

2018 MAR -5 PM 4:09

Berkeley Community United for Police Oversight

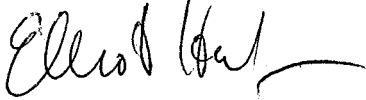
Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the city of Berkeley for the purpose of amending the city charter. A statement of the reasons of the proposed action is attached.


Signed:

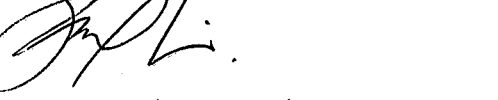
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~~Berkeley Community United for Police Oversight~~ EA
~~Summary Statement~~ EA

Diverse and forward-thinking Berkeley deserves a transparent and accountable police department.

In 1973, Berkeley voters created the current Police Review Commission (PRC), a national first and a step forward for civilian oversight. The citizens approved a mandate that the PRC have access on demand to “written and unwritten information and assistance as it may deem necessary” from the police department or any other office of the City government, and that investigation of complaints against officers be conducted primarily by the PRC. However, due to a drafting error in the filing of the PRC initiative, it was enacted as a simple ordinance instead of a charter amendment. Therefore in 1976, when the Berkeley Police Association sued the City to dismantle the PRC, the Court of Appeals stripped the Commission of its independence, as the ordinance conflicted with the City Charter, which gave these powers to the City Manager to delegate.

This initiative will restore the people’s mandate for independent oversight of the police department. When enacted by a Charter Amendment, the Police Commission will have the authority to ensure that our police department operates within an appropriate framework of public accountability. This proposal is in line with best practices for police oversight in that it:

- Is independent of the executive branch of government
- Adequately staffs, finances and empowers the police commission to perform its functions including investigation of alleged police misconduct, and
- Allows for appropriate community input.

The existing PRC is solely an advisory body. The Police Commission, however, will oversee the Berkeley Police Department, as the voters who created the PRC clearly intended to do. All policies and procedures of the department will be subject to the approval of the Commission. A Policy Section will advise the Commission on policy issues and may audit departmental practices.

The Police Commission will have the authority to see, on a confidential basis, internal department files such as disciplinary records, with the exception of pending criminal investigations. An Investigations Section will investigate complaints at the discretion of the Commission, while the police department’s Internal Affairs Division will continue to investigate others. A Board of Inquiry composed of Commission members may modify the Commission investigators’ findings and proposed discipline.

The new Commission will be independent of city management. It will hire and remove its own managerial staff, while its line staff will be subject to civil service processes. It may hire its own attorney. Its decisions will not be subject to City Manager veto. The Commission may modify the department’s budget request to the city council. The Commission will not have the power to fire BPD officers without cause.

The Police Commission will consist of seven regular and three alternate members, limited to two terms of three years. Commissioners will be nominated as a slate by a Selection Panel, appointed in turn by the Mayor and City Council. An up-or-down Council vote on the slate will confirm the appointment. The Commissioners will be paid a stipend for meeting attendance in recognition of their expanded responsibilities.