

LEGISLATIVE DIGEST
(First Draft - 5/24/2016)

[Charter Amendment - Independent Police Oversight Department and Set-Aside]

Describing and setting forth a proposal to the voters to amend the Charter of the City and County of San Francisco, at an election to be held on November 8, 2016, to: re-name the Office of Citizen Complaints (OCC) as the Independent Police Oversight Department (IPOD); eliminate the requirement that the Police Commission approve IPOD's proposed budget and instead give IPOD direct authority over its proposed budget; authorize IPOD to conduct periodic reviews of how the Police Commission, Police Department, and IPOD have handled claims of officer misconduct; and require an annual appropriation to IPOD at least equal to the OCC budget for fiscal year 2015-2016, adjusted for changes in total City discretionary revenues.

Existing Law

The City has an Office of Citizen Complaints ("OCC") within the Police Department. The OCC investigates complaints of misconduct and neglect of duty by police officers, and may, in certain circumstances, file disciplinary charges against the officers.

Under the City Charter, individual departments propose budgets, which are then submitted to the Mayor, who prepares a City-wide budget for consideration and approval by the Board of Supervisors. If a department is overseen by a commission, the commission must review and approve the department's proposed budget. The OCC's budget is part of the budget for the Police Department as a whole and is reviewed and approved by the Police Commission.

The City is not required to provide the OCC with a particular amount of money or other level of financial support in the budget. The City appropriated about \$5.57 million to the OCC in fiscal year 2015-2016.

Amendments to Current Law

The proposal is a Charter amendment that would change the name of the Office of Citizen Complaints to "the Independent Police Oversight Department" or "IPOD".

The proposal would provide that the IPOD budget would be prepared and submitted separately from the Police Department budget. The IPOD budget would not require Police Commission review or approval. Instead, the Director of IPOD would submit the proposed budget directly to the Mayor for inclusion in the overall City budget.

The proposal would authorize IPOD, at such times as it deemed appropriate, to conduct general reviews of how the Police Commission, the Police Department, and IPOD have handled claims of officer misconduct and report on the results of those reviews.

And the proposal would create a budget set-aside to fund IPOD. The proposal would require the City to appropriate to IPOD each year an amount at least equal to the amount appropriated to the former Office of Citizen Complaints for fiscal year 2015-2016, adjusted annually thereafter for changes in aggregate City discretionary revenues.

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