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**DEPARTMENT OF
POLICE**

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CHIEF OF POLICE

STEVE SEGURA
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**CITY OF SACRAMENTO
CALIFORNIA**

March 8, 2004

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City Council
Sacramento, California

Honorable Members in Session

SUBJECT: ESTABLISHMENT OF COMMUNITY RACIAL PROFILING COMMISSION

LOCATION AND COUNCIL DISTRICT: Citywide

STAFF RECOMMENDATION:

This report recommends that the City Council approve the attached Ordinance to establish a Community Racial Profiling Commission which will provide recommendations to the Council concerning racially biased policing.

CONTACT PERSONS: **Albert Najera, Chief of Police, 433-0800**
Kevin Gardner, Lieutenant, Economic Development, 433-0866

FOR COUNCIL MEETING OF: March 23, 2004

SUMMARY:

On February 18, 2003, Sacramento Police Department and the University of Southern California presented the second year data collection report regarding traffic stops and racially biased policing. The City Council approved a Police Department proposal to support recommendations from the study that included expanding the advisory committee to better reflect inclusion of Sacramento's residents. The

The mission of the Sacramento Police Department is to work in partnership with the Community to protect life and property; solve neighborhood problems, and enhance the quality of life in our City.

attached Ordinance will establish the Community Racial Profiling Commission as a Council appointed commission.

BACKGROUND:

In July 2000 the Sacramento Police Department undertook a comprehensive study of traffic stops to address perceptions of racially biased policing. Following the presentation of the first year data, an advisory committee was developed to involve the community with the discussion. The discussions provided a forum to educate the public regarding police practices, but more importantly, it helped affirm the City’s commitment to the strategic goal to support enhancing community partnerships and educational opportunities for the entire city.

Originally consisting of twenty-six members who represent a variety of organizations and communities, the committee was charged with:

- Discussing and addressing issues surrounding racial profiling;
- Reviewing data collection and analysis processes, procedures and reporting guidelines;
- Developing common language and terms pertinent to the issue;
- Educating the community regarding Department programs and efforts; and
- Identifying community concerns in regard to the issue and other police-community relations.

The formation of a formal commission will provide the City with a greater opportunity to be inclusive and allow for more equitable representation, accountability, and reporting from Sacramento residents in an issue of national importance, for which Sacramento has served as a pioneer. The Police Department has met with the current committee to provide an update regarding the project and to discuss the proposed change to the committee. The following table represents the twenty members who participated in the advisory committee discussions and whether they desire to continue participating on the new Commission:

Name	Representing	Council District	#Meetings Attended	Wishes to Continue
Ahmad, Rasheed	Muslim Community	Not in City	1	No Response
Awoniyi, Bunmi	Wiley Manual Bar Assn.	Not in City	3	No Response
Banes, Red	Fremont Park N.A.	3	2	No
Brown, Alfred	Community	Not in City	4	No
Casimere, Don	Office of Police Accountability	N/A	5	N/A
Debbs, Joe	Community	Not in City	5	No Response
Echols, Wendell	Del Paso N.A.	2	7	No
Eng, Alex	Community	7	9	Yes
Estrada, Francisco	MALDEF	Not in City	5	No Response
Floyd, John	South Land Park N.A.	4	9	Yes
Fualau, Naomi	Community	1	7	Yes
Fujimoto, Lori	Community	4	6	Yes

Name	Representing	Council District	#Meetings Attended	Wishes to Continue
Gayles-White, Anne*	NAACP	8	3	N/A
Marino, Midge	Community	1	6	Yes
Mirales, Mike	Asian Bar Assn.	1	5	Undecided
Ramirez, Gilbert	Gardenland/Northgate	1	7	Yes
Samuel, Arnold	Wiley Manual Bar Assn.	1	9	No Response
Schlossberg, Mark	ACLU	Not in City	8	Undecided
Topaz, David	SPOA	N/A	6	N/A

*David De Luz has replaced Anne Gayles-White as President of the NAACP and wishes to continue serving on the new Commission.

Beginning in September 2003, and continuing throughout the remainder of the year, staff began a series of meetings with the Personnel and Public Employees Committee (P&PE) and the Law and Legislation Committee (L&L) to discuss the staff report and proposed ordinance to establish the Community Racial Profiling Commission. Recommendations received from both committees are reflected in the attached ordinance, which include:

- 1) Changing the committee chairperson from Police Department Deputy Chief to a community member;
- 2) Including the President of the Sacramento Police Officers Association (SPOA) as a standing position;
- 3) Grandfathering in current committee members who express interest in serving on the Commission; and
- 4) Establishing staggered terms for committee members in which members will draw lots to determine the length of term (1-3 years) and no member will serve more than two consecutive terms.

When staff met with L&L on December 16, 2003, it was decided that a member of the L&L Committee would meet with the Chair of the P&PE Committee to discuss the recommendations made at P&PE and to work out an approach that could be agreed upon by both committees in order to present the ordinance to City Council. At the January 20, 2004, meeting between Councilmember Sheedy, representing L&L, and Councilmember Tretheway, representing P&PE, staff received a recommendation to restrict membership to residents of the city of Sacramento. Therefore, the Commission will comprise three standing members (Deputy Chief of Police, Office of Police Accountability, and SPOA representative), eight members (one per district) appointed by the Mayor, and four members who will be appointed by the Mayor, at-large or from community-based organizations. And finally, on February 10, 2004, Mayor Fargo convened an ad hoc meeting to discuss the proposed ordinance. It was decided at that meeting to move forward with the process to pass for publication and to have the report heard by City Council following the noticing period.

FINANCIAL CONSIDERATIONS:

Pursuant to City Charter Section 29, any compensation for serving on the Commission will be determined by the Compensation Commission.

