

Community Policing Advisory Board
Minutes of Special Meeting

1 Frank Ogawa Plaza, First Floor, Oakland City Hall, Oakland, California 94612

April 3, 2013 6:00 pm

Council Chambers, Oakland City Hall, 1 Frank H. Ogawa Plaza

AGENDA

Chairperson Johnson called the meeting order at 6:08 p.m.

Committee Roll Call:

Present- Frank Castro (NW), John Garvey (Dist. 2), Angela Haller (NW), Barbara Hunter (Dist. 3), Chairperson Marcus Johnson (AL) Alex Miller-Cole (M), Vice Chair John Nichols (Dist. 6), Greg Novak (Dist. 7), Renia Webb (OHA), Vertis Whitaker (Dist. 1), and Chief James Williams (OUSD)*

Absent- Jeffrey Cash (M), Krista Gulbransen (Dist. 4),

Vacancies- District 5, Mayoral

Note: * OUSD appointment awaiting City Council confirmation/resolution

Appointee Notes: Dist. = District; M = Mayoral; NW = Neighborhood Watch; OHA = Oakland Housing Authority; OUSD = Oakland Unified School District

AGENDA ITEM 1, Open Forum

Public Speaker | Comments

Jim Dexter: why the 2 minutes speaking limit, when the bylaws say 3 minutes? Ask that City Staff check with the City Attorney about time limits for Open Forum for Public Comment. Questioned why the CPAB was not conducting an election. Expressed concern that the chair has too much power in not scheduling an election, as an election was to be conducted in February and it is already April. Ask why the agenda only has one action item and what is the purpose of the meeting. The by-laws need to be reviewed/modified and this is not on the agenda either.

Chair Johnson: Call Jim Dexter out of order, after several reminders his speaking time was exhausted...Dexter continued.

Marion Mills: shared agreement with Mr. Dexter that there has been very little action from the committee. She asked that the board members address this starting with elections. She publicly wanted to commend several people, regarding the Beat 22x issue. She thanks members who asked that the mediator's report be made public and staff for providing it.

Jack McElroy: asked that the CPAB develop a rule regarding disruptive behavior at NCPC Meetings. He is hoping for some language in the by-laws that prevents people from creating chaos and derailing meetings. Both the Chair and Staff noted that there is language that the City Attorney developed for NCPCs to use and the CPAB does encourage them to incorporate the language into their by-laws.

CPAB staff DeVries: promised to get the template to Mr. McElroy.

Janet Rollo-Fenick: made a statement that the Beat 22x mediator's report was biased and conducted by an interested party and therefore could not be considered neutral.

AGENDA ITEM 2A, Minutes

Public Speaker | Comments

Jim Dexter: In the January Minutes there was no mention of his comments about the CRT Teams, the PSO duties, questions about OPD staffing and data collection. What is being offered to make PSO assignments more stable? He would like to see an official statement from OPD on this issue. What is being done about the open seats on the Board? These are questions he wants answers to.

Member Discussion | Comments –None

January 2, 2013 minutes, tabled until next meeting.

February 6, 2013 minutes: Motion to approve: Haller, seconded Whitaker, **Vote, Ayes:** Garvey, Haller, Hunter, Johnson, and Miller-Cole, **Noes:** none; **Abstentions:** Castro, Nichols, Novak and, Whitaker. **Motion passed 5-0-4**

March 6, 2013 minutes: Motion to approve: Whitaker, seconded Castro, **Vote, Ayes:** Castro, Garvey, Haller, Hunter, Johnson, and Miller-Cole, Nichols, and Whitaker. **Noes:** none; **Abstentions:** Novak and Williams. **Motion passed 8-0-1**

AGENDA ITEM 2B, Presentation by the City Attorney on CPAB role, scope, purpose, and duties:

City Attorney Ms. Fierro opened her presentation by thanking the Board Members for their work and she acknowledged that the Board does not have a City Attorney present at all the meetings due to staffing limitations but that her office will provide staffing at any time deemed necessary by the Board.

She noted that as an advisory board the CPAB has significant advisory power as designated in the City Resolution. The Council resolutions give broad advisory authority to the Board and even though items such as Measure Y and the federal oversight of OPD have added significant power to other entities, none of that takes away the Board's authority in regard to community policing. The City Council cannot delegate away any of that authority.

One strategy she recommends to the Board is to pass resolutions and take positions (write position papers, invite the City Administrator to attend) on items significant to community Policing and share those positions with the City Council to ensure the Board's input is being heard.

