

Ordinance Creating Community Police Oversight Commission and Independent Police Auditor

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Community Police Oversight Commission

City Attorney's/City Prosecutor's Department – Civil Division

- 11 members – one from each Council district, one at-large member, three from non-profits
- Goal of at least 50 percent women
- Appointment process established by resolution
- Review and monitor ongoing operations of PPD, hiring, training, and promotions, uses of force, critical incidents, and personnel complaints



Independent Police Auditor

City Attorney's/City Prosecutor's Department – Civil Division

- Retained and administered by City Attorney
- Reports to City Council
- Best practices advisor to Commission

**Review all
categorical
uses of force**

**Review PPD's
investigations of
personnel
complaints of bias-
based policing**

**Issue public
reports and give
public
presentations**



Access to Records

City Attorney's/City Prosecutor's Department – Civil Division

- Independent Police Auditor has unimpeded access to PPD personnel records to perform duties
 - > May observe briefings, interviews, and deliberations on personnel matters, upon request and where feasible
- Subpoena authority for certain items – for both Commission and Independent Police Auditor



Limitations on Authority

City Attorney's/City Prosecutor's Department – Civil Division

- May not influence or participate in decision-making of personnel matters – due to Council-Manager form of government in Charter
- Confidentiality over employees' personnel records required



Charter Limitations on Ordinance

City Attorney's/City Prosecutor's Department – Civil Division

- **Commission or Independent Police Auditor may not:**
 - > Influence or participate in decision-making of personnel matters
 - > Use records developed to take personnel actions
 - > Direct that actions be taken on PPD employees



Fiscal Impact

City Attorney's/City Prosecutor's Department – Civil Division

- +/- \$500,000 to \$1 million annually
- Potential that Commission or Independent Police Auditor may require additional services, increasing these costs, depending on scope and nature of work plan



Recommendation

City Attorney's/City Prosecutor's Department – Civil Division

1. Find that this action is exempt from review pursuant to CEQA Guidelines Section 15061(b)(3), the “general rule” that CEQA only applies to projects which have the potential for causing a significant effect on the environment; and
2. Introduce an ordinance creating a Community Police Oversight Commission and an Independent Police Auditor, and conduct first reading of the ordinance.