



Legislation Details (With Text)

File #: ID18-0441 **Version:** 1 **Name:**
Type: Resolution **Status:** Mayor's Office
File created: 3/22/2018 **In control:** City Council
On agenda: 4/19/2018 **Final action:** 4/19/2018
Title: ***RESOLUTION - Amending the Office of Independent Review Policy related to attorney-client privilege and staffing. (Subject to Mayor's veto)
Sponsors: Office of Mayor & City Manager
Indexes:
Code sections:
Attachments: 1. Amended OIR Policy.pdf, 2. OIR Policy Amendment Resolution 4.19.18.pdf

Date	Ver.	Action By	Action	Result
4/19/2018	1	City Council	adopted	

REPORT TO THE CITY COUNCIL

April 19, 2018

FROM: WILMA QUAN-SCHECTER, City Manager
Office of the Mayor & City Manager

SUBJECT

***RESOLUTION - Amending the Office of Independent Review Policy related to attorney-client privilege and staffing. (Subject to Mayor's veto)

RECOMMENDATION

It is recommended that Council approve the resolution to amend the Office of Independent Review Policy as it relates to attorney-client privilege and staffing.

EXECUTIVE SUMMARY

It has come to our attention that the Office of Independent Review (OIR) would be unable to fulfill their mission of increasing trust and confidence between the community and the Fresno Police Department without amending the OIR Policy approved last year. This amendment provides the OIR with limited access to City attorney-client privileged information in order to attend Officer-Involved Shooting Review Committee meetings and perform other essential functions. In addition, we have updated the Policy to reflect the change in support staff from an Administrative Assistant to a Community Coordinator.

BACKGROUND

On March 16, 2017, the City Council voted to support the establishment of the Mayor's Citizens' Public Safety Advisory Board and the Office of Independent Review Policy to make substantive changes in the staffing and operation of the OIR. One of the many significant changes was to require the OIR to attend Officer-Involved Shooting Review Committee meetings. However, the Policy retained language from its' 2009 inception that did not allow attorney-client privileges to the OIR with the City, the Police Department or City Employees. Without the limited version of attorney-client privilege included in this amendment, the OIR would not be able to attend Officer-Involved Shooting Review Committee meetings or any other meetings where the Police Department and their legal counsel are present. In order to do an effective job of building trust and transparency, we have consulted the City Attorney and the OIR and we all agree that the most efficient way to provide access for the OIR to these important meetings and provide information necessary to perform other essential functions of the position is to allow the limited attorney-client privilege contained in this amendment.

This amendment also aligns OIR Policy with the current and future staffing of the OIR. Originally, the Policy staffed the OIR with an Administrative Assistant. Once we hired our new local Independent Reviewer (IR), we determined that the office did not need an Administrative Assistant and would be much better served and much more effective with a Community Coordinator to assist the IR in reaching out to community groups, professional organizations, neighborhood associations, schools, etc. We believe this arrangement is working very well and determined that the Policy should be amended to correctly reflect the actual staffing of the office.

City Attorney has reviewed and approved the Resolution and Policy.

ENVIRONMENTAL FINDINGS

This is not a project for the purpose of the California Environmental and Quality Act.

LOCAL PREFERENCE

Local preference is not applicable to this proposed policy change.

FISCAL IMPACT

This policy will have no impact on the General Fund.

Attachment: OIR Policy Amendment Resolution
Amended OIR Policy