In terms of legal limitations, the resolutions give the board the role of being the "Voice of Community Policing." She also recommends that the Board consider conducting evaluations and using issue experts to help them craft recommendations to the City.

Member Discussion | Comments

Member Miller-Cole: asked if the CPAB had the authority to suspend the Beat 22x NCPC last year, preventing them from meeting for three months which he felt was very disruptive to their work. Member Miller-Cole discovered there are other NCPCs who meet, with City staff present, that have never been certified. This appears to be a double standard in that one group was told not to meet while other groups are meeting without any certification procedures.

City Attorney Ms. Fierro: noted that the Board does have the authority to certify and de-certify NCPCs and the Board could take this opportunity to ask the City for a list of certified groups and see where the gaps are.

Staff person DeVries: noted that some NCPCs have been meeting since the mid-90s and have not had any problem and therefore their certification predates many of the current board members.

Member Miller-Cole: noted two NCPCs that are relatively new and are meeting.

Staff person DeVries: acknowledged that if there is a large group meeting in an area and problem solving with OPD that Neighborhood Services staff will work with them, it is, however, their responsibility to get certified.

Chairperson Johnson: noted that a new certification process was being looked at in committee last year before the beat 22x issues took their attention away from the overall certification process.

Member Miller-Cole: also asked about the Board conducting elections. He feels that the Board's elections are overdue and there needs to be a remedy to this.

Chairperson Johnson: indicated he was concerned about having elections too quickly with so many new members on the Board. He feels strongly that the Board needs to have a retreat and get better acquainted with their work before conducting elections that could disrupt the work they are trying to move forward. He also wants to have training on Robert's Rules of Order and the Brown Act/Sunshine Ordinance to help the Board have more effective meetings. There is no language in the bylaws that state elections are held in March.

City Attorney Ms. Fierro: On the question of elections, Ms. Fierro did not want to make a statement without first reviewing the by-laws as she did not wish to misrepresent what is contained in them. She indicated she would be willing to see that the Board gets training on Robert's Rules at a future meeting or retreat.

Member Miller-Cole: asked about modifying the by-laws.

City Attorney Ms. Fierro: suggested that he create a "red-lined" document with his recommended changes for the Board to discuss.

Member Miler-Cole: stated this had already been done but there had been no action.

Staff person DeVries: stated that this was an area of concern as the board does not want to violate the Brown Act or Sunshine Ordinance by communicating outside of meetings via group emails.

Member Webb: noted that the document had been sent to several people outside the board and they felt this was inappropriate.

Chairperson Johnson: noted that he did not receive the original document for comment. Sending a email to all members is considered a "serial meeting."

City Attorney Ms. Fierro: stated that she needed more information to make a recommendation for how to move forward on the discussion of by-laws but acknowledged the limitations due to the Brown Act and Sunshine Ordinances.

Member Castro: the City Attorney's Office has been of great assistance to the Board. During the issue of Beat 22x some comments were made that the CPAB had no authority to suspend the NCPC during that process; his read of the resolution DOES give the CPAB authority to certify/decertify the NCPCs.

City Attorney Ms. Fierro: acknowledged that the CPAB does have this authority.

Member Garvey: asked how the CPAB could do the detailed work that is needed outside of the general monthly meetings. Things like by-law editing need a lot of back and forth detail work that staff cannot do and that cannot be done at the general meetings. Member Garvey notes several items in the resolution that the CPAB is not getting done. He asked what the CPAB needs to do when they are unsatisfied with this lack of work/lack of information.

City Attorney Ms. Fierro: suggested that the CPAB should go through their City Administrator Staff or the Police Chief to get that information. Generally she noted that the authority of the CPAB was created with a City Council Resolution, not an Ordinance and therefore has the authority of policy but not the rule of law. A resolution is different from an ordinance. A ordinance carries the rule of the law, a resolution adopts policy, a position of city council.

Member Castro: comment and suggestions, identify how to get information, if that information vital for the CPAB to do our jobs, and who in the city would be the resource to obtain it.

Public Speaker | Comments

Jim Dexter: Ask the City Attorney to answer his questions regarding the by-laws provisions need to be made to: establish committees, determine what recourse exists for appointments to the Board not being filled, and to ensure the Board is part of the City's overall legislative process.

Marion Mills: questioned whether the Board had the authority to approve or disapprove of by-laws and distinguished between that and actual certification/de-certification.

City Attorney Ms. Fierro: staff responds only to the committee members.

