TO: HONORABLE CITY COUNCIL  
FROM: CITY MANAGER  
DEPARTMENT: COMMUNITY SERVICES  
DATE: NOVEMBER 14, 2005  
CMR: 413:05  

SUBJECT: HUMAN RELATIONS COMMISSION RECOMMENDATION TO THE  
CITY COUNCIL APPOINTING THE POLICE REVIEW FUNCTIONS  
AND THE ASSIGNED ROLES FOR THE HUMAN RELATIONS  
COMMISSION AS PROPOSED BY CITY STAFF AND RESOLUTION  
APPOINTING A PANEL OF EXPERTS TO REVIEW CHANGES TO  
EXISTING POLICE POLICIES AND PROCEDURES REGARDING  
COMMUNITY RELATIONS AND CREATING INDEPENDENT  
INTERNAL AFFAIRS REVIEW PANEL REGARDING INTERNAL  
INVESTIGATIONS AND CITIZEN COMPLAINTS  

RECOMMENDATION  
The City of Palo Alto’s Human Relations Commission (HRC) and staff recommend that City  
Council assign the three roles identified in the Police Review Functions policy to the HRC, with  
the understanding that the HRC is acting in an advisory role only and that this role is consistent  
with the HRC’s historical function. In addition, staff recommends Council adopt a resolution  
appointing a panel of experts to review changes to existing police policies and procedures  
regarding community relations and creating independent internal affairs review panel regarding  
internal investigations and citizen complaints.  

BACKGROUND  
During a special meeting held on September 14, 2005, the Human Relations Commission  
received a report from the City Manager identifying his proposed Police Review Functions and  
the three advisory roles for the HRC (Attachment A). The Police Review Functions were  
summarized in a previous joint City Council/HRC study session as follows:

- **Alternative Forum for Citizen Complaints:** Assigned to Human Relations Commission  
  Rationale: Chapter 2.22.050 of the Municipal Code makes it clear that the jurisdiction of  
  the HRC is “to act with respect to any human relations matter when the commission finds  
  that any person or group does not benefit fully from public or private opportunities or  
  resources in the community, or is unfairly or differently treated due to factors of concern  
  to the commission (emphasis added).” While the HRC does not have the authority to  
  investigate complaints, it continues to be a forum for those who do not wish to go to the  
  Police Department directly. It is important to note that there is currently a detailed policy  
  and procedure for responding to citizen complaints, which would continue to be  
  followed. In addition, the community forums for discussion of police issues are a  
  valuable part of the Human Relations Commission’s agenda.
- **Ongoing Demographic Data Review:** Assigned to Human Relations Commission  
  **Rationale:** Chapter 2.22.050 and Chapter 2.22.060 charge the HRC to “make such studies which, in the judgment of the commission, might aid in affecting matters within the jurisdiction of the commission.” The HRC would discuss, probe and question the department on the results of its information gathering efforts and make recommendations to the Police Chief. The HRC would also review the Auditor’s survey of car stop data.

- **Police Department Strategic Plan Review:** Assigned to Human Relations Commission  
  **Rationale:** The Department is currently developing a new Five Year Strategic Plan. The Plan shapes the Department's mission, vision, values and goals for the next five years. Department staff has interviewed community and internal stakeholders, including members of the HRC, for input. Staff intends on sharing the draft plan relative to community relations with the HRC prior to implementation. Additionally, staff will provide progress reports to the HRC on how the Department is doing in meeting its goals and milestones.

- **Independent Review of Internal Investigations and Citizen Complaints:** Assigned to Independent panel consisting of City Attorney, City Auditor, Human Resources Director, specialized outside legal counsel.  
  **Rationale:** Penal Code section 832.7 makes personnel files and internal affairs investigations confidential. Palo Alto’s Charter does not allow access to internal investigations other than by the Police Chief, City Attorney and City Manager. Information obtained from an internal affairs investigation may only be disclosed pursuant to a court order. Evidence Code Section 1043 further limits the release of information from an internal affairs investigation to be used solely for a court proceeding.

- **Policy Review:** Assigned to Independent Panel of Experts  
  **Rationale:** The Council-appointed panel would review any changes to existing police policies and procedures having to do with community relations. The panel would meet at least once a year, or more often as required. The meetings would be public. The panel would be advisory to the Police Chief. The panel would be made up of former mayors, former police chiefs, retired judges or law-enforcement specialists, a representative from the ACLU, a criminal defense attorney and a member of the Human Relations Commission. Examples of upcoming policies that the panel would review include: use of force, domestic violence, and use of canine unit, use of SWAT team, police interrogations, and internal investigation procedures.

**DISCUSSION**

In its review on September 14, 2005, the HRC listened to public comment and then discussed the proposed Police Review Functions and the proposed HRC roles. The City Manager reminded the HRC that this process began when two members of the City Council, through a colleagues memo, proposed the original idea of having the HRC act as a “police review body”. City Manager Benest, Police Chief Johnson and City Attorney Baum met to review and address the HRC’s questions and concerns.

The City Manager stated that its the goal of this meeting with the HRC Commissioners was to clarify and answer their questions and provide the Police Review Functions as a framework for
clarifying the HRC roles and the additional two functions: the Independent Review of Internal Investigations and Citizen Complaints and the Policy Review by and Independent Panel of Experts. The City Manager reminded the HRC that there are state and federal restrictions that prevent the HRC from having more of a police oversight role. He stated that the City Council still needs to discuss and agree to the Police Review Functions and that the City Council would be very interested in the HRC recommendation concerning this new policy.

After further discussion, the HRC Chairperson entertained a motion that the HRC accept the three Police Review functions proposed for the HRC and recommend to the City Council that it assign those roles to the HRC, with the understanding that the HRC is acting in an advisory role only and that this role is consistent with the HRC’s historical function. The motion passed unanimously.

The HRC discussed the Police Review Function regarding an Independent Panel of Experts to review Police Policy Review. The HRC Chairperson entertained a motion that the HRC accept as written the proposal regarding the creation of an Independent Panel of Experts to review police policies, with the provision that in addition to having an HRC commissioner assigned to the panel, the HRC reserves the right to make comments on proposed candidates. The motion passed on a five to one vote of commissioners.

**RESOURCE IMPACT**
This recommendation does not represent a significant impact on staff resources.

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**ATTACHMENTS**
Attachment A: Police Review Functions Report