

Legislation Details (With Text)

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Title: Actions Related to Police Reform, Reimagining Police, and Strengthening the Investigative Authority of the Office of the Independent Police Auditor. (Mayor, Jones, Diep and Carrasco)

Sponsors:

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Attachments: 1. Memorandum from Mayor, Jones, Diep and Carrasco

Date	Ver.	Action By	Action	Result
8/5/2020	1	Joint Meeting for the Rules and Open Government Committee and Committee of the Whole		

Actions Related to Police Reform, Reimagining Police, and Strengthening the Investigative Authority of the Office of the Independent Police Auditor. (Mayor, Jones, Diep and Carrasco)

1. Direct the Independent Police Auditor (IPA) and City Manager to provide Council with specific recommendations for how the IPA would take over investigations of police misconduct from SJPD's internal affairs that would incorporate the following elements:
 - a. Reallocating resources to introduce investigatory capacity within the IPA by the conclusion of negotiations;
 - b. Enabling the IPA to make factual findings based on its investigations of misconduct allegations; and
 - c. Enabling the IPA to continue to report concerns between her factual findings and the Department's disciplinary decisions to the Council and public.
2. Direct the City Attorney, IPA, and City Manager to provide Council with specific recommendations to reform the officer disciplinary appeal process-particularly after a termination decision-to either:
 - a. Identify and implement an alternative to binding arbitration for disciplinary appeals, and/or
 - b. Reform the arbitration process to enable greater accountability and transparency, in:
 - i. Arbitrator selection;
 - ii. Limitation of the arbitrator's scope of review, such as by requiring deference to the factual findings of the IPA;
 - iii. Public disclosure of arbitration decisions;
 - iv. Appeal of arbitration decisions to a court of competent jurisdiction; and/or

v. Other worthwhile reforms made apparent through discussions with the community and in negotiation with the POA.

3. Direct the IPA to evaluate and provide recommendations for expansion of the duties and responsibilities of the current IPA advisory committee, to include review of some of the IPA work, providing additional insight to the Office of the Independent Police Auditor and allowing for greater transparency. Explore models such as the City of Anaheim Police Review Board, City of Davis' Police Accountability Commission, and others.

4. Return to Council in Closed Session to direct City negotiators to commence labor negotiations, to the extent required by the Meyers-Milias Brown Act and related provisions of state law, with the POA and any other relevant bargaining units.

5. Return to Council to discuss how to commence community processes-informed by experts, consultants, and research-to:

- a. publicly review use of force policy in the Duty Manual, and explore potential reforms, and
- b. reimagine public safety response, such as by supplanting SJPd response to many non-criminal matters with civilian response.

6. Return to the Rules Committee to add to the City Auditor's workplan an audit of San Jose Police Department expenditures and workload, expanding the scope of the existing staffing audit to incorporate an analysis of the 1.2 million calls for police service, police budgetary allocations, and progress toward civilianization.

7. To enable Council to evaluate how and whether to mandate expedited public disclosure of body-worn camera footage of incidents of substantial public concern, such as major protests or controversial uses of force:

- a. Return to Council in closed session to receive assessment from the City Attorney of the requirements of POBAR and other state legal restrictions on release of evidence, and of any legal risks to the City and City taxpayers;
- b. Return to Council in open session to discuss resources required to rapidly reproduce video that complies with legal requirements, i.e., privacy mandates to obscure faces and identities of people other than the police officers involved in the incident.

Identify any obstacles created by state law that inhibit our ability to implement straightforward changes to enable greater accountability, and return to Council to determine where the City should take a clear position for legislative advocacy.