AGENDA ITEM 2C, Crime Reduction Plan Update

Assistant Chief Toribio delivered a summary of the attached report.

There are currently four Crime Reduction Teams (CRTs), one each is assigned to Police Districts 4 and 5, one is assigned to Bureau of Field Operations 1, and one is attached to a gang task force supporting their work citywide. One more will be identified and ultimately each of the 5 newly formed police districts will have one.

The City has gotten a lot of help from its Federal partners, especially in regard to Cease Fire, the second "Call-in" having recently taken place. The ATF, FBI, and Marshalls all have assisted in operations.

Member Discussion | Comments

Member Nichols: asked about the department's 911 response policy in regard to frequent callers with minimal risk issues. He also asked about the likely attrition rate of the newly graduated academy.

Assistant Chief Toribio: explained that the response to 911 depends on the type of call, for example, a person who is 5150 can be initially appear very calm but often two officers are required due to their potential instability. He noted that the department will likely lose some officers for a number of reasons including competency and the challenges of the job.

Member Castro: requested an update on the Geographic policing implementation at the next meeting.

Assistant Chief Toribio: stated that it would take a bit longer to get accurate data about the progress in part because the full roll out of the geographic command structure would take place between June and August but he assured the Board that he or a representative would be at every future CPAB meeting to provide updates.

Member Castro: also asked about the status of the overall crime reduction plan in regard to provisions about the CPAB and the role it should play.

Assistant Chief Toribio: acknowledged that the consulting team is very adamant about the community input piece to the overall crime reduction strategy and that the department is taking that component seriously.

Chairperson Johnson: asked if the sheriff or highway patrol had been problematic in the community or if they were supported.

Assistant Chief Toribio: The Sheriff has reported anecdotally that they have received a positive response.

Member Garvey: asked what would happen in the case of a complaint about these agencies;

Assistant Chief Toribio: noted that the Sheriff and Highway Patrol are not bound by the NSA and that complaints they generate are not handled by OPD's internal affairs.

Member Garvey: asked a follow-up as to whether the City shares in liability and Ms. Fierro from the City Attorney's Office noted that this is a policy issue and (the incident over the weekend involving a deputy sheriff could create new case law depending on how it unfolds.

Chairperson Johnson: asked the Board if they wanted to make recommendations to the Public Safety Committee regarding this report and the committee was very supportive.

Member Castro acknowledged how thorough the report was and the fact that there was public feedback was a big positive.

Member Haller asked that some clarification regarding the role of the CRTs and the issue of the "draw" limiting officers' time on their beat be included in the recommendations.

Member Hunter concurred that the length of time an officer spends on the beat is of paramount importance.

Public Speaker | Comments

Jim Dexter: also spoke to the motion thanking the CPAB and specifically the Chair for developing these recommendations; it addresses much of what he has been asking of the CPAB. He feels the timing is very significant as the budget process is about to kick-off and there is a need for the city to restore funding to community policing including bringing the NSCs back up to full staffing.

Nancy Sidebotham: spoke to this issue suggesting the CPAB recommend moving the NSCs back to OPD. The Board decided not to make that recommendation at this time because it had been made in the past.

Sheryl Walton: stated that a lot of good ideas have come out of the Town Hall Meetings and she wants the Board to emphasize the need to see those recommendations all the way through to implementation.

Allene Warren: asked that the board consider a provision requiring CPAB Members to regularly attend NCPC meetings in the District they represent to better bring issue of concern in the neighborhoods to the citywide body.

MOTION:

Member Castro made a motion, seconded by Haller directing Staff DeVries to draft the CPAB recommendations for the Chair to deliver at the Public Safety Committee. See attached.

Motion passed by consensus

Agenda Item 2d, Retreat

Member Castro: suggest using on-line doodle scheduling.

Committee members agreed and determined that staff member DeVries would create a doodle poll with several Saturday and Sunday time blocks of 5 hours for the group to choose from.

Chairperson Johnson: suggested the group could discuss the retreat agenda at the May meeting.

Member Garvey: indicated concern that there was a lot to cover and more planning should take place between now and then to ensure a structured, productive retreat.

Member Castro: suggested that the discussion could take place in May but that members should submit their ideas to the Chair and staff before the May meeting.

Committee members agreed to this course of action.

Member Haller: offered to see that the retreat is catered.

Public Speaker | Comments

Jim Dexter: registered his objection to the CPAB not conducting an election yet in 2013 which he considers unprecedented.

Meeting Adjourned