

**Office of
The City Attorney
City of San Diego**

**MEMORANDUM
MS 59**

(619) 236-6220

DATE: September 29, 2017
TO: Honorable Mayor and Councilmembers
FROM: City Attorney
SUBJECT: Chief of Police Recruitment

The purpose of this memorandum is to provide my input as your City Attorney into the selection of the City's next Chief of Police. My Office is among the internal stakeholders most affected by the selection as we have substantial and regular interactions with the Police Department that are unique among City offices:

- Our Criminal Division prosecutes crimes based on Police Department arrests and investigations, attends community meetings with officers, reviews citations for potential prosecution at Police Divisions throughout the City, trains officers, prosecutes individuals who harm our officers, and works with the Police Department to create and administer diversion programs, collaborative courts, and other neighborhood programs;
- Our Civil Advisory Division has a team of attorneys who provide legal advice to the Chief and Police Department on a daily basis; and
- Our Civil Litigation Division defends Police Department employees and the City against claims such as excessive force, false arrest, and unlawful infringement of Constitutional rights.

I offer input into the selection process with those responsibilities in mind, and with the hope that we can build upon a tradition of leadership and service that has made San Diego one of the safest big cities in America. There is no priority in these suggestions; all are equally important.

COMMUNITY ENGAGEMENT: I believe that our community stakeholders must have a meaningful voice in the selection of our next Chief. Selection committee members should be chosen from among those San Diegans who best represent their diverse communities and are willing to serve without an expectation of privacy. Any process that leaves stakeholders feeling shut out, or which casts doubt on the integrity and transparency of the selection committee, creates an unjustifiable handicap for the new Chief as he or she seeks to establish credibility and trust with the community.

TRUST AND COMPASSION: To build trust within our neighborhoods, the Chief must be committed to implementing community policing strategies that include the development of outreach programs, cultural sensitivity, racial bias and equity training, and a diversified workforce. The Chief must be willing to work closely with other public entities, schools, community leaders, social service agencies, and nonprofit organizations to develop solutions to address and solve complex community problems such as drug addiction, domestic violence, hate crimes, chronic homelessness, serious mental health issues, rape, trafficking, and routine police stops. Our next Chief must lead with compassion by committing to protect all community members regardless of their immigration status, or their social, racial, and economic background. The Chief must be open to criticism and willing to change Police Department priorities in response to community input and interactions.

OFFICER RECRUITMENT AND RETENTION: Community policing is not effective when the workforce is insufficient, which is currently the case. The next Chief must be able to articulate and execute a plan for increasing the size, diversity, and cultural awareness of the Police Department so that it best reflects our community's demographics. To do so, the Chief must be able to advocate for his or her workforce to build morale, retain officers, and attract future talent, while building and maintaining the trust and confidence of our communities by listening, assessing and correcting weaknesses in the training, oversight, and management of law enforcement personnel, and fully investigating complaints concerning officer misconduct. This requires a unique skill set, vision, and maturity.

SEXUAL ASSAULT AND CRIMES AGAINST VULNERABLE POPULATIONS: The next Chief should be committed to ending the Police Department's rape kit testing backlog, to protecting victims of sexual assault and domestic violence, and to ensuring resources are available to address human trafficking and our elderly population, particularly those with dementia and Alzheimer's disease.

GUN VIOLENCE: The next Chief should be a strong partner with our Office in developing new tools to reduce gun violence, including advocating for universal background checks, stricter ammunition controls, weapons trafficking laws, and other protections that ensure that only responsible, competent people have access to guns.

We appreciate your consideration of our input, and look forward to assisting with this process as it unfolds over the next several months.

MARA W. ELLIOTT, CITY ATTORNEY

By /s/ Mara W. Elliott
Mara W. Elliott
City Attorney