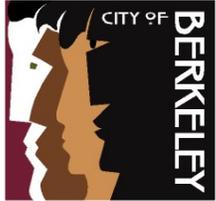


Overview of Proposed Police Charter Amendment

April 2020

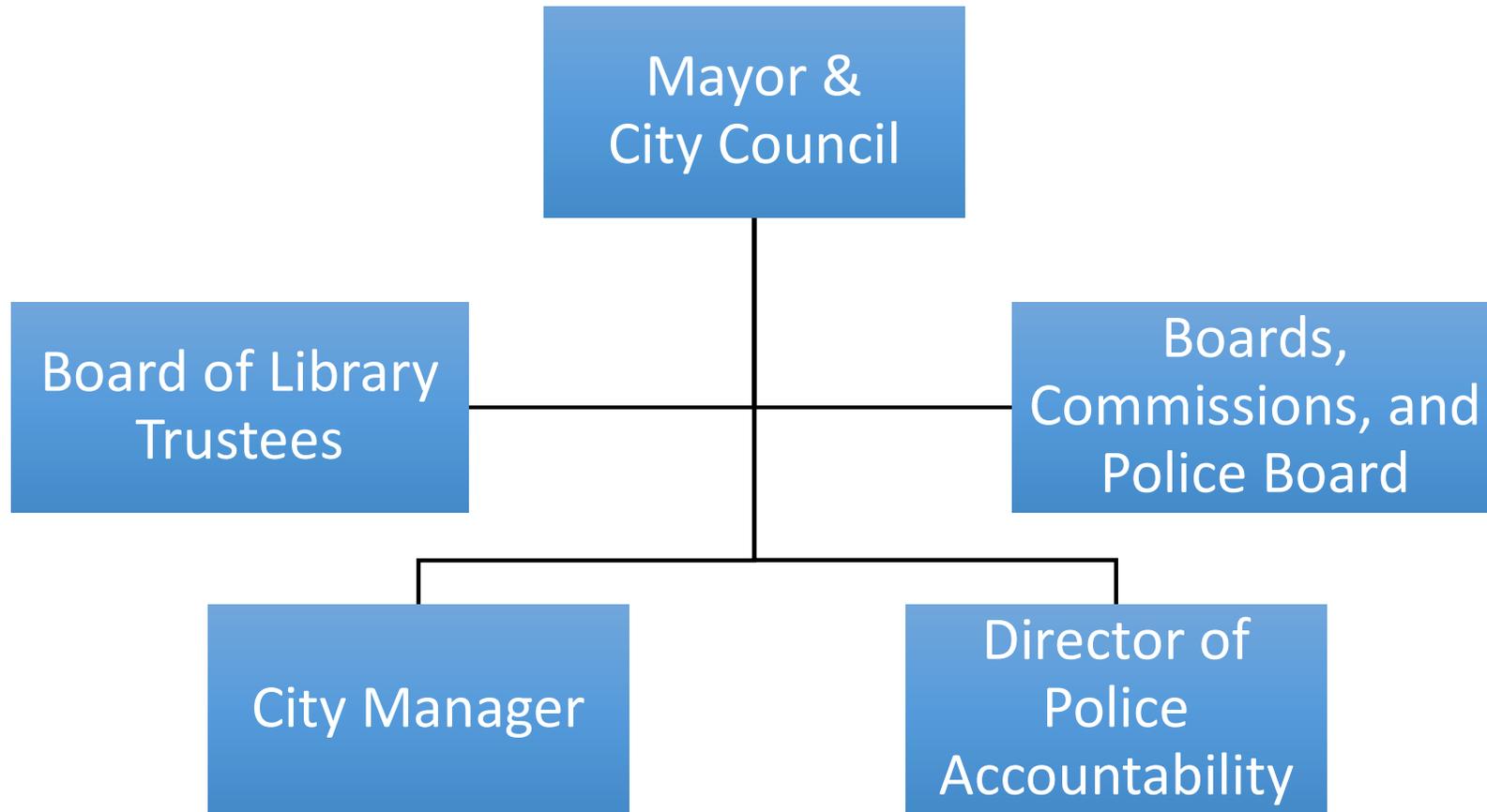


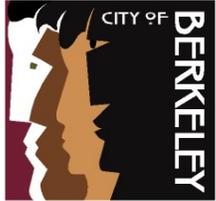
How did we get here?

