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OAKLAND

2015 MAR 13 AM 5:17

AGENDA REPORT

TO: John A. Flores
INTERIM CITY ADMINISTRATOR

FROM: Anthony Finnell

SUBJECT: Consolidate Complaint Intake at CPRB

DATE: March 11, 2015

City Administrator
Approval

Date

3/12/15

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 complaints from Oakland residents against police at the Citizens' Police Review Board (CPRB).

OUTCOME

The Public Safety Committee moves this report and motion to the full City Council to consolidate complaints against police at the Citizens' Police Review Board and closes the Internal Affairs Division's (IAD) office from receiving walk-in citizen complaints. The Oakland Police Department will still receive citizen complaints in the field and over the phone, but that information will be immediately forwarded to the CPRB as part of the complaint intake process. A supplemental report including the details of implementation and compliance with the Tasks of Negotiated Settlement Agreement (NSA) will be included in the report to the City Council. Additionally, the CPRB would recommend the five (5) Intake Technician positions be transferred to the CPRB by City Council as part of the Fiscal Year 2015-17 budget development process to complete the consolidation.

BACKGROUND/LEGISLATIVE HISTORY

The City Council adopted Resolution No. 83444 C.M.S. with a budget of \$1,468,158 to consolidate complaint intake at the Citizens' Police Review Board as part of the Fiscal Year 2011-13 budget (*Attachment A*). The City Council later learned through the former City Administrator, Deanna Santana, that the previous Compliance Director, Tom Frazier directed the City to keep the intake functions separate in the CPRB and IAD. In response to the Compliance Director's opinion, the City Council voted on October 15, 2013, to divide funding for civilianizing intake by allocating \$497,020 to the Oakland Police Department's Internal Affairs

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Division to hire five (5) complaint Intake Technicians, and allocating the remainder of the \$1.4 million to the CPRB (*Attachment B*).

On February 18, 2015, Councilmember Noel Gallo reintroduced the discussion of this action at the Rules and Legislation Committee to be presented and considered by the Public Safety Committee. This report recommends that the City Council implements the original decision and transfer the positions to consolidate intake of citizens' complaints against the police to the CPRB.

ANALYSIS

The CPRB agrees with Councilmember Gallo's request to consolidate the complaint intake process. The current process of having two separate offices for the intake of complaints is confusing for members of the public. Consolidation simplifies filing a complaint to one office that has all your filed complaint information if requested. Additionally, the proposed consolidation makes CPRB aware of all complaints filed and immediately informs members of the public about the CPRB's services.

Under the recommended process, all walk-in complainants when filing their complaint would speak with a member of CPRB staff, as opposed to the current system, where a complainant would speak with an OPD employee if they choose to go to IAD. All walk-in complainants under the recommended process would make contact with a person separate from the Oakland Police Department and would have the opportunity to learn about possibly having an independent and separate complaint investigation from the Oakland Police Department. Under the recommended change to consolidated intake, the CPRB, as an agency, would also have the benefit of the full year deadline to conduct an investigation, as opposed to time currently lost when the complainant later learns after their case is closed at IAD that they can come to the CPRB for an investigation.

The CPRB has used its funding allocation to staff up and train staff to perform all the necessary functions to conduct investigations. The CPRB used the balance of \$1.4 million budget to hire an Executive Director, three (3) additional Complaint Investigators and an Office Assistant. The CPRB also funded improvements in office equipment and provided investigating staff training. If City Council approves to reinstate consolidation of intake, the additional five (5) Intake Technicians allow the CPRB to increase its staff to meet the increased staffing needs to receive the intake of all citizen complaints.

The potential service impact to IAD is that the positions staffing the Intake Unit would be now assigned to the CPRB. The initial work of beginning a review of the complaint and the consideration of initiating an investigation would be reviewed by CPRB staff. All information and tasks conducted by the Intake Technicians would be still sent to IAD for their own review, assignment and possible OPD investigation.

