

Police Oversight*

Digest by the Ballot Simplification Committee

Status: Draft for Consideration

On: Tuesday, August 9, 2016

Members: Packard, Anderson, Fasick, Fraps, Jorgensen

Deadline to Request Reconsideration: TBD

The Way It Is Now: The City has an Office of Citizen Complaints (OCC) overseen by the City's Police Commission. The OCC investigates complaints of misconduct and neglect of duty by police officers, and may, in certain circumstances, file disciplinary charges against officers. The Mayor appoints a Director of the OCC from nominees selected by the Police Commission, and the Board of Supervisors confirms the Mayor's appointment.

City departments, officers, and employees must cooperate with OCC investigations, such as by providing documents upon request.

The Police Commission reviews and approves the OCC's annual budget as part of its review of the Police Department's budget. After the Police Commission approves a proposed annual budget, the Mayor and Board of Supervisors may alter it before final adoption.

The Proposal: Proposition ___ would rename the OCC as the Department of Police Accountability (DPA). The Police Commission would still oversee the DPA. If the voters approve Proposition ___, a new elected official called the Public Advocate would have the duty to appoint a Director of the DPA from nominees selected by the Police Commission, subject to the Board of Supervisors' approval. If the voters do not approve Proposition ___, the Mayor will continue to be responsible for appointing a Director of the DPA, under the same process.

In addition to the other duties currently performed by the OCC, every two years, the DPA would be required to review the Police Department's (SFPD) use of force policies and how the SFPD handled police misconduct.

Proposition ___ would also specify that City departments, officers, and employees must provide, unless prohibited by law, the following types of records to the DPA:

- records regarding SFPD policies or practices,
- personnel and disciplinary records,
- criminal investigative and prosecution files, and
- all other records to which the Police Commission has access.

Proposition ___ would provide that the DPA budget would be prepared and submitted separately from the Police Department budget, and that the DPA budget would not need Police Commission review or approval. Instead, the DPA Director would submit DPA's proposed budget directly to the Mayor. The Mayor and Board of Supervisors could alter the budget before final adoption.

A "YES" Vote Means: If you vote "yes," you want to amend the Charter to:

- rename the Office of Citizen Complaints as the Department of Police Accountability (DPA);
- provide for the Mayor or – if approved by the voters – the Public Advocate, to appoint the Director of the DPA from nominees submitted by the Police Commission, subject to the Board of Supervisors' approval;

*Working title, for identification only. The Director of Elections determines the title of each local ballot measure; measure titles are not considered during Ballot Simplification Committee meetings.

- require the DPA to review the San Francisco Police Department's use of force policies and handling of police misconduct;
- specify the City records that the DPA may access to perform its duties; and
- provide that the DPA would separately submit its budget to the Mayor.

A "NO" Vote Means: If you vote "no," you do not want to make these changes.