- Robust commission and community engagement
- Thorough meet and confer process
- City Council leadership



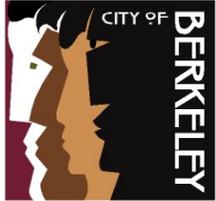
Overview





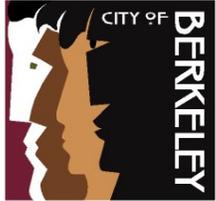
Police Board

- 9 Board Members
 - Require approval by Mayor and City Council
 - May be removed by Mayor and City Council
- Selected responsibilities
 - Advise / make recommendations regarding Police Department practices, policies and procedures
 - Makes findings, recommends discipline, and in certain circumstances recommends the level of discipline to the Chief of Police
 - Recommends termination of Director of Police Accountability
 - Participates in hiring of Chief of Police
 - Broad access to records and subpoena power
- Training requirements and stipend

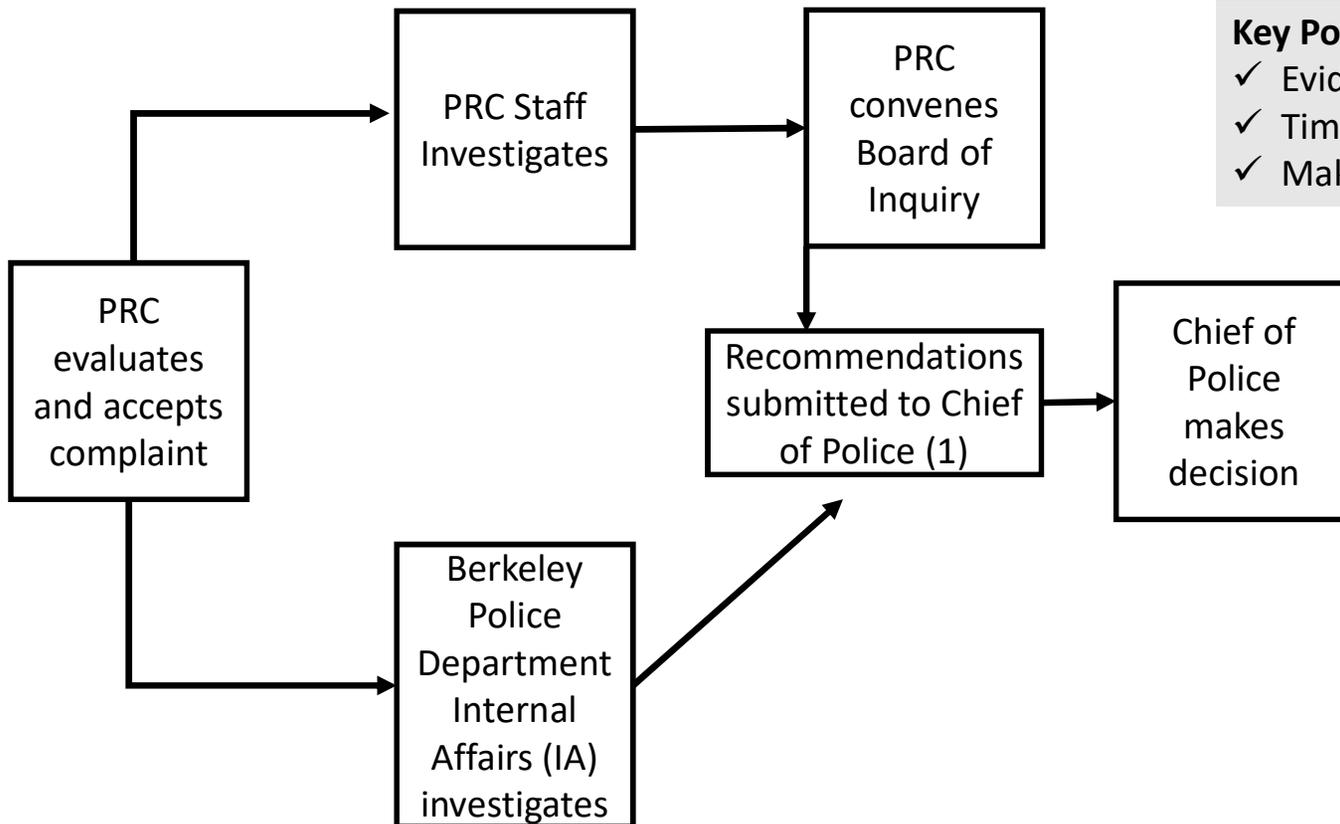


Director of Police Accountability

- Newly established position, reports to Mayor and City Council
- Carries out the day-to-day work of the Police Board
- Oversees investigations, prepares findings and recommendations to Police Board
- Prepares annual reports to the City Council
- Training requirements



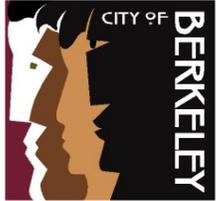
Current Police Review Commission (PRC) Process



