

Potential Agreement 1: Approval of Draft PAC Areas of Agreement on Officer Accountability

Context: City Council Resolution 37548, Exhibit A, required the Police Accountability Commission to “create a code package [which] will contain [...] various powers of the new oversight system which require a more detailed explanation of how these will function,” including:

- “describ[ing] and defin[ing] the discipline procedure, with consideration of the existing procedure and the addition of the Community Police Oversight Board;”
- “Workflow of investigations and processes;”
- “Procedures after completion of investigation, including determination of validity of allegations, application of the preponderance of evidence standard, due process considerations, whether there is an appeal process for a complainant and the appeal process if one exists, whether or not City Council will have a role in appeals, and application of discipline guide and compliance with other State laws.”

Previous PAC Understanding: The PAC’s Agenda and Scope, originally approved March 31, 2022 and amended September 15, 2022, includes determining “case handling and investigative processes, including workflow description,” which was defined as including:

- Types of conduct/complaints the new agency will investigate and determine outcomes
- Current model: bureau complaints vs community complaints
- Complaint process: community member vs. internal bureau complaints
- Determination process
- How to impose discipline:
 - due process and just cause rules
 - Appeal process – will police and community members be allowed to appeal their cases?
 - Mediation options (community member and police officer)

Previous PAC Understanding: The PAC Agenda and Scope includes a mandate to create “Areas of Agreement (Complaint, Investigation, Determination, Discipline, etc. processes)”.

Previous PAC Understanding: The PAC Powers and Duties Phase Co-Chairs created sub-committees to refer draft Areas of Agreement to the full commission for its approval. These sub-committees included the Sub-Committee on Officer Accountability, tasked with referring draft Areas of Agreement on Officer Accountability. The Sub-Committee referred the document on 02-02-2023.

Potential Agreement: Approve the PAC Draft “Areas of Agreement on Officer Accountability” document, as referred by the Sub-Committee on Officer Accountability on 02-02-2023 and as amended during the 02-06-2023 and 02-09-2023 meetings of the Police Accountability Commission, as the PAC Areas of Agreement on Officer Accountability.

Potential Agreement: Authorize staff and co-chairs to complete formatting and typographical fixes, as well as update the flowchart to reflect changes to the text made by the Police Accountability Commission.

Can the PAC change this agreement later? Yes. The PAC has no plans to reconsider this document at a later time, but members can suggest altering this document at any point.

Potential Implementation: If the commission comes to this agreement, it will be publicized by the PAC and referenced in future conversations about structure and details, transition and broader system, and other discussions leading to the development of PAC recommendations to the City Council.