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OAKLAND
Supplemental AGENDA REPORT
2015 APR 16 AM 3:12

TO: John A. Flores
INTERIM CITY ADMINISTRATOR

FROM: Anthony Finnell

SUBJECT: Consolidate Complaint Intake at CPRB

DATE: March 27, 2015

City Administrator
Approval

Date

4/16/15

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council:

Receive an informational report and adopt a motion to reaffirm and implement the City Council decision made in 2011 to consolidate all walk-in citizen complaints against police at the Citizens' Police Review Board (CPRB).

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.

REASON FOR SUPPLEMENTAL

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. 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.

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 9, 2015, the CPRB has received 77 copies of citizen complaints from IAD and 34 of those have been assigned for CPRB investigations.

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The 77 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.

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 transfer of 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. The complete transition of intake of all walk-in citizen complaints would occur by January 2016.

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

Based on discussions with OPD, there is the possible cost implication if all the Intake Technicians were transferred from IAD to the CPRB, OPD would have to back fill those positions with police officers to perform all the non-citizen complaint intake tasks.

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	Notify the Unions of the Impacts of transferring all walk-in civilian complaints to the CPRB from IAD.	TBD	According to the MOU provisions, OPOA and Local 21 will be notified that the walk-in civilian complaints will be handled by the CPRB instead of at IAD with the creation of the intake section at the CPRB.
4	Meet and Discuss with Unions	Completed Jul. 20, 2015 (Local 21 & OPOA)	Possible Meet and Discuss the possible changes in job descriptions of the Intake Technicians with the affected unions.
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

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consolidation of all civilian walk-in complaints 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).

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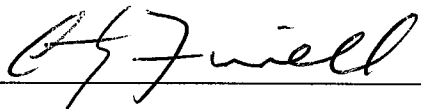
Intake Technicians are needed specifically for the CPRB to perform the following:

- 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

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Citizens' Police Review Board

Attachments: A. CPRB Citizen Complaint Intake Workflow

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CPRB Citizen Complaint Intake Workflow