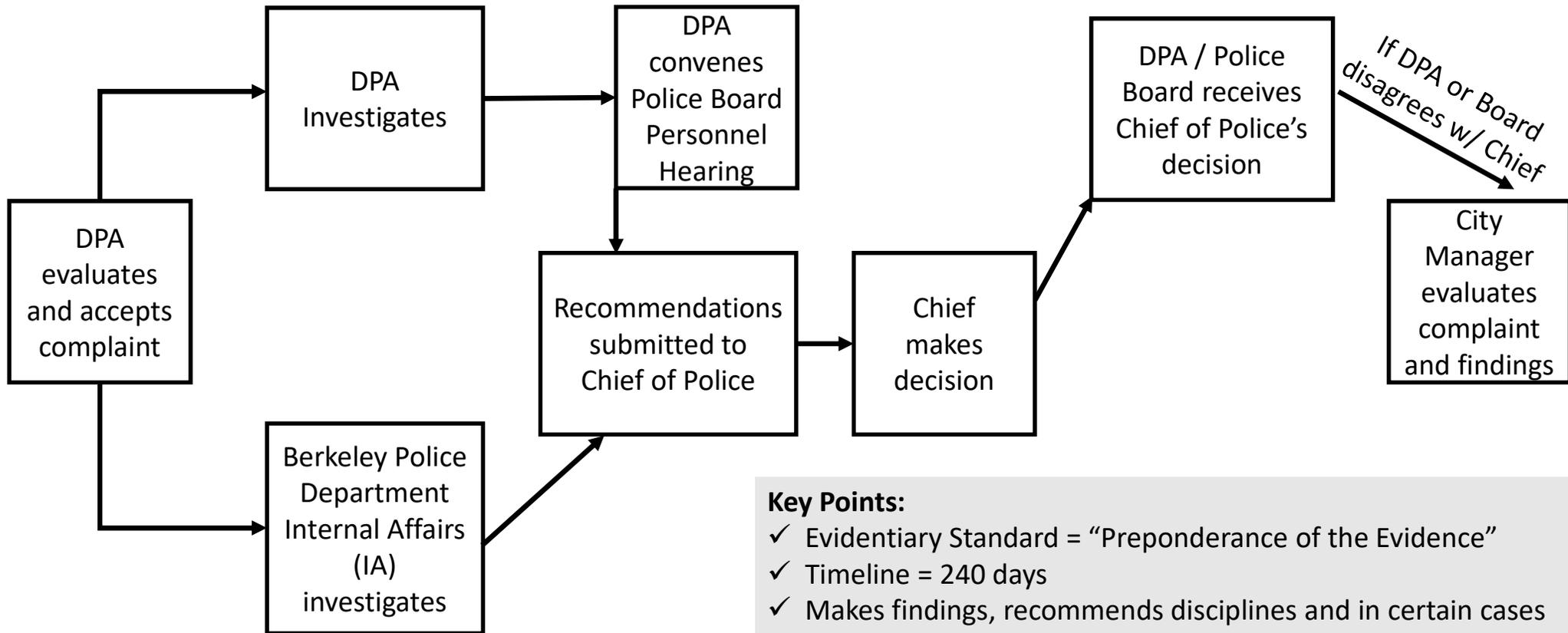
Key Points:

- ✓ Evidentiary Standard = “Clear and Convincing”
- ✓ Timeline = 120 days
- ✓ Makes findings

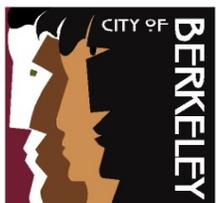
1. City Manager has requested that the Police Chief, when possible, to receive feedback from PRC prior to making findings and issuing discipline (if warranted).



