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AGENDA REPORT

TO: John A. Flores
INTERIM CITY ADMINISTRATOR

FROM: Anthony Finnell

SUBJECT: Consolidate Complaint Intake at CPRB

DATE: March 27, 2015

City Administrator
Approval

Date

4/23/15

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council:

Adopt a Resolution: (1) confirming council's 2011 action to consolidate all walk-in citizen complaints against police at the Citizens' Police Review Board (CPRB), (2) deleting on vacant Intake Technician from the Police Department, and (3) adding one Intake Technician to the CPRB staff, and discuss adding one Intake Technician to CPRB in FY 2015-2017 and \$50,000 ongoing operating and maintenance funding.

OUTCOME

City Council adoption of a motion to consolidate walk-in citizen complaints against the police at the Citizens' Police Review Board (CPRB) and close the Internal Affairs Division's (IAD) office from receiving walk-in complaints. The CPRB will complete the consolidation by deleting one vacant Intake Technician position from OPD and adding one Intake Technician to the CPRB staff as well as adding one additional Intake Technician position to the CPRB at a budget of \$101,000 and an additional \$50,000 ongoing for training and equipment as part of the Annual Fiscal Year (FY) 2015-2017 budget development process.

EXECUTIVE SUMMARY

At the March 24, 2015 Public Safety Committee meeting, staff recommended to change the current compliant process by consolidating the walk-in compliant intake between the Oakland Police Department (OPD) and CPRB to CPRB only. Accordingly, it was recommended that a transfer of three Intake Technicians (IT) out of five (ITs) from OPD to CPRB. The members of the Public Safety Committee requested staff to provide an implementation plan for this consolidation process that includes the details of implementation, compliance with the Tasks of the Negotiated Settlement Agreement (NSA) and report to the City Council meeting on April 21, 2015. Additionally, after further discussion with the Oakland Police Department (OPD) and the CPRB, the CPRB determined that IAD would need to maintain four of their current Intake Technician staffing levels, instead of what was originally reported to the Public Safety

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Committee. The transfer of all five technician positions would cause an unnecessary impact on the IAD investigative process. This Supplemental Report properly identifies the staffing needs for just the consolidation of *all citizen walk-in* complaints filed.

IAD's Intake Technicians, receive citizen complaints filed with OPD supervisors in the field, through Communications, and via the after-hours telephone system. IAD's Intake Technicians also receive complaints filed internally by OPD employees and other sworn members of the police department. Lastly, IAD investigates complaints from lawsuits filed against OPD and individual officers and receives reports from police vehicle collisions. All of these complaints, with the exception of internally-filed complaints and police vehicle collisions are currently sent over to the CPRB on a daily basis.

According to OPD, IAD would need to keep their four of their current Intake Technicians to continue to process citizens' complaints received from the field as well as all non-citizen generated complaints. The CPRB would process all citizen walk-in complaints, but also all citizen-generated complaints sent over from IAD. Additionally, the CPRB is expanding its mediation program with a focus to improve community and police relationships. Mediations will provide citizens with another option besides administrative closure and evidentiary hearings for resolving their allegations of police misconduct. The need to create an Intake Unit in CPRB, staffed with three Intake Technicians to adequately move citizen complaints through the resolution process is due to the case load increase because all walk-in complaints from OPD will be consolidated with CPRB. In addition, the mediations function does not exist currently and would be implemented. The proposed compliant process handled by CPRB is delineated in ***Attachment A***.

Since February 13, 2015, the CPRB began enacting the requirements of the CPRB Ordinance that states that copies of all citizen complaints filed with IAD must come to the CPRB. In the past, only copies of CPRB's complaints were going to IAD, but not vice versa. Complaints filed at IAD were not coming to the CPRB in any systematic or regular way for review or possible investigation. From February 13, 2015, through April 23, 2015, the CPRB has received 83 copies of citizen complaints from IAD and 36 of those have been assigned for CPRB investigations. The 83 complaints received for this time period, when compared to the 12 CPRB complaints filed in 2014 and 14 CPRB complaints filed in 2013 during the same time periods are a dramatic increase in the number of complaints. The proposed Intake Technician staff would be necessary to review these cases for possible concurrent CPRB investigations but also for possible mediations or evidentiary hearings. See ***Attachment B*** for a chart of the total complaints handled by the proposed Intake Technicians.