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IAD would continue to receive copies of complaints from the CPRB within 24 hours as required by the CPRB Ordinance, but initial contact with the public would be made by Intake Technicians staffed in CPRB. IAD also would continue to conduct separate investigations and receive internally-generated complaints made within the Oakland Police Department.

The CPRB Executive Director and Chief of Police are in the process of scheduling to discuss the details of the operational impact on services if all five (5) Intake Technicians were transferred from IAD to CPRB. The CPRB staff would also need to create a timeline of tasks including the necessary training and steps to ensure ongoing compliance with the Tasks of the Negotiated Settlement Agreement (NSA). The five (5) Intake Technicians transferring requires a meet and discuss with Local 21 and SEIU because of the change in the position assignment. The information provided in this staff report at this time is general and more detailed information on these specific topics and implementation can be provided in a future report.

PUBLIC OUTREACH/INTEREST

The consolidation of all the intake of complaints to the CPRB has been discussed by Executive Director, Anthony Finnell, with the Independent Monitoring Team overseeing the Negotiated Settlement Agreement, as well as with the Bay Area Justice Group, Community Baptist Ministers and People United for a Better Oakland (PEUBLO).

COORDINATION

The research provided in the report was coordinated with Councilmember Gallo, Oakland Police Department and Controller's Bureau.

A preliminary discussion about the implementation of the recommendation occurred with the Oakland Police Department, but the full details addressing the full impact on the Police Department and the Internal Affairs Division can be provided in the report to City Council. Those details will include the process of complaints taken in the field, over the phone, limits of CPRB investigations, complaint intake workload, data sharing and alignment with the tasks of the NSA.

COST SUMMARY/IMPLICATIONS

The estimated additional personnel cost for the transition is approximately \$497,020 for the five (5) Intake Technicians. This is a cost estimate from 2011. However, current personnel costs, as well as, additional expenses for the cost to transfer of those positions would be further identified and presented in a future report. Such additional costs would include the purchase of new equipment, training and integration of computing systems.

SOURCE OF FUNDING: Future funding for the transition is eligible for unrestricted funds from the General Purpose Fund.

FISCAL IMPACT: There is currently no budget for the transfer of the five (5) Intake Technician positions needed. Resources to support staff for the transition must be considered as part of the Fiscal Year 2015-17 budget development process.

SUSTAINABLE OPPORTUNITIES

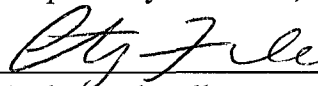
Economic: There are no economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

Social Equity: Civilianizing the intake of all citizen complaints can potentially improve the underreporting by the community on officer misconduct. Separating intake from the police department has the benefit of increasing the information collected on complaints for members of the CPRB and possible investigations. The intake of all citizen complaints expands the data for analysis and reporting for complaints eligible for possible mediations, need for departmental policy change and concerns over specific police services.

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. FY 2011-13 Adopted Budget – “Revised Budget Balancing Proposal”
- B. Concurrent Meeting of the Redevelopment Successor Agency and the City Council – “Meeting Minutes of October 15, 2013 – Allocation of Funds For CPRB Intake Technicians”

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As Amended on the floor

REVISED BUDGET BALANCING PROPOSAL

City Council President Reid, Vice Mayor Brooks, Councilmember Brunner, Councilmember Ignacio De La Fuente

