

COMMISSION ON POLICE PRACTICES

RULES STANDING COMMITTEE AGENDA

Thursday, November 7, 2024

4:30pm-6:00pm

**Procopio Towers
525 B St.
17th Floor, Suite 1725
San Diego, CA 92101**

The Commission on Police Practices (Commission) meetings will be conducted pursuant to the provisions of California Government Code Section 54953 (a), as amended by Assembly Bill 2249.

The Commission business meetings will be in person and the meeting will be open for in-person testimony. Additionally, we are continuing to provide alternatives to in-person attendance for participating in our meetings. In lieu of in-person attendance, members of the public may also participate via telephone/Zoom.

The link to join the meeting by computer, tablet, or smartphone at 4:30pm is:

<https://sandiego.zoomgov.com/j/1617084540>

161 708 4540

In-Person Public Comment on an Agenda Item: If you wish to address the CPP Standing Committee on an item on today's agenda, please complete and submit a speaker slip before the Committee hears the agenda item. You will be called at the time the item is heard. Each speaker must file a speaker slip with the CPP staff at the meeting at which the speaker wishes to speak indicating which item they wish to speak on. Speaker slips may not be turned in prior to the day of the meeting or after completion of in-person testimony. In-person public comment will conclude before virtual testimony begins. Each speaker who wishes to address the Commission must state who they are representing if they represent an organization or another person.

For discussion and information items each speaker may speak up to three (3) minutes, subject to the Committee Chair's determination of the time available for meeting management purposes, in addition to any time ceded by other members of the public who are present at the meeting and have submitted a speaker slip ceding their time. These speaker slips should be submitted together at one time to the designated CPP staff. The Committee Chair may also limit organized group

presentations of five or more people to 15 minutes or less.

In-Person Public Comment on Matters Not on the Agenda: You may address the Standing Committee on any matter not listed on today's agenda. Please complete and submit a speaker slip. However, California's open meeting laws do not permit the Standing Committee to discuss or take any action on the matter at today's meeting. At its discretion, the Standing Committee may add the item to a future meeting agenda or refer the matter to the CPP. Public comments are limited to three minutes per speaker. At the discretion of the Committee Chair, if a large number of people wish to speak on the same item, comments may be limited to a set period of time per item to appropriately manage the meeting and ensure the Standing Committee has time to consider all the agenda items. A member of the public may only provide one comment per agenda item. In-person public comment on items not on the agenda will conclude before virtual testimony begins.

Virtual Platform Public Comment to a Particular Item or Matters Not on the Agenda: When the Committee Chair introduces the item you would like to comment on (or indicates it is time for Non-Agenda Public Comment), raise your hand by either tapping the "Raise Your Hand" button on your computer, tablet, or Smartphone, or by dialing *9 on your phone. You will be taken in the order in which you raised your hand. You may only speak once on a particular item. When the Committee Chair indicates it is your turn to speak, click the unmute prompt that will appear on your computer, tablet or Smartphone, or dial *6 on your phone.

Written Comment through Webform: Comment on agenda items and non-agenda public comment may also be submitted using the [webform](#). If using the webform, indicate the agenda item number you wish to submit a comment for. All webform comments are limited to 200 words. On the [webform](#), members of the public should select Commission on Police Practices (even if the public comment is for a Commission on Police Practices Committee meeting).

The public may attend a meeting when scheduled by following the attendee meeting link provided above. To view a meