**Gene Bergman’s preferred pathways**

*A Charter Change on Discipline/Investigation, including the authorization for the adoption of ordinances to effectuate them.*

1. *Powers*
2. For high level Infractions
3. The creation of a new independent community body (different from the commission) to decide cases involving higher level infraction, as those are defined in the BPOA contract and as designated and referred by the commission (see B1a below), and to impose discipline
4. The body is appointed by the city council after soliciting input from the range of community organizations interested in public safety, criminal justice, equity, etc.. The body should also represent the diversity of the City’s population, particularly those populations that have been most marginalized
5. There is a budget for an independent counsel and other needed staff and compensation on par with other community commissions and boards
6. Cases are investigated and discipline is proposed by the BPD Chief or their designees
7. The current due process system is maintained
8. The obligation to report dispositions to the commission as part of its monitoring and auditing responsibility
9. For middle and low level infractions
10. The codification of the current system in which the Police Commission is involved in the community complaint process, with changes. See Resolution of 10/18/21 (p 5 line 67-87); Seguino 5/30/23 memo.
	1. The right to review all complaints of police abuse and designate the level of seriousness. This includes use of force incidents. The right to create policy to detail this right. Resolution of 10/18/21, p 5 line 67-68; Seguino memo p 2,3)
	2. The right to request an investigation into an incident and receive a report from chief, review incidents, receive unfettered access to information, conduct an independent investigation using its own hired investigator, give input and make recommendations, require chief to publish their objections and reasons if the PC recommendation is not followed, The right to create policy to detail this right. (10/18/21 Res lines 69-87; Seguino memo page 2)
	3. The right to publish anonymized complaint reports and create policy to detail this right. (Seguino memo page 2)
	4. The creation of the process whereby a subcommittee would be involved in the complaint review and recommendation process and a separate subcommittee would act as a grievance body pursuant to current charter. (PC memo of 4/22/22 page 12 lines 428-429)
	5. A budget for an independent counsel and other needed staff and compensation on par with other community commissions and boards
11. The express authorization for the city council to adopt ordinances effectuating the above powers and then the drafting of ordinances to put this into effect.

*Audit/Monitoring*

*A Charter Change on Audit/Monitoring, including the authorization for the adoption of ordinances to effectuate them, that* codifies *in charter the role of the PC to review all community complaints and engage in the auditing and monitoring of the department.*

*The rights of the PC to be authorized by charter include the right to monitor and audit the department and all its personnel, the right to an independent monitor, the right to unfettered access to data and analysis, the right to adopt directives and policies and make recommendations on practices, the right to other resources such as legal and other staff, the right to report and discuss monitoring and auditing conclusions in public*

The following is needed in ordinance to put this power into effect:

1. The creation of an independent monitor position along the lines proposed in the memo by then-PC co-chair Seguino on May 30, 2023 and supported by the commission at its August meeting
2. The codification of the role of the REIB office to access, analyze, and report to the PC and CC on data related to use of force and other interactions that implicate equity issues including mental health, drug and alcohol, homelessness, etc. as well as equity issues involving safety perceptions, response times, and disparities related to geographic communities (this comes out of discussions I and Councilor Melo had with Dir. Carson--she was supportive of and helped craft it; Seguino memo p 4 is not directly on this point but supportive of)
3. Codify the right of the PC to unfettered access to data, investigations, use of force reports and other information needed to allow the PC to carry out its auditing and monitoring mandate.
4. Codify the PC process for adopting directives & other policies. (See PC 4/22/22 memo pages 4-5; Seguino memo p 3)
5. Codify and resource the PC’s oversight of training. (Seguino memo page 3)
6. Codify the right to discuss anonymized complaints in public as part of the monitoring and auditing process (Seguino memo p 2).
7. Codify the obligation for post-incident reviews and analyses to be submitted to the PC (Seguino memo p. 2-3)
8. Codify the right to monitor and audit investigations of complaints
9. Codify the right to audit the department and make recommendations (Seguino memo p 4) on department policies and practices, such as de-escalation practices and racial disparities in policing.
10. Codify the right to monitor and audit the non-sworn staff of the PD (Seguino memo p 4).