



Legislation Text

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Staff Report for the First Reading of the City of San Leandro City Council Ordinance to Amend San Leandro Municipal Code sections 1-3-100, 1-3-110 and subsection (a) of section 1-3-115 to add Community Police Review Board and to Add Article 17 Community Police Review Board to San Leandro Municipal Code Chapter 1-3, Boards and Commissions

SUMMARY AND RECOMMENDATIONS.

The purpose of the City of San Leandro's recommended police oversight model is to create a Community Police Review Board that increases public trust, increases accountability, ensures that police operations reflect community values, and, in cooperation with the Independent Police Auditor, ensure prompt, impartial, and fair investigations of complaints brought by members of the public against the San Leandro Police Department.

Staff recommends the City Council adopt the attached Ordinance to Amend San Leandro Municipal Code sections 1-3-100, 1-3-110 and subsection (a) of section 1-3-115 to add Community Police Review Board and to Add Article 17 Community Police Review Board to San Leandro Municipal Code Chapter 1-3, Boards and Commissions.

BACKGROUND

Community Oversight is an established City Council priority and over the past year staff has worked diligently with the community to develop an oversight model that best fits the needs of the City of San Leandro.

In early 2021, staff engaged with the OIR Group to begin looking at different police oversight models. As part of the review, it was important to recognize that no one size model fits all but there are important principles to consider when picking the right model. Some of those principles include independence from law enforcement, a defined purpose, transparent scope of authority, access to records, regular contact with executive level staff and internal affairs, ongoing community engagement and participation, funding based on needs, analysis of policies and patterns, transparency and reporting.

The City Council held a work session on February 22, 2021, where a presentation was given by the OIR Group on alternative oversight model options, strengths and weaknesses of those models, best practices and frameworks. At the conclusion of the meeting Council directed staff to move forward with the hybrid model, which consisted of two critical and highly integrated parts: a Community Police Review Board (CPRB) and an Independent Police Auditor (IPA). These two parts create a cohesive partnership that focuses to evaluate concerns about policing and examine police policy.

Community Police Review Board (CPRB)

The proposed CPRB will consist of nine (9) members. The membership will include two (2) student members between the ages of sixteen (16) and twenty (22), one (1) member from each of the six (6) Council Member Districts and an at large member appointed by the Mayor.

The CPRB functions include:

1. Receive community feedback and complaints, and refer them for further review, as appropriate, to the IPA or the internal affairs function of the police department.
2. Receive reports from the IPA regarding personnel discipline and complaints, critical incidents, police department policies, and other law enforcement matters.
3. Evaluate police department policies of compelling community-wide concern based on trends and data, as deemed necessary by a majority of the CPRB.
4. Make recommendations to the City Manager on the job requirements, application process, and evaluation criteria of candidates for the Chief of Police.
5. Create and implement an annual work plan that consists of a community outreach plan to assure all members of the community have an opportunity to share concerns about policing.

Independent Police Auditor (IPA)

The City Manager will appoint the IPA on a contract basis. The IPA will at a minimum have professional experience, certifications, and other qualifications specifically related to law enforcement agency personnel investigations, and California law related to the Public Safety Officers Procedural Bill of Rights Act.

The IPA functions include:

1. Participate in internal affairs and administrative review processes conducted by the police department.
2. Serve as the law enforcement subject matter expert to the CPRB.
3. Make expert recommendations to the CPRB and the Police Chief on police department policies.
4. Assist the CPRB with the preparation of their annual report including workplan.
5. Recommend, with the Police Chief's and the specifically affected police department personnel's written consent, referrals for voluntary and confidential mediation of specific complaints to community-based mediation services provided by trained or certified mediators.

Summary of Public Outreach

On October 16 and 21, 2021, City staff and the OIR Group hosted community forums to discuss the proposed hybrid model elements. Community members were able to gain a more complete understanding of the model's eight elements while providing important feedback on their preferences.

At the conclusion of the forums, it was clear that the City's proposed hybrid model was aligned with the Community in all ways but one. Staff received resounding feedback that the community did not support the element of including current or former law enforcement as a part of the CPRB.

Throughout the last year staff also met with members of San Leandro for Accountability, Transparency, and Equity (SLATE) for additional detailed feedback on the model and potential language to be included in an ordinance.

Staff also engaged in legally required good faith meet and confer with the City's represented employee organizations, as the structure of the model could have impacts on the working conditions of their members. Outreach and discussions with the represented employee organizations were completed during November 2021 through January 2022. No significant changes to the model were necessary.

Previous Actions

During the drafting of the ordinance, the City Council held another work session on February 15, 2022. The community provided additional input on the framework and supporting provisions.

Staff received consensus from Council on the framework and supporting provisions to:

1. Exclude former and current law enforcement from membership on the CPRB.
2. Include two voting student members, making the total membership nine.
3. Set the initial terms of CPRB members from Districts 1, 3, 5, and the Mayor's at large appointment to expire December 31, 2023 and the terms of members from Districts 2, 4, and 6 to expire December 31, 2024.

Fiscal Impacts

The City's Fiscal Year 2021-2023 budget includes an allocation of \$175,000 and the Fiscal Year 2022-2023 budget includes an allocation of \$350,000. During the City's biannual budget process, Council will evaluate the appropriate funding amount for oversight.

Cost for staff resources provided by the Assistant City Manager, Assistant Police Chief, Administrative Services Manager and administrative support are included in the City's salaries budget.

Next Steps

Below are upcoming key dates/milestones:

- April 4, 2022 - Potential City Council second reading of the ordinance.
- April 2022 - Issue the IPA Request for Proposals.
- April 2022 - Application for CPRB membership becomes available.
- June 2022 - IPA is selected.
- August - December 2022 - CPRB Administrative Procedures are drafted and recommended for approval by the CPRB for review and potential approval by Council to go into the City's Administrative Code.

Attachment(s) to Staff Report

Attachment A - Power Point Presentation - Civilian Oversight of Law Enforcement

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