

**Meeting Date:** 8/18/2015

**Report Type:** Staff/Discussion

**Report ID:** 2015-00724



**Title:** Ordinance Establishing the Sacramento Community Police Commission  
(Passed for Publication 08/11/2015; Published 08/14/2015)

**Location:** Citywide

**Recommendation:** Pass an Ordinance repealing and adding Chapter 2.110 and amending Section 2.40.030 of the Sacramento City Code to replace the Community Racial Profiling Commission with the Sacramento Community Police Commission.

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**Department:** City Manager

**Division:** Public Safety Accountbilty

**Dept ID:** 02001031

**Attachments:**

1-Description/Analysis

2-Ordinance

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#### **City Attorney Review**

Approved as to Form

Sheryl Patterson

8/5/2015 2:03:19 PM

#### **Approvals/Acknowledgements**

Department Director or Designee: Howard Chan - 8/5/2015 8:57:20 AM

## Description/Analysis

**Issue Detail:** In March 2004, the Sacramento City Council established a Community Racial Profiling Commission (CRPC) to serve as an advisory body to the Mayor and City Council regarding traffic stop data collection and analysis regarding racially biased policing. Since completing the traffic stop data study in 2008, the CRPC has experienced diminished participation due to the limited authority allowed beyond traffic stop data analysis.

The proposed Ordinance will replace the Community Racial Profiling Commission with the Sacramento Community Police Commission with expanded powers and duties and a focus on bias-free policing and strengthening community-police relations. This new commission will continue to provide guidance and recommendations to the Mayor and City Council on bias-free policing and will solicit community input. The Commission will review the Sacramento Police Department's (SPD) training programs, workforce diversity, and community engagement and other evaluation measures to provide recommendations to strengthen community-police relations. The Commission will be supported primarily by SPD and the Office of Public Safety Accountability.

**Background:** Recent events, beginning with the August 9, 2014 shooting of Michael Brown, an unarmed black teenager by a white police officer, in Ferguson, Missouri, have exposed rifts in the relationships between local police and the communities they protect and serve.

While Sacramento did not experience a similar incident and SPD is a positive example of constitutional and effective policing, the City of Sacramento leaders recognized a need to learn from recent deaths of both civilians and police officers in other cities and do everything possible to prevent such painful events from happening here.

### Community Meetings

Eleven days after the Ferguson incident, Mayor Kevin Johnson convened Sacramento's elected officials, law enforcement, community leaders and other residents to discuss proactive measures that the City could take to strengthen community-police relations. An average of 250 people attended each of the four "Just Justice" meetings. Topics discussed included four R's: Relationships, Recruitment, Resident Frustration and Race. One of the recorded takeaways was the need to reconstitute the Racial Profiling Commission.

### Public Safety Ad Hoc Committee:

Based on feedback shared at these community meetings and other stakeholder input, Mayor Johnson developed a framework of recommendations organized around four pillars: 1) Training, 2) Diversity, 3) Engagement, and 4) Accountability. The Mayor announced this framework at the City Council meeting on December 16, 2014, and he appointed three City

Council Members to the Public Safety Ad Hoc Committee to begin moving the recommendations forward.

Since January 2015, the Public Safety Ad Hoc Committee – composed of Vice Mayor Allen Warren (Chair), Mayor Pro Tem Angelique Ashby, Council Member Rick Jennings, and a representative of the Mayor's Office - has met monthly to address specific areas of Mayor Johnson's framework.

On July 16, 2015, Mayor Pro Tem Angelique Ashby briefed the Community Racial Profiling Commission on the proposal to eliminate that commission and replace it with the Sacramento Community Police Commission.

On July 28, 2015, the Public Safety Ad Hoc Committee submitted its recommendation to the City Council to establish the Sacramento Community Police Commission. On that same date, the Mayor acted to expedite the adoption of the ordinance by bypassing the Law and Legislative Committee.

#### Sacramento Community Police Commission:

On June 18, 2015, Mayor Kevin Johnson and the Public Safety Ad Hoc Committee members informed the media and the community of the "Officer Next Door" initiative. The announcement outlined initial details on the proposed Sacramento Community Police Commission.