Concessions in writing

ADDITIONAL EXPENDITURES (revisions in bold)	2011/2012	2012/2013	Notes
No Fire Station Closures	\$310,720	\$325,918	
No Library Reduction	\$5,448,395	\$5,347,206	
Preserve 2 Information Technology FTE's - move to library and fund with Measure Q surplus	\$241,264	\$246,100	
Maintain 100% Cultural Arts Grant Funding	\$730,120	\$730,120	
Film Office Staffing 1 FTE*	\$98,543	\$100,519	Not moved to redevelopment
No Rec. Center Reductions at Manzanita, San Antonio & Poplar	\$301,216	\$313,142	
Alternative Reduction in Council Office	*See note	*See note	(2 FTE to Fund 7780, 2011/12 - \$378,856, 2012/2013 - \$387,176)
Maintain 85% Subsidies to Zoo, Vietnamese Senior Center, Symphony in the Schools, Asian Cultural Cntr. & Peralta Hacienda	\$523,915	\$523,915	Includes \$369,895 for Zoo
Maintain 100% of Eden I&R 211 Funding and Move to Library GPF	\$100,000	\$100,000	
Neighborhood Services Coordinators (9 filled positions)	\$892,929	\$914,413	
Accept Cost Neutral Parking Re-Org from City Administrator	*See note	*See note	Cost neutral
Revenue-Restore 50 Revenue Assistant & 4.80 FTE Tax Enf. Officer II	\$562,199	\$578,770	
Consolidate Complaint Intake at Citizen Police Review Board	\$0	\$1,468,158	2012/2013 only
Accept PWA use of LLAD Savings for Gardeners & Tree Trimmers	*See note	*See note	See Proposal from PWA
Accept City Admin. Alternative Funding Sources for Kaiser Sale			See Proposal from City Admin.
Freeze 5 Information Technology FTE's for Two Year	*See note	*See note	No cost for frozen positions
OPD - Add Crime Analysis Team	\$722,212	\$736,690	
KTOP Add 3.9 FTE	*See note	*See note	\$389,609 in 2011/2012, \$397,420 in 2012/2013, Funds 1760 & 7780.
Accept Senior Center Budget A Revision w/Following \$ Addition	\$60,000	\$60,000	See Proposal from City Admin.
Total:	\$9,991,513	\$11,444,951	

restore Chabot funding

ADDITIONAL REVENUE & SAVINGS (revisions in bold)	2011/2012	2012/2013	Notes
Convert 580 Underpass Lot to 169 Meters (include Saturdays)	\$310,492	\$363,264	Incl. \$22,500 for 3 CALE meters
Eastlake Meters (100)	\$260,000	\$312,000	Incl. \$44,000 for new meters
Attorney - Eliminate Legal Communications Officer (Counts to 15% Reduction)	*See note	*See note	\$252,580 in 2011/2012, \$257,643 in 2012/2013
Attorney - Eliminate Misdemeanor Prosecution (Counts to 15% Reduction)	*See note	*See note	\$251,151 in 2011/2012, \$268,796 in 2012/2013
Administrator - Eliminate Half-Time Ass. to Public Ethics Director	\$51,240	\$53,609	
Administrator - Neigh. Serv. Dir. (Admin. Assist. to the Mayor) (NSD)	\$82,184	\$85,834	
Administrator - Eliminate Program Analyst III (NSD)	\$134,134	\$136,823	
Administrator - Eliminate Police Services Technician II (NSD)	\$87,002	\$88,860	
Adjust OPD Attrition Rate from 3.3 to 4.0 per month	\$754,000	\$2,146,000	
Measure Q Surplus for Library Services & Technology Staff	\$241,264	\$246,099	
Total: (Balanced Budget)	\$1,920,316	\$3,432,489	

add Hazmat funding pay

5 ayes BCS, BN, D, R, Q
4 Noes Kp, KN, N, S

June 30, 2011, Item #6

* Concurrent Meeting of the
Oakland Redevelopment
Successor Agency and the City
Council

Meeting Minutes

October 15, 2013

-
- 14 Subject: Allocation Of Funds For CPRB Intake Technicians
From: Councilmember Brooks and Gibson McElhaney
Recommendation: Receive A Report And Possible Action To Appropriately Allocate The \$1.4
Million Previously Authorized By The Council To Fund The Citizen's Police Review Board
(CPRB) Positions
13-0069

Councilmember Brooks made a motion, seconded by Councilmember Gibson McElhaney, to allocate \$497,020 for Intake Technicians in Internal Affairs; allocate the remainder of the funds to CPRB; and make the hiring of the CPRB director a priority before additional budget decisions are made within CPRB. The motion passed with a vote of 6 Ayes, 2 Excused - Reid and Kernighan.

There were 2 speakers on this item.
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