POLICY CONSIDERATIONS:

The establishment of the Community Racial Profiling Commission is consistent with Council policies of inclusion, establishing and strengthening community partnership, and enhancing educational opportunities for the entire community.

ENVIRONMENTAL CONSIDERATIONS:

This report concerns administrative activities that will not have any significant effect on the environment, and that do not constitute a "project" as defined by the California Environmental Quality Act (CEQA) [CEQA Guidelines Sections 15061(b)(3); 15378(b)(2)]

ESBD CONSIDERATIONS:

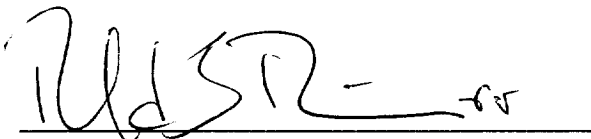
Not applicable.

Respectfully submitted:



for ALBERT NÁJERA
Chief of Police

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

AN:tdj

REF: COP 3-8

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ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE ADDING CHAPTER 2.110 TO THE SACRAMENTO CITY CODE ESTABLISHING THE COMMUNITY RACIAL PROFILING COMMISSION

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

SECTION 1.

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

Chapter 2.110

COMMUNITY RACIAL PROFILING COMMISSION

2.110.010 Commission established.

The City of Sacramento Community Racial Profiling Commission is hereby established.

2.110.020 Definitions.

As used in this chapter, the following words and phrases shall have the meaning given them in this section, unless the context clearly requires otherwise:

“City” means the City of Sacramento.

“City Council” means the City Council of the City of Sacramento.

“Commission” means the Community Racial Profiling Commission.

“Mayor” means the Mayor of the City of Sacramento.

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DATE ADOPTED: _____

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2.110.030 Purpose of Commission.

The Commission is established for the purpose of providing recommendations to the Mayor and City Council concerning racially biased policing.

2.110.040 Powers and duties of Commission.

The powers and duties of the Commission shall be as follows:

- A. To serve as an advisory body to the City regarding traffic stop data collection and analysis processes;
- B. To serve as an advisory body to the City regarding traffic stop data collection and analysis interpretation; and,
- C. To provide the Mayor and the City Council with quarterly reports regarding the Sacramento Police Department's traffic stop data collection study on racially biased policing;

2.110.050 Commission Membership.

The Commission's membership shall be broadly constituted to reflect the diversity of the residents of the City. The Commission shall be composed of fifteen (15) members appointed by the Mayor with the approval of the City Council, subject to the following requirements:

- A. One member shall be a Deputy Chief of the Sacramento Police Department;
- B. One member shall be a representative of the Office of Police Accountability;
- C. One member shall be a representative of the Sacramento Police Officers' Association;
- D. Four members shall be individuals or representatives of organizations that are qualified by interest or experience to address matters pertaining to racially biased policing.
- E. Eight members shall represent the public at large. The members appointed pursuant to this subsection shall reside in the City of Sacramento, and there shall be one at large member from each of the eight City Council districts.

2.110.060 Term of Office.

Members of the Commission shall serve a term of three years. In order to establish staggered terms, the initial appointments of members shall include five members for a one-year term, five

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(6)

members for a two-year term, and five members for a three-year term, as determined by the City Clerk based on the drawing of lots. No member shall serve more than two (2) consecutive terms; provided, however, notwithstanding Section 2.40.120(A), members of the Commission appointed pursuant to Section 2.110.050, subsections A, B, and C, shall not be subject to a limitation on the number of consecutive terms that may be served. In the event a vacancy occurs during the term of any member, the Mayor shall appoint, with the approval of the City Council, a successor to serve the unexpired term, subject to the requirements set forth in Section 2.110.050. A member shall hold office until his or her successor has been appointed. A successor appointed to complete an unexpired term shall be eligible to serve up to two consecutive terms in addition to the unexpired term.

2.110.070 Conflict of Interest and Financial Disclosure Statements

The provisions of Article III of Chapter 2.16 of this Code governing conflicts of interest of board and commission members shall apply to members of the Commission. In addition, all appointees to the Commission shall be required to file statements disclosing financial interests pursuant to a conflict of interest code adopted for the Commission.

2.110.080 Chairperson and Organization of the Commission

At its first meeting, and annually thereafter, the Commission shall elect a Commission Chairperson from among the members appointed pursuant to Section 2.110.050, subsections D and E; provided, however, the Chairperson must reside in the City of Sacramento. The Chairperson shall hold office at the pleasure of the Commission. The Vice Chairperson of the Commission shall be the Deputy Chief of the Sacramento Police Department appointed pursuant to Section 2.110.050(A). When there is a vacancy in the office of Chairperson, the Commission shall fill that office from among the members appointed pursuant to Section 2.110.050, subsections D and E. 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 one or more City employees designated by the Sacramento City Manager.

2.110.090 Commission Meetings

The Commission shall establish a time and place for regular meetings to be held not less than once each month, which shall be noticed and held in accordance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq). The Commission shall have the authority to notice and hold special meetings in the manner specified by the Ralph M. Brown Act.

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2.110.100 Quorum; Voting

The quorum required for the Commission to conduct business shall be eight members. The affirmative vote of a majority of the members present and eligible to vote shall be necessary to approve any item.

2.110.110 Compensation

Pursuant to City Charter Section 29, the Compensation Commission shall establish the compensation members of the Commission receive for attending Commission meetings.

2.110.120 General Requirements

Unless specifically provided otherwise in this chapter, the general requirements set forth in Chapter 2.40 of this code, governing the appointment of board and commission members, attendance at board and commission meetings, voting, term limits and removal, shall 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.

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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