fewer subjects injured



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POC Action

Next
Steps...



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- Consider how POC chooses to exercise its authority
 - ❖ With limited time/resources:
 - ❖ Investigations, Audits, or Both?
- Note purpose of POC:
 - ❖ “increase the accountability and public confidence in the PPD and the police complaint process”
 - ❖ “provide a forum for community conversations about the operation and review of LE activities”
 - ❖ Which focus meets these goals?
- Before directing IG to conduct an investigation:
 - ❖ Ensure protocols in place re: how investigation unfolds
 - ❖ Confirm meet/confer obligations satisfied

Questions/Discussion