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Negotiated Settlement Agreement (NSA)/Memorandum of Understanding (MOU)

On January 22, 2010, in Delphine Allen vs. City of Oakland, the court approved the expiration of the NSA and the NSA was subsequently superseded by an MOU extending the time for OPD to complete all the outstanding compliance requirements.

Without sufficient staffing the CPRB will not be able to meet the MOU requirements. According to OPD, the complaint Intake function is directly related to the following NSA Tasks:

- 4 - Complaint Control System,
- 5 - Complaint Procedures,
- 7 - Methods for Receiving Complaints,
- 9 - Contact of Complainants,
- 10 - IAD Manual,
- 11 - Summary of Complaints Provided to OPD Personnel, and
- 14 - Lawsuits and Legal Claims.

The proposed Intake Technician positions will be under the supervision of the CPRB Executive Director. The CPRB Intake Technicians will accept all walk-in citizen complaints, take statements, obtain police communications, reports, and other documented evidence. The CPRB Intake Technicians will provide summary findings on some complaints, consistent with IAD's current policy and forward copies of walk-in complaints within 24 hours to IAD.

For complaints made in the field, OPD Sergeants will continue to process the complaints consistent with IAD's current policy. The CPRB will receive the complaint face-sheet consistent with the current processes. The CPRB will then determine based on the face-sheet and any additional work up by the CPRB Intake Technician to either accept or not accept the complaint for CPRB investigation. The CPRB Intake Technicians will continue to be trained to identify allegations and recommend when the complaint should continue with an investigation or be closed at the intake level. This information will be forwarded to IAD. The CPRB Executive Director will also review all complaints and determine whether or not complaints will be selected for a concurrent investigation by the CPRB for a possible evidentiary hearing. The CPRB will select cases from the interviews completed during the intake process for evidentiary hearings or refer them to mediation.

The Timeline section of this Supplemental Report describes in detail the tasks and proposed dates to complete this transition if the motion to consolidate the intake of all walk-in citizen complaints from IAD to the CPRB, and funding is passed by City Council. The complete transition of intake of all walk-in citizen complaints would occur by January 2016.

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COORDINATION

The information in this report was provided to the Independent Monitoring Team, Chief of Police, Internal Affairs Division, City Administrator’s Office, the Office of the City Attorney, the Human Resources and Management Department, and the Controller’s Bureau for consultation.

COST SUMMARY/IMPLICATIONS

This is the estimated personnel and Operations & Maintenance (O&M) costs to complete the consolidation of intake of citizen complaints.

The following is the budgeted amount of the one additional (1) Intake Technician position for the CPRB.

FTEs	Description	Total Costs
1.0	Intake Technician*	\$101,000
	Total Personnel Costs	\$101,000

*Budget for salary and benefits; Bargaining Unit: TW1-Local 21 Admin, Prof., Technical & Other; Salary range \$4,586.46 - \$5,631.22 monthly; \$55,037.52 - \$67,574.64 annually

The following table includes the additional necessary cost for ongoing O&M which would need to be added to the CPRB budget to support the aforementioned positions.

Description	Total Cost
O&M (ongoing)**	\$50,000
Total Additional Costs	\$50,000

**Cost associated with ongoing training and equipment.

1. SOURCE OF FUNDING:

Funding for the consolidation is eligible for unrestricted funds from the General Purpose Fund.

2. FISCAL IMPACT:

There is currently no budget for the additional staff (intake technicians) or ongoing training and equipment. The additional funding for the staff and O&M would need to be considered as part of the Fiscal Year 2015-2017 budget development process.

