

**LEGISLATIVE DIGEST**

*(Third Draft, 7/26/2016)*

[Charter Amendment - Department of Police Accountability]

**Describing and setting forth a proposal to the voters, at an election to be held on November 8, 2016, to amend the Charter of the City and County of San Francisco to: re-name the Office of Citizen Complaints (OCC) as the Department of Police Accountability( DPA); give DPA direct authority over its proposed budget; and require DPA to conduct a performance audit every two years of how the Police Department has handled claims of officer misconduct and use of force.**

Existing Law

The City has an Office of Citizen Complaints (“OCC”), which is a separate department under the Police Commission. 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.

Amendments to Current Law

The proposal is a Charter amendment that would change the name of the Office of Citizen Complaints to the “Department of Police Accountability” or “DPA”. The proposal would also move the provisions governing the DPA from within current Charter Section 4.127 (“Police Department”) to a new, free-standing Charter Section 4.136 (“Department of Police Accountability”). The DPA would still be overseen by the Police Commission, and the Director would still be nominated by the Commission and appointed by the Mayor.

In addition, the proposal would clarify the DPA’s access to relevant City records, and require the DPA to conduct a performance audit every two years analyzing police use of force and how the Police Department has handled claims of officer misconduct. To the extent permitted by law, the DPA would allow public access to information on the progress and disposition of claims of misconduct or use of force, and the results of the performance audits and reviews conducted by DPA.

The proposal 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 the proposed budget directly to the Mayor for inclusion in the Mayor's proposed budget for the City.

The proposal would also provide that if the proposed Charter amendment creating the Office of the Public Advocate passes, the Public Advocate would appoint the Director of DPA, still subject to nomination by the Police Commission and confirmation by the Board of Supervisors. And the proposal would confirm that the current Director of OCC would continue to serve as Director of DPA, unless and until he or she resigns or is removed by the Police Commission.

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