



Mayor Jesse Arreguín
Councilmember Sophie Hahn

SUPPLEMENTAL AGENDA MATERIAL

Meeting Date: October 31, 2017

Item Number: 29

Item Description: Review PRC Enabling Legislation and Propose Changes to Policies and Authority

Submitted by: Mayor Jesse Arreguín & Councilmember Sophie Hahn

Alternative recommendation submitted in response to **Item 29: Referral to Police Review Commission to Write a Charter Amendment Ballot Measure**

ITEM 29

Supplemental 2

ACTION CALENDAR

October 31, 2017

To: Honorable Mayor and Members of the City Council

From: Mayor Jesse Arreguin and Councilmember Sophie Hahn

Subject: Review PRC Enabling Legislation and Propose Changes to Policies and Authority

RECOMMENDATION:

Refer to the City Manager and Police Review Commission (PRC) to review the existing enabling legislation for the PRC, and to consider and propose, if necessary, amendments to strengthen the authority of the PRC to consider and act on citizen complaints, and other possible structural, policy and procedural reforms.

Changes the City Manager and PRC should consider, but not be limited to, include the following:

1. Use the “preponderance of the evidence” as the standard of proof for all PRC decisions;
2. Extend the current 120-day limit on the imposition of discipline to one year, consistent with existing California law.
3. Give the PRC full discretion to review complaints as to alleged officer misconduct.

As part of the review of proposed improvements to the PRC process, the PRC should analyze police review policies and structures in other jurisdictions (e.g. San Francisco, BART, etc.) and engage relevant stakeholders, including the Berkeley Police Association and community organizations, in developing proposals.

BACKGROUND:

The Police Review Commission (PRC) was established by the voters of Berkeley in 1973. The original 1973 ordinance abolished Internal Affairs, giving sole responsibility for police discipline to the PRC. The City administration of that time held the view that the PRC had an important role to play in reducing the City’s liability and fostering a better department. As the PRC was established under an ordinance rather than a charter amendment, it was subject to weakening actions by successive administrations.

Over the years since its 1973 adoption, many cities in California and throughout the United States have established Police Review Commissions, and have refined models for fair and effective commission standards and procedures. Thus, we refer to the PRC to review a variety of police review commission models and suggest updates and amendments to strengthen Berkeley's PRC structures, policies and procedures.

FINANCIAL IMPLICATIONS:

Staff time involved in analyzing changes to PRC enabling legislation

ENVIRONMENTAL SUSTAINABILITY:

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

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ACTION CALENDAR

November 14, 2017

(Continued from October 31, 2017)

To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington and Kate Harrison
Subject: Referral to Police Review Commission to Write a Charter Amendment Ballot Measure

RECOMMENDATION: Referral to the Police Review Commission to write a charter amendment ballot measure to present to Berkeley voters to reform the Police Review Commission structure.

BACKGROUND:

In 2016, citizens of Oakland voted to create a Police Review Commission that has power to create real changes. San Francisco voters also passed similar reforms. Berkeley now trails behind these two cities in police accountability standards.

The Police Review Commission (PRC) was established by the voters of Berkeley in 1973. The original 1973 ordinance abolished Internal Affairs, giving sole responsibility for police discipline to the Commission. The city administration of that time held the view that the PRC had an important role to play in reducing the City's liability and fostering a better department. As the PRC was established under an ordinance rather than a charter amendment, it was subject to weakening actions by successive administrations. Regulations limiting the Commission's access to evidence were counter-productive, unnecessary, and not legally required, resulting in and substantially ineffective Commission.

Thus, we refer to the Police Review Commission to review the San Francisco, Oakland, and other police commission models as appropriate and develop a charter amendment ballot measure to provide police accountability. With this referral to the Police Review Commission, the process of writing a ballot measure for the November 2018 election will begin. We request the Commission have a draft ballot measure within six months of the referral.

FINANCIAL IMPLICATIONS:

Minimal.

ENVIRONMENTAL SUSTAINABILITY:

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

CONTACT PERSON:

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