



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

July 20, 2021

To: Police Accountability Board Regulations Subcommittee,
Lt. Dan Montgomery (BPD), Sgt. Scott Castle (BPA)

From: Katherine J. Lee, ^{KA} Interim Director of Police Accountability

Re: Draft Interim Regulations for Handling Complaints Filed with the PAB/ODPA
Against Sworn Members of the Police Department

Attached for your review are draft Interim Regulations governing the handling of complaints filed with the Police Accountability Board / Office of Director of Police Accountability. These draft regulations are intended to allow the ODPA and PAB to perform investigations, hold hearings, and conduct reviews, pending adoption of permanent regulations.

These draft regulations reflect a merger of the provisions of City Charter Article XVIII, Section 125 (aka Measure II) and the Police Review Commission (PRC) Regulations for Handling Complaints Against Members of the Police Department (latest edition, dated April 4, 2018) that do not conflict with Measure II. I've included a copy of Charter Article XVIII, and an annotated copy of the PRC Regulations, with cross-references to where sections were placed in the draft Interim Regulations and showing which sections were omitted.

Specific notes:

1. **The most important aspect of your review is to carefully study Draft Sections E, I, K, L, and M**, which implement Charter Art. XVIII, Sections 125(18) (i), (j), (k), and (m), and 125(19) (e) through (i). These reflect the new procedures of the Charter amendment. Charter Section 125(18), especially subsection (i), is somewhat difficult to plow through, so I created a flowchart to help visualize the process. (Flowchart on Section 19 to come.)
2. Confidentiality provisions, scattered in several places in the PRC Regs, are gathered in one section. (Draft Sec. I.B.)
3. The following decisions, formerly in the hands of the Commission or the Board of Inquiry, have been put in the hands of the Director for efficiency's sake. This is also consistent with a bit more authority being placed in the hands of the Director under Measure II:

- a. Challenge to Board member (Draft Sec. II.I.3.) – Note also that the PRC Regulations provided for the PRC Officer to poll the other two Commissioners, which violates the Brown Act. (PRC Reg. VI.C.2.d.)
- b. Request for continuance (Draft Sec. II.J.)

General notes:

1. Police Accountability Board, Board member, Office of the Director of Police Accountability, and Director, have replaced Police Review Commission, Commissioner, PRC staff and PRC Officer, respectively.
2. I have removed all provisions relating to policy complaints. These are best left to a separate document, or perhaps incorporation into the Board's Standing Rules.
3. "Business days" have been converted to calendar days in almost all instances. I thought going back and forth between business and calendar days in the PRC Regulations was unnecessary and confusing.

This is a lot of information to go through, and I welcome any questions or concerns you may have. Subcommittee members can discuss with me without fear of violating the Brown Act; I just cannot transmit your thoughts to other subcommittee members until we're in a meeting.

Attachments:

- Draft Interim Regulations, dated July 20, 2021
- Annotated PRC Regulations, dated April 4, 2018
- City Charter Article XVIII, Section 125
- Flowchart, Section 125(18)