**Purpose:** The Sacramento Community Police Commission (SCPC) will consist of 11 members to monitor the implementation, evaluation, and sustainability of the Officer Next Door initiative and the ensuing measures.

**Responsibilities:** The Commission will communicate with diverse communities across the City to propose recommendations to the Mayor and City Council to ensure bias-free policing and strengthen community-police relations. The SCPC will work with SPD to develop metrics to monitor the implementation of those recommendations and regularly report to the Mayor and City Council on the progress of the City in meeting those metrics. The SCPC will keep minutes and records of all proceedings.

**Member Selection & Criteria:** The Public Safety Ad Hoc Committee has recommended allowing the Mayor to make the initial Commission appointments, subject to City Council approval, and bypass the Personnel and Public Employee Committee process to expedite formation of the new commission. The Mayor's selection process will include input from a panel of community members he selects. The initial terms of the commission members will be staggered. Of the 11 individuals to serve on the Commission, there will be at least one former law enforcement official and one representative from each of the following seven categories: faith-based organizations; civil right organizations; business or philanthropy

organizations; organizations representing minority groups; organizations that work with youth in poor and distressed neighborhoods; an academic institution; and an organization that provides assistance to persons suffering from mental illness or homelessness. There will also be two at-large members who live in the City. Subsequent appointments will be made through the Personnel and Public Employees Committee. The final member will be a representative of the Sacramento Police Officers Association, which will nominate a member to be appointed to the SCPC.

When evaluating possible candidates for the SCPC, the following items will be considered for each candidate to ensure the success of the Commission:

- An articulable interest in ensuring bias-free policing and strengthening police-community relations;
- Demonstrated experience working effectively with diverse populations;
- A firm grasp of the concept of municipal jurisdiction; and
- Ability to articulate a precise vision for the role of the Commission and describe how its work might positively impact the communities it is designated to serve.

Applicants will be required to submit the following, in addition to the requirements set forth in Chapter 2.40 of the City Code:

- A resume that demonstrates an ongoing commitment to local communities and to issues that bear a rational relationship to public safety and/or community-police relations.
- A cover letter that contextualizes this ongoing commitment and specifically addresses the points above.

**Operational Considerations:** In order for the Commission to implement its responsibilities, it will need City staff's assistance in providing data in a timely manner. It is expected that the scope of the data requests would be as follows:

- The SCPC may request data from City departments, including SPD, which may be used to conduct independent analysis of SPD's training, policies and practices on the use of force, crisis intervention, stops and detention, and accountability measures to address bias-free policing and strengthen community-police relations.
- The SCPC will not review or report on specific cases of alleged misconduct, review or comment on discipline, and will not seek to influence the course or outcome of a specific complaint investigation or the discipline of specific police officers. The SCPC will not be provided with information regarding an individual police officer's actions, allegations of misconduct, or disciplinary action if that information is confidential or not otherwise available to the public.

**Timeline:**

- By October 2015, the new commission will be appointed and begin to work with SPD and the broader community to define metrics for monitoring success in achieving bias-free policing and strengthening community-police relations.
- By December 2015, the new commission will issue a report to the Mayor and City Council on progress toward developing these metrics and present a calendar for the commission's work and future progress reports.

**Economic Impacts:** None

**Environmental Considerations:** The proposed action is an organizational activity that is exempt from environmental review under the CEQA Guidelines section 15387(b)(5).

**Commission/Committee Action:** Review of the proposed Ordinance is bypassing the Law and Legislation Committee to expedite formation of the Commission and to meet the work schedule timeline included in the Next Door Initiative, so that the commission can provide their initial report to Mayor and Council by December.

**Rationale for Recommendation:** As the Public Safety Ad Hoc Committee's lead on the Accountability pillar of the Officer Next Door framework, Mayor Pro Tem Ashby has evaluated approaches across the nation and reviewing best practices in other cities to determine how best to repurpose the CRPC.

A new Community Police Commission is also being developed by the City of Cleveland and the U.S. Department of Justice to implement a consent decree and it has become an applicable model for the Sacramento community. The City of Seattle already has a similar model in place that was established under the terms of a settlement agreement.

