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CITIZEN POLICE OVERSIGHT COMMISSION SPECIAL MEETING

September 20, 2006 Community Room, First Floor, City Hall Minutes

Members Present:

Chairperson Wayne Spencer Commissioner David P. Stewart Commissioner Joy Brown-Price Commissioner Curlee Ross Commissioner Judy A. Bowles Commissioner Donald Nicholson Commissioner Ozell Butler

Members Absent:

Vice Chairperson Adrianne Sears Commissioner Nannette Marchand Commissioner Gerald Thompson Commissioner Rita Hall

Staff Present

Mr. Joseph T. Rouzan, Jr., City Administrator

Mr. Julius I. Davis, Chief of Police

Ms. Anita Willis, Special Counsel

Ms. Katie Howe, Administrative Analyst

Ms. Kathy Ares, Recording Secretary

CALL TO ORDER

Chairperson Wayne Spencer called the meeting to order at 6:32 p.m. A quorum was present.

PLEDGE OF ALLEGIANCE

Carmen Carlisle, student at California State University of Northridge, led the Pledge of Allegiance.

INVOCATION

Commissioner Ozell Butler gave the invocation.

APPROVAL OF THE MINUTES

Chairperson Spencer requested that a motion be made to approve the minutes of the July 26, 2006 meeting.

Commissioner Stewart moved that the minutes of the July 26, 2006 meeting be approved. Commissioner Bowles seconded the motion.

MOTION CARRIED

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PUBLIC COMMENTS

Ms. Carmen Carlisle advised the Commission that she is a journalism student from Cal State Northridge, visiting on assignment to observe and bring back information on the Commission Meeting.

The Commissioners introduced themselves and gave their titles to Ms. Carlisle.

COMMISSION ADVISOR REPORTS

Commission Advisor Joseph T. Rouzan, Jr. advised the Commission that Anita Willis, Special Counsel, would speak on the recent ruling of the State Supreme Court which denies public access to police officer records, and its impact on the City of Inglewood Citizen Police Oversight Commission.

Ms. Willis advised the Commission that they are considered a part of the employing agency, the City of Inglewood. Neither the Commission, nor the Inglewood Police Department is a separate entity with respect to the issues.

The records, documents, summaries, and testimony received by the Commission concerning complaints against sworn police officers are considered "personnel records" as defined by CA Penal Code §832.8, and are subject to the non-disclosure provision of Penal Code, §832.7 and CA Gov. Code §\$6254 & 6255 (Public Records Act). Police personnel files are confidential, and may be only disclosed upon compliance with the provisions of Evidence Code §\$1043, 1046; by court order, and by waiver in limited circumstances.

The Public Records Act protects privacy interests, as well as confidential records. The Act balances the public's right to know against the privacy rights of individuals. The legislature has determined that the privacy rights of police officers outweigh the public's right to access police officers' personnel records. There are civil penalties for disclosure of confidential police personnel files. Also, the Brown Act has penalties for disclosure of confidential closed session discussions.

The Commission cannot disclose the names of police officers or disclose information that could lead to the identification of the officer(s). The Commission may use information to develop a statistical report and/or analysis.

Ms. Willis advised the Commission that the ruling affirms the current practice of the Citizen Police Oversight Commission, which keeps such information confidential. Records must not be removed from the City premises, and every safeguard must be instituted to insure the confidentiality of the documents received and produced by the Commission. Discussion of complaints shall be conducted in closed session pursuant to CA Gov. Code §54957.

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Commission Advisor, Mr. Rouzan, also requested that Ms. Willis provide her findings on the Citizen Police Oversight Commission Draft Policies and Procedures submitted by representatives of the police union.

Ms. Willis advised the Commission that the draft policies and procedures were general and consistent with the law.

Commission Advisor, Mr. Rouzan, suggested that the Commission form a subcommittee of five commissioners to finalize the draft policies and procedures.

DISCUSSION

A brief discussion was held regarding hosting a town hall meeting. It was recommended that the Item be brought back for further discussion.

Commission Advisor, Mr. Rouzan, requested that the CPOC web page item be placed on the next agenda, and reminded Commissioners to submit biographic information to Ms. Ares for a web site article on the City web page.

CLOSED SESSION

The Citizen Police Oversight Commission recessed for closed session at 7:28 p.m.

Closed Session adjourned at 8:15 p.m. The public session reconvened in the Community Room at 8:26 p.m.

CLOSED SESSION REPORT OUT

Staff reported that eight (8) complaints were reviewed; five (5) complaints were referred to the police department for further investigation, and three (3) complaints were considered "no further investigation required".

COMMISSION MEMBER REMARKS

Commissioner Bowles was appreciative of the information provided by Ms. Willis. She also commented that it was nice to have Mr. Rouzan and Chief Davis present at the meeting.

Commissioner Price suggested an Ad Hoc Meeting be created to finalize the Citizen Police Oversight Commission Policies and Procedures, and that the Committee be a body of three members.

Commissioner Butler commented that he was pleased with the progress of the Commission.

Commissioner Ross commented that he would be unable to attend next month's meeting. He also commented that he would serve on the policies and procedures subcommittee.

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Commissioner Stewart volunteered to serve as Chairperson for the policies and procedures subcommittee.

Commissioner Nicholson volunteered to serve on the policies and procedures subcommittee. He suggested that the subcommittee meeting be held on a Saturday from 8:00 a.m. to 12:00 p.m. Commissioner Nicholson advised staff of the upcoming CPOC election.

Chairperson Spencer thanked the Commission and Staff for their attendance.

STAFF REMARKS

There were no staff remarks.

ADJOURNMENT

The meeting adjourned at 8:32 p.m.