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CPRB Intake O&M Cost Breakdown

Equipment

Entry Level Desktop PC	2000
Computer Monitor	600
Digital Recorder	500
Telephone	500
Recorded Phone Line	1000
Office Supplies	600
Database Licenses	1000
Memberships	500
Publications	300
Duplication	500
Misc	1500
Internal Service Fund Payment	1500

Training

DPREP IAD training	600
BATI training	600
NACOLE Conference	
Registrations	1000
Travel	2000
Lodging	1000
Transportation	500

Total	\$ 16,200
Ongoing	\$50,000

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Estimated Transition Plan Timeline

No.	Task	Due Date	Follow Up
IT TECHNICAL SUPPORT			
1	CPRB Obtains Access to IAD Database	End of Sept. 2015	Reconciliation of complaint databases to occur and to include legal guidelines in access, protocols and clearance standards
2	Combined Databases	Oct. 15, 2015	Establish regular meetings with IAD to share information and build the database with the proper legal limits of access
LABOR CONTRACTS			
3	Notice to the affected Unions to meet and confer/discuss re impacts of the plan to transfer all walk-in civilian complaints to the CPRB from IAD.	April 24, 2015 (IFPTE, Local 21 and OPOA)	Civilian complaints to be handled by the CPRB instead of at IAD may be considered a reorganization and subject to meet and confer on the impact or effects of the management decision.
4	Meet and Discuss, or Meet and Confer with Unions	TBD	Meeting and conferring/discussion must be completed prior to implementation unless there is a demonstrated necessity.
HIRING			
5	New Positions Start Work	Nov. 1, 2015	Intake Technicians begin first day on the job with CPRB.
TRANSFER			
6	Complete Status Report on work performed by the Intake Technicians	Jan. 2016	Status report to the Public Safety Committee and City Council will be submitted to include the review of the work of the Intake Technicians.

SUSTAINABLE OPPORTUNITIES

Economic: Ordinance No. 12454 C.M.S. provides for expansion and refinement of the Board’s jurisdiction and the processes for fact-finding and recommendations in order to provide public accountability and procedural fairness. The additional resources requested allows the CPRB to accomplish this, by improving the mediation process, increasing the quality of evidentiary hearings and creating more understanding within the community of police processes. The consolidation of all civilian walk-in complaints and the addition of civilian Intake Technicians

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will ultimately result in more timely investigations and review of complaints by the CPRB by eliminating any unnecessary delays or follow-up time needed with the current process.

Environmental: None

Social Equity: The consolidation of walk-in complaints provides the following benefits to the members of the public:

- More individuals filing complaints will have the opportunity to resolve their complaint through a mediation program conducted by the CPRB with OPD (mediation would implement restorative justice practices and build on the use and practice of OPD's procedural justice training. The mediations would incorporate best practices learned by law enforcement and the community to resolve complaints and improve communication)
- The most important and serious complaints filed can be properly investigated and prepared for review by evidentiary hearing. Not since February 13, 2015, has the CPRB received copies of citizen complaints filed in IAD in accordance with the Ordinance, allowing the CPRB the proper time to review and possibly bring those complaints to evidentiary hearing. The consolidation of intake provides the process to not only ensure copies of all citizen complaints come to the CPRB in a timely manner, but also the CPRB Intake Technicians have the capacity to help the Executive Director and CPRB Investigators identify the most serious complaints at the time closest to the filing date. Without the additional Intake Technicians, the information first collected by IAD may not be enough to identify whether the complaint is appropriate for an evidentiary hearing. The additional technician staff allows more individuals reviewing citizen complaints filed to help the CPRB make such a determination.
- More public transparency in the reporting of statistics and in the review of all citizen complaints filed (centralized information will be collected on all complaints filed to identify possible policy concerns or patterns seen in complaints).
- More shared information about the CPRB services for members of the public walking in to file a complaint (many members of the public do not know about the CPRB and centralizing walk-in complaints allows complainants to immediately learn about and be interviewed by an office separate from the police department).
- More simplified complaint filing process for walk-in complaints (consolidation of walk-in complaints makes the process more straight forward and makes the public aware of both the services of CPRB and IAD at the outset of filing their complaint).