While Sacramento has not faced discrimination lawsuits like Cleveland and Seattle, applying a similar model for community involvement is a proactive step to strengthen trust between the police and community and will further enhance Sacramento's standing and national leadership on this issue of strengthening community-police relations.

**Financial Considerations:** None as the SCPC will be staffed by existing resources within the Sacramento Police Department, the Office of Public Safety Accountability, the City Attorney's Office, and the City Manager's Office.

**Local Business Enterprise (LBE):** Not applicable.

**ORDINANCE NO. 2015-**

Adopted by the Sacramento City Council

**AN ORDINANCE REPEALING AND ADDING CHAPTER 2.110 AND  
AMENDING SECTION 2.40.030 OF THE SACRAMENTO CITY CODE,  
RELATING TO ESTABLISHMENT OF THE  
SACRAMENTO COMMUNITY POLICE COMMISSION**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

**SECTION 1.**

To strengthen the trust between the Sacramento Police Department and the citizens of Sacramento, the city council replaces the Community Racial Profiling Commission with a new citizen commission to advise the mayor and city council on bias-free policing and the implementation, evaluation, and sustainability of efforts intended to strengthen community-police relations.

**SECTION 2.**

Chapter 2.110 of the Sacramento City Code is repealed.

**SECTION 3.**

Chapter 2.110 is added to the Sacramento City Code to read as follows:

**Chapter 2.110 SACRAMENTO COMMUNITY POLICE COMMISSION**

**2.110.010 Commission established.**

The Sacramento Community Police Commission is established.

**2.110.020 Purpose of commission.**

The commission is established for the purpose of providing recommendations to the mayor and city council on bias-free policing and the implementation, evaluation, and sustainability of efforts intended to strengthen community-police relations.

**2.110.030 Powers and duties of commission.**

The powers and duties of the commission are as follows:

- A. To advise the mayor and city council on bias-free policing;
- B. To advise the mayor and city council regarding the Sacramento Police Department's training programs, workforce diversity, community engagement, and accountability; and
- C. At least annually, to report and make recommendations to the mayor and the city council regarding the activities of the commission and the Sacramento Police Department's efforts to strengthen bias-free policing and community-police relations.

#### **2.110.040 Appointment of members and qualifications.**

- A. The initial members of the commission shall be appointed by the mayor with the concurrence of a majority of the city council. Members of the commission in subsequent terms shall be nominated by the personnel and public employees committee and appointed by the mayor with the concurrence of a majority of the city council.
- B. The commission consists of 11 members meeting the following criteria:
  - 1. Seat 1: A member who (a) resides or works in the city, (b) is a member of a faith based organization that is located in the city or provides services to city residents and is a tax-exempt religious organization under the United States Internal Revenue Code section 501(c)(3), and (c) has been nominated by the organization to serve on the commission.
  - 2. Seat 2: A member who (a) resides or works in the city, (b) is a member of a civil rights organization that promotes elimination of prejudice and discrimination and is a tax-exempt charitable organization under United States Internal Revenue Code section 501(c)(3), and (c) has been nominated by the organization to serve on the commission.
  - 3. Seat 3: A member who (a) resides or works in the city, (b) is a member of either (i) a business organization located in the city, or (ii) a philanthropic organization that is located in the city and is a tax-exempt charitable organization under United States Internal Revenue Code section 501(c)(3), and (c) has been nominated by the organization to serve on the commission.
  - 4. Seat 4: A member who (a) resides or works in the city, (b) is a member of an organization that represents and advances the interests of minority groups and is a tax-exempt charitable organization under United States Internal Revenue Code section 501(c)(3), and (c) has been nominated by the organization to serve on the commission.
  - 5. Seat 5: A member who (a) resides or works in the city, (b) is a member of an organization that works with youth in poor and distressed neighborhoods and is a tax-exempt charitable organization under United States Internal Revenue Code

section 501(c)(3), and (c) has been nominated by the organization to serve on the commission.

6. Seat 6: A member who (a) resides or works in the city, (b) is a member of an organization that provides assistance to persons who are homeless or suffer from mental illness and is a tax-exempt charitable organization under United States Internal Revenue Code section 501(c)(3), and (c) has been nominated by the organization to serve on the commission.

