

**Report of the
Permitted Interaction Group
on Proposals Relating to the
Police Department and the
Police Commission**

Feb 12, 2016

Members:

Kevin Mulligan, Chair

Guy Fujimura

Pamela Witty-Oakland

POLICE COMMISSION CHARTER PROPOSAL (Revised 2-12-16)

Section 6-1603. Chief of Police

- The Chief of Police shall serve at the pleasure of the City and shall not attain any property interest in the position of Chief of Police. The Police Commission may remove the Chief of Police at any time prior to the expiration of a five-year appointment. ¹
- Change the criteria in 3. Remove the term "Gross or continuous maladministration" as a cause sufficient for removal.
- Replace with criteria from *Missouri Revised Statutes*: The Chief of Police shall only be removed or *suspended* for cause. This would give the Police Commission the authority to suspend the Chief of Police. Cause may include:
 1. The chief has committed any act, while engaged in the performance of his or her duties, that constitutes a reckless disregard for the safety of the public or another law enforcement officer;
 2. The chief has caused a material fact to be misrepresented for any improper or unlawful purpose;
 3. The chief is unable to perform his or her duties with reasonable competence or reasonable safety because of a mental condition, including alcohol or substance abuse.
 4. The chief has acted in a manner for the sole purpose of furthering his or her self-interest or in a manner inconsistent with the interest of the public or the chiefs governing body. ²

Section 6-1606. Powers, Duties and Functions (of Police Commission)

- Amending Section (d) by giving the Police Commission the power to subpoena and require the production of evidence pertinent to the investigation and administer oaths to such witnesses to the extent permissible by law. ³ The Police Commission can make recommendations concerning allegations of officer misconduct to the Chief of Police and the Chief must respond to the Police Commission with his or her decision on the recommendation in writing.
- The Police Commission investigations should provide an objective analysis of complaints filed by citizens to ensure compliance with policy and procedure, best practices and the law. ⁴

¹ Based upon Los Angeles City Charter Sec. 575 — Appointment and Removal of the Chief of Police with modifications

² Missouri Revised Statutes — Section 84.490.1

³ City of Long Beach California City Charter — Citizen Police Complaint Commission

⁴ Fresno Office of Independent Review