Intake Technicians are needed specifically for the CPRB to perform the following:

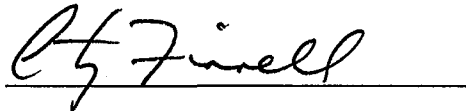
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- Receive and interview all walk-in complainants
- Take complaints made over the phone during office hours
- Write summary findings for non-walk-in complainants
- Send over walk-in complaint copies over to IAD
- Receive and review face-sheets from complaints taken in the field or over the phone during non-business hours
- Identify allegations
- Collect evidence and materials
- Interview complainants and witnesses
- Prepare and arrange cases for mediation
- Recommend to the CPRB Executive Director whether the case should continue with a further CPRB investigation

Important Note: No person visiting the Police Administration Building or other police location such as the Eastmont Substation will be turned away from making a complaint (with the exception of the IAD offices). The member of the public will be provided information and the location of the CPRB office to make their complaint. If a member of the public still wishes to make their complaint at these locations, or the CPRB offices are closed at the time, then the complaint will be handled as outlined in DGO M-03. The member of the public will have the option to go to the CPRB office during working hours if they wished to file their complaint that way.

For questions regarding this report, please contact Anthony Finnell, Executive Director, at (510)238-3159.

Respectfully submitted,



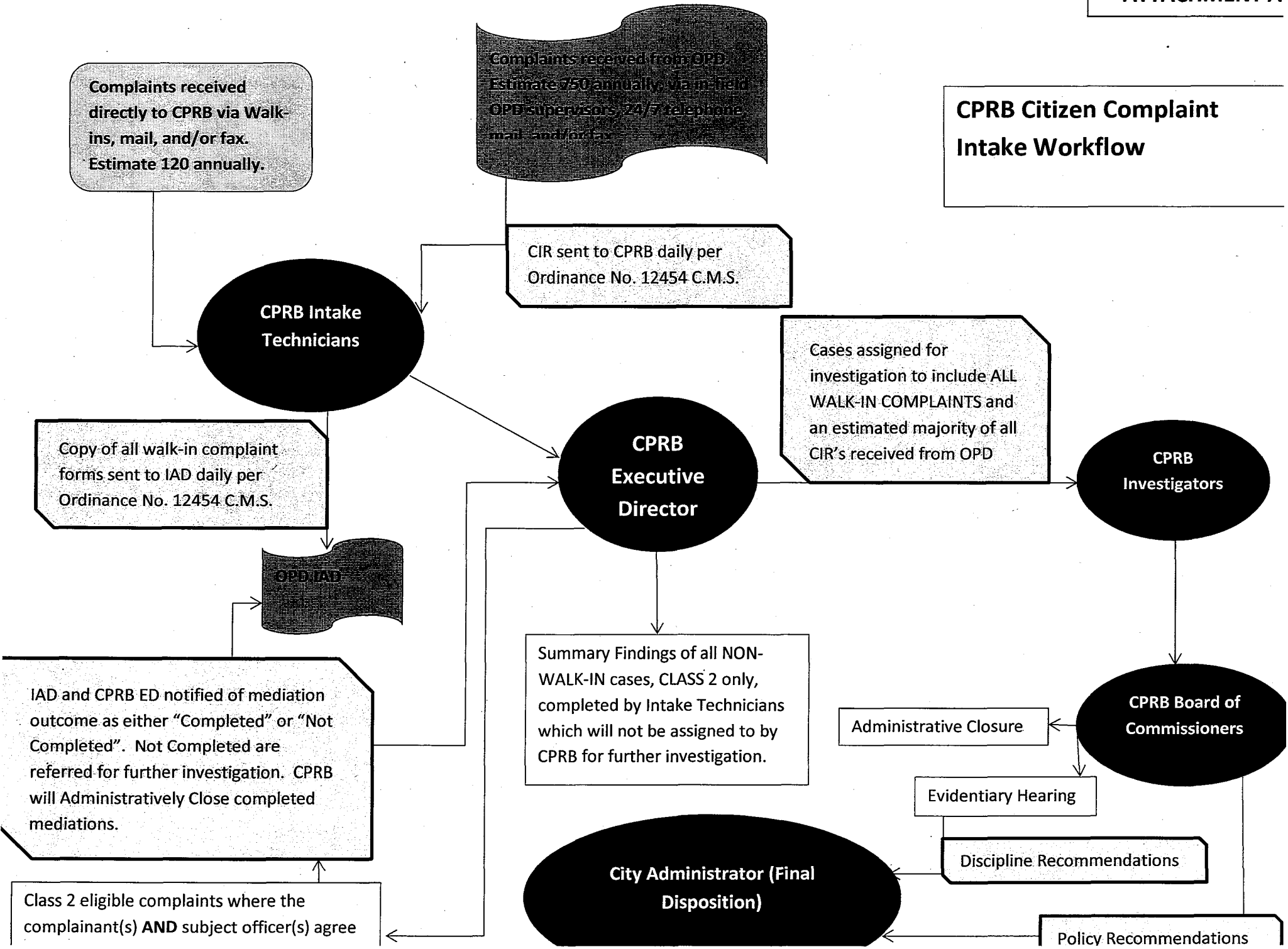
Anthony Finnell
Executive Director
Citizens' Police Review Board