7. Seat 7: A member who (a) resides or works in the city, (b) is an employee or an adjunct professor of an academic institution, and (c) possesses expertise in criminal justice matters.

8. Seat 8: A member who resides in the city.

9. Seat 9: A member who resides in the city.

10. Seat 10: A member who is a former peace officer.

11. Seat 11: A member who has been nominated by the Sacramento Police Officers Association.

#### **2.110.050 Term of office-Vacancy.**

Except as provided in this section for the length of the terms of the initial appointees, members of the commission shall serve a term of four years. A member shall hold office until his or her successor has been appointed.

Terms shall be staggered. The terms of the initial appointees to odd-numbered seats 1, 3, 5, 7, 9 and 11 shall expire on December 31, 2017 and the terms of the initial appointees to even-numbered seats 2, 4, 6, 8 and 10 shall expire on July 1, 2019. Thereafter, all members shall be appointed to serve four-year terms.

No member shall serve more than two consecutive terms. The terms established for the initial appointees constitute a full term for the purpose of calculating the two consecutive term limit.

If a vacancy occurs during the term of any member, a successor to serve the unexpired term shall be appointed in accordance with the requirements set forth in section 2.110.040. A successor appointed to complete an unexpired term may be eligible to serve up to two consecutive terms in addition to the unexpired term in accordance with section 2.40.120.

#### **2.110.060 Conflict of interest and financial disclosure statements.**

The provisions of Article III of chapter 2.16 governing conflicts of interest of board and commission members shall apply to members of the commission. In



addition, all appointees to the commission are required to file statements disclosing financial interests pursuant to a conflict of interest code adopted for the commission.

#### **2.110.070 Chairperson and organization of the commission.**

At its first meeting, and annually thereafter, the commission shall elect a commission chairperson and vice chairperson from among the members appointed to seats 1 through 9 as described in section 2.110.040. The chairperson and vice chairperson shall hold office at the pleasure of the commission. When there is a vacancy in the office of chairperson or vice chairperson, the commission shall fill that office from among the members appointed to seats 1 through 9 as described in section 2.110.040. The commission may adopt rules and procedures for the conduct of its business and may do any other things necessary or proper to carry out its functions, which may include the formation of one or more committees. Staff support to the commission shall be provided by the Sacramento Police Department and the Office of Public Safety Accountability, and one or more city employees that may be designated by the city manager.

#### **2.110.080 Commission meetings.**

The commission shall meet at least eight times annually. The meetings shall be noticed and held in accordance with the provisions of the Ralph M. Brown Act (California Government Code section 54950 et seq.). The commission has the authority to notice and hold special meetings in the manner specified by the Ralph M. Brown Act.

#### **2.110.090 Quorum - Voting.**

The quorum required for the commission to conduct business is six members. The affirmative vote of a majority of the members present and eligible to vote is necessary to approve any item.

#### **2.110.100 Compensation.**

Pursuant to City Charter section 29, the compensation commission shall establish the compensation that members of the commission receive for attending commission meetings.

#### **2.110.110 General requirements.**

Unless specifically provided otherwise in this chapter, the general requirements set forth in chapter 2.40, governing the appointment of board and commission members, attendance at board and commission meetings, voting, term limits, and removal, apply to the commission. A member is subject to removal for good cause, neglect of duty, or misconduct as provided in City Charter section 232.

## **SECTION 4.**

Section 2.40.030 of the Sacramento City Code is amended to read as follows:

### **2.40.030 Applicability.**

The provisions of this article shall apply to persons recommended to the mayor by the personnel and public employees committee as appointees for positions on the city council and the following boards and commissions:

Administration, investment and fiscal management board of the city retirement system

Board of plumbing examiners

Civil service board

Construction code board of appeals

Housing code advisory and appeals board

Old Sacramento variance appeals board

Parks and recreation commission (two seats)

Planning and design commission (four seats)

Preservation commission

Retirement hearing commission

Sacramento city public facilities financing corporation

Sacramento community police commission

Utilities rate advisory commission