



PRESENTED TO THE BOARD ON:

April 26, 2023

To: Police Accountability Board

From: Hansel A. Aguilar, Director of Police Accountability 

Subject: Recommendation to hire additional ODPa Staff

RECOMMENDATION

Adopt a resolution recommending that the City Council approve funding for the Director of Police Accountability (DPA) to hire additional Office of the Director of Police Accountability (ODPA) staff. Specifically, one additional investigator (FTE) and one communications specialist (FTE).

FISCAL IMPACTS OF RECOMMENDATION

Under the City's current classification system, the projected salary range for the proposed positions are:

- Investigator: \$104,291.20 - \$125,673.60 Annually salary + benefits (approx. \$56,806.47)
- Communications Specialist: \$101,400.00 - \$120,286.40 Annually + benefits (approx. \$56,806.47)

CURRENT SITUATION AND ITS EFFECTS

In this organizational developmental stage, the ODPa and the PAB have undertaken various duties to meet the responsibilities under the Charter. Some areas of the ODPa's and PAB's work have been negatively impacted or delayed by limited permanent staffing and Board member vacancies. These additional permanent staffing requests will ensure parity with the IAB (for investigations) and allow the ODPa and PAB to have a sustainable outreach and communications program.

BACKGROUND

Due to the transformation from the Police Review Commission (PRC) to the Police Accountability Board (PAB) & Office of the Director of Police Accountability (ODPA) oversight model through the passing of Measure II, the ODPa has been in the process of hiring various permanent staff to meet the needs of the enhanced oversight system. On April 27, 2022, the then Police Accountability Board Chair, Michael Chang, sent a letter to the Honorable Mayor and Members of the City Council requesting funding from the City Council for a data analyst (which is currently being selected) and a second investigator. Through further deliberation and reconsideration, the second investigator position was

instead converted into a policy analyst role (currently being temporarily staffed while the permanent selection process is being completed).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

As presented by Interim Director Lee in her March 13, 2022 memo to City Manager Dee Williams-Ridley, an overview of the department's workload, includes the various ongoing tasks:

- Board member training (Charter)
- Monitor implementation of fair and impartial policing recommendations (ongoing) (Council)
- Review Impact Statements under the Police Equipment & Community Review Ordinance (Ordinance)
- Outreach activities (Charter)
- Commendation program (Charter)
- Review of policies converted to the Lexipol format (Board and BPD)

Additionally, the Board currently has the following subcommittees in place:

- Regulations
- Fair & Impartial Policing Implementation
- Mental Health Response
- Fixed Surveillance Cameras (Policy 351)
- Controlled Equipment Use & Reporting
- Chief of Police Process
- Drone Use Policy
- Policy and Practices relating to the Downtown Task Force and Bike Unit Allegations
- Body-Worn Camera Policy
- Conflict of Interest

Ratio of sworn officers to investigators

In their 2021 Report, NACOLE has a discussion regarding the ratio of sworn officers to investigators:

Some jurisdictions with investigation-focused civilian oversight have adopted a personnel-based approach to resource allocation. These cities have established requirements that the oversight agency employ one investigator per fixed number of sworn officers in the overseen law enforcement agency. This practice rests on the assumption that such fixed

ratios will ensure agencies can maintain staffing levels sufficient to handle caseloads and that investigations are completed in a timely manner.

This practice was first established for San Francisco's Office of Citizen Complaints (OCC, now the Department of Police Accountability, or DPA) in 1996. According to the city charter, the DPA is required to employ one investigator for every 150 sworn officers employed by the San Francisco Police Department.

In 2016, voters in Oakland approved charter amendment Measure LL, which established a civilian police commission and instituted a similar requirement for the city's investigation-focused Community Police Review Agency (CPRA). Measure LL mandates that the CPRA hire one investigator for every 100 sworn officers in the Oakland Police Department. (pg. 50)

Vitoroulis, M., McElhiney, C., & Perez, L. (2021). Civilian Oversight of Law Enforcement:: Report on the State of the Field and Effective Oversight Practices. US Department of Justice, Office of Community Oriented Policing Services.

Without adopting any particular formula or ratio, at the very least, it is important that the ODPa/PAB have parity with the BPD's IAB which currently staffs two investigators. While a the ODPa/PAB and its predecessor agency, the PRC, have historically had a low caseload (less than 50 complaints a year), the complexity of investigations has increased. The number of complaints alone does not tell the full story of the investigative unit. Many of the ODPa/PAB investigations have been multiple allegation complaints. Additionally, the introduction of body-worn cameras to the toolkit of BPD officers has created additional investigative tasks for ODPa investigators. Specific reasons why the Office can benefit from an additional investigator include:

- Enhances the ability of ODPa to review BWC footage in a timelier manner if the investigator has a smaller caseload to focus on.
- Reduces the amount of time an investigator will need to spend time facilitating BWC review for Board members.
- Enhances the outreach that can be done in the community regarding the investigative work of the Office.
- Mitigates and reduces the possibility of cases becoming inactive if the investigator is on leave.
- Section 125(14)(i) of the Charter provides for the possibility of the DPA to hire a Chief Investigator. This contemplates and implies a hierarchy in the investigative unit with multiple investigators.

Outreach and Communications

The City's current classification for a communications specialist (Class Code 9011) can assist with the various functions of the ODPa/PAB work. Specifically, the specialist can:

- Develop, implement and coordinate outreach programs for community engagement;
- Assist in the formation of social media outreach;

- Proactively address issues and misinformation through communication;
- Develop and utilize communication strategies to inform and promote ODPA/PAB activities, both internally and externally, through written and visual communications with distribution through a variety of channels, including digital platforms such as the web and social media, and print;
- Create and write daily content regarding ODPA/PAB news and events;

ALTERNATIVE ACTIONS CONSIDERED

- Provide additional funding for part-time employees to fill this role.
- Provide additional funding for a reserve for the DPA to use for temporary staffing.
- Provide additional funding for a robust internship program to augment the work of the ODPA/PAB.

Attachments

1. Resolution: TO MAKE A RECOMMENDATION TO CITY COUNCIL TO APPROVE THE HIRING OF ADDITIONAL STAFF FOR THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY
2. Communications Specialist Classification