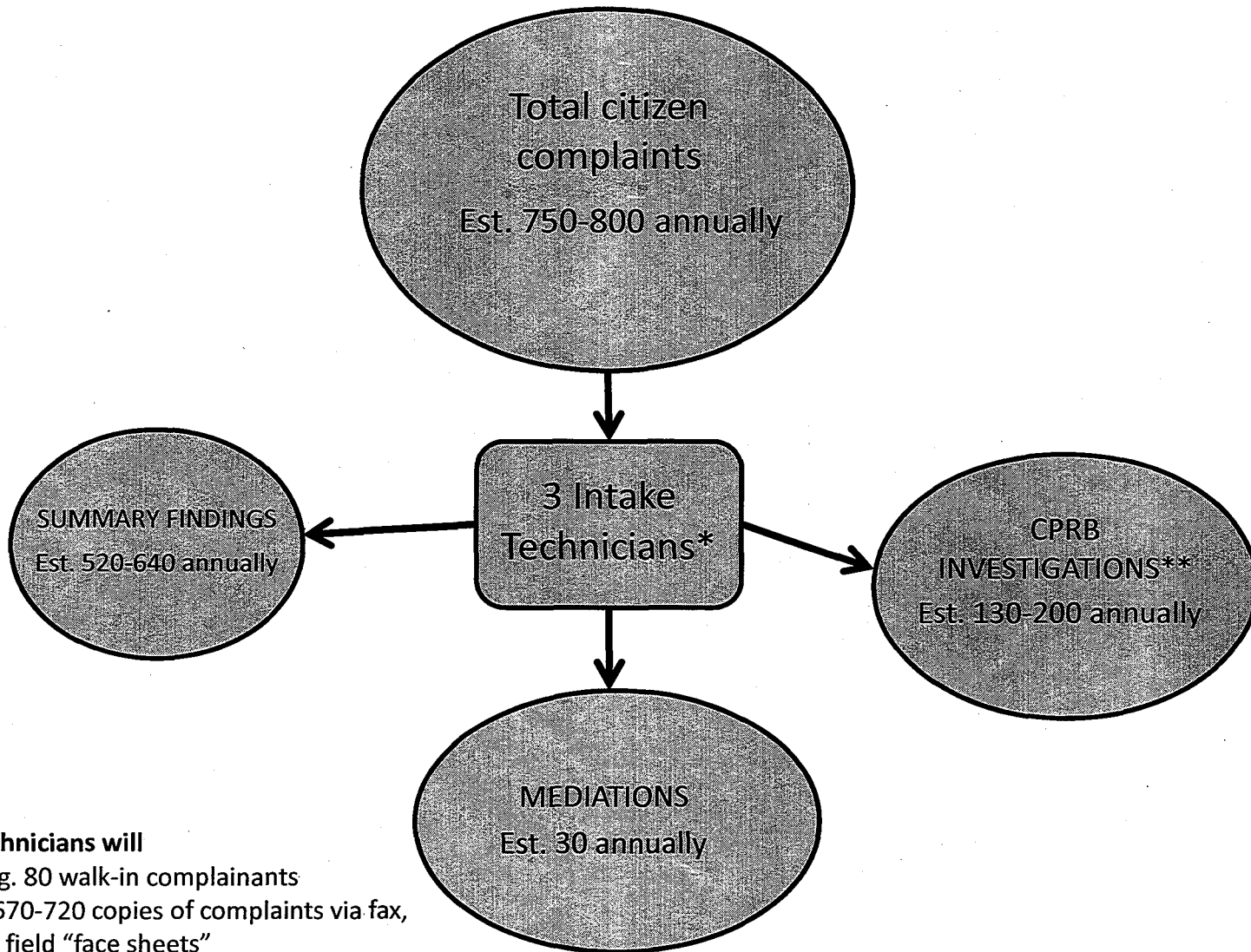
Prepared by: Patrick J. Caceres, Policy Analyst
Citizens' Police Review Board

