

September 27, 2016

Dear Mayor Pro Tem Carr,

Thank you for inviting us on the fact-finding trip to study the Berkeley Policing Commission. We appreciate the opportunity to learn with you as we endeavor to equip our Sacramento Commission with the power needed to ensure the transparency and accountability of law enforcement. We are glad the City Council is taking action, and to help equip you in this process, we have provided an outline of practices from other cities and our recommendations for changes to the Sacramento Community Policing Commission.

We are reforming the Sacramento Community Policing Commission for the purpose of providing for community participation in setting and reviewing police department policies, practices, and procedures, and to provide a means for prompt, impartial and fair investigation of complaints brought by individuals against the Sacramento Police Department. The Commission is to advise the City Council, City Manager and Chief of Police as to all matters of the administration of the Sacramento Police Department (SPD). To accomplish this, we are recommending the City Council make the following changes:

1. **Independent.** The Commission shall be 100% external to the police department and will be supported by two trained professional civilian investigators. Current or former officers and city employees are prohibited from sitting on the commission.
 - a. Currently our commission has a seat for the union representative of the police and staff support from SPD (according to the ordinance).
2. **Policy Review.** The Commission shall have the authority to review policies and procedures of SPD, to educate and gain feedback from the community regarding policies and procedures of SPD, to make recommendations on changes to SPD policies and procedures to the City Manager, Police Chief, and City Council. The Commission has the authority to initiate a review of the policy and procedures, and City Council has authority to request a review of any policy or procedure as needed. Civilian complaints on policy and procedure can result in a review as well.
 - a. Francine Tournour of the Office of Public Safety, and Pastor Les Simmons, the chair of the Policing Commission confirmed that the Commission does not have the authority to review the actual policy and procedures of SPD, and they have never seen the official policies and procedures of SPD.
3. **Independent Investigations.** The Commission staff of 1-2 professional civilian investigators shall collect and conduct independent investigations on allegations of misconduct. They shall receive both personal and policy complaints from the public. The option of mediation will be available. The mediator guides the complainant and the subject officer through a conversation about the incident that led to the complaint with the goal of reaching a common understanding between the parties to the aggrieved party. This removes the case out of investigation process permanently. Upon sustained finding of misconduct, the board shall have the authority to issue discipline.
 - a. Currently, the Office of Public Safety Accountability reviews SPD's internal investigation of themselves, to see if the officers followed the policies and

procedures that SPD set for themselves. We do not have a mediation option for complaints.

- b. The Office of Public Safety Accountability is staffed by 1 person who covers SPD and Sac Fire.
4. **Budget Review.** Review Mayor's proposed budget to determine whether budgetary allocations for the Police Department are aligned with the commission's approved policies procedures, customs and General Orders. The Commission shall conduct at least one public hearing on the department budget per budget cycle and shall forward the Council any recommendations for change.
5. **Data Access.** The Commission and investigative staff/Office of Public Safety and Accountability shall have the same access to all SPD files and records, in addition to all the files and records of other City departments and agencies, as the SPD's Internal Affairs Division. The SPD and other City department's agencies shall make every reasonable effort to respond to the Commissioner's request for files and records within 10 days.
 - a. The ordinance that established the Office of Public Safety Accountability does not provide this power. Staff has been able to build relationships to get access, however, that access can be taken away at any moment. It must be written in ordinance so staff can have access to un-redacted data at all times. This was a strong recommendation from the Berkeley Policing Commission.
6. **Subpoena.** To the extent possible permitted by Sacramento charter law, the commission will have the power of subpoena of witnesses and records concerning a complaint.
7. **Hiring of Police Chief.** The Commission will play a role in the hiring of the police chief, whether they advise council on candidates and/or engage the public during the hiring process through hosting community forums.

We have an expectation that all parties will be unbiased and commit to uplifting the public good at all times.

We are committed to working with the Mayor, City Council, City Manager, Sac PD and the Office of Public Safety and Accountability to bring about a stronger Policing Commission. To increase trust between law enforcement and community, transparency and accountability are an essential aspect to our community-policing model in Sacramento.

Please do not hesitate to contact us if you have further questions.

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