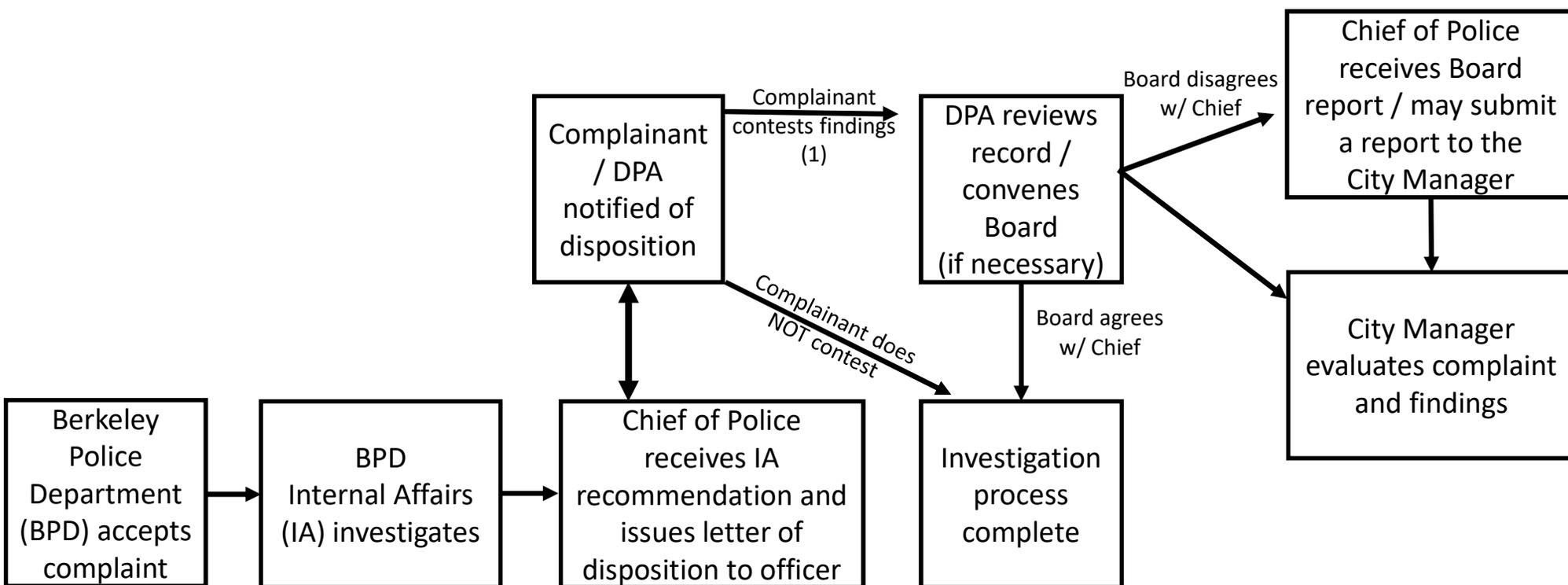
Section 18: Member of the Public Files Complaint with Director of Police Accountability (DPA)



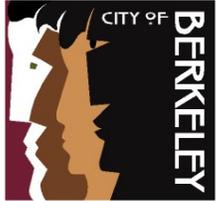
- Key Points:**
- ✓ Evidentiary Standard = “Preponderance of the Evidence”
 - ✓ Timeline = 240 days
 - ✓ Makes findings, recommends disciplines and in certain cases recommends the level of discipline



Section 19: Member of the Public Files Complaint with Police Department

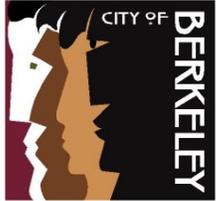


1. Applies when the Chief of Police's finding for the complaint is not sustained, unfounded, or exonerated.



Ballot Question Legal Requirements

- For each measure, the ballot must contain a ballot question of no more than 75 words. (Cal. Elec. Code §§ 303, 9051, 10403(a)(2), 13119.)
 - Ballot question must adhere to the following format:
 - “Shall the measure [stating the nature thereof] be adopted?” (Cal. Elec. Code § 13119(a).)
 - For tax measures, the question must also include the amount to be raised annually and the rate and duration of the tax. (Cal. Elec. Code § 13119(b).)
 - Other requirements:
 - Must be “a true and impartial synopsis of the purpose of the proposed measure”
 - Use language that is “neither argumentative nor likely to create prejudice for or against the measure.”
- (Cal. Elec. Code § 13119(a).)



Proposed Ballot Question

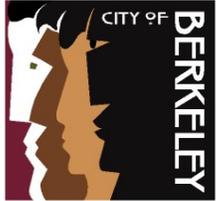
Shall the measure amending the Berkeley City Charter to create an independent Berkeley Police Board and Director of Police Accountability to provide oversight of the Berkeley Police Department (Department) policies, practices, and procedures; obtain access to records; investigate complaints filed by members of the public against sworn employees of the Department; and recommend discipline of sworn employees of the Department based upon a preponderance of the evidence be adopted?

Limited to
75 Words

True and
Impartial

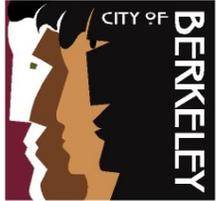
Not
Argumentative

Not
Prejudicial for
or Against



City Attorney's Impartial Analysis

- Ballot must include an impartial analysis of the measure of no more than 500 words. (Cal. Elec. Code § 9280.)
- Impartial Analysis must include the following:
 - Operation of the measure
 - Measure's effect on existing law
 - Statement indicating whether the measure was placed on the ballot by a petition of the voters or by the City Council.(Cal. Elec. Code § 9280.)



Next Steps

- April 14, 2020 City Council meeting
 1. Adopt Resolution submitting Charter Amendment to the Ballot
 2. Designate City Councilmembers to file ballot measure arguments
- Prepare item for the ballot (if adopted by City Council)
 1. City Attorney impartial analysis
 2. Refine fiscal impacts