Attachments: A. CPRB Citizen Complaint Intake Workflow
B. Responsibilities of CPRB Intake Technicians

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CPRB Citizen Complaint Intake Workflow





CPRB Intake Technicians will

- receive on avg. 80 walk-in complainants
- receive btw. 670-720 copies of complaints via fax, phone, in the field "face sheets"
- refer and prepare approx. 30 complaints annually for mediations
- help prepare btw. 130-200 complaints for CPRB investigations including conducting interviews, collecting docs. and identifying allegations
- write btw. 520-640 complaint Summary Findings

* approx. \$100,000 per Intake Technician incl. salary and benefits

** approx. \$160,000 per CPRB Investigator II incl. salary and benefits

[Signature]
City Administrator's Office

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CITY COUNCIL
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Resolution No. _____ C.M.S.

RESOLUTION: (1) CONFIRMING COUNCIL'S 2011 ACTION TO CONSOLIDATE ALL WALK-IN CITIZEN COMPLAINTS AGAINST POLICE AT THE CITIZENS' POLICE REVIEW BOARD (CPRB), (2) DELETING ONE VACANT INTAKE TECHNICIAN FROM THE POLICE DEPARTMENT, AND (3) ADDING ONE INTAKE TECHNICIAN TO THE CPRB STAFF

WHEREAS, the Oakland City Council adopted a policy to consolidate the intake of complaints against police and/or the Oakland Police Department at the Citizens' Police Review Board positions as part of the Council's action adopting the Fiscal Year 2011-13 budget and allocated \$1.4 million for CPRB staffing in the 2011-13 budget (Resolution No. 83444 C.M.S., approved June 30, 2011); and

WHEREAS, on October 15, 2013, the City Council voted to divide the previously budgeted funding for civilianizing intake by allocating \$497,020 to the Oakland Police Department's Internal Affairs Division to hire five (5) complaint Intake Technicians and allocating the remainder of the \$1.4 million to the CPRB, and the reallocation was done in the mid-cycle 2014-15 Biennial Budget amendment (Resolution No. 85085 C.M.S., passed July 1, 2014); and

WHEREAS, on March 24, 2015, a motion to reconfirm and implement the Council's 2011 police complaint intake policy and budget actions was brought to the Council's Public Safety Committee and then forwarded to the City Council; and

WHEREAS, the proposed implementation plan is consistent with the Council's 2011 policy and related 2011-13 and 2014-15 budget actions; now, therefore, be it

RESOLVED: That the City Council's 2011 policy to consolidate the intake of all walk-in complaints against Oakland police officers and/or the Police Department at the Citizen's Police Review Board will be implemented by deleting one vacant Intake Technician from the Police Department and adding one Intake Technician to the CPRB staff, provided that any implementation will not have a financial impact on the City's budget.

IN AGENCY, OAKLAND, CALIFORNIA,
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, KALB, KAPLAN, REID, GUILLEN, CAMPBELL-WASHINGTON AND
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
Secretary of the Redevelopment Agency
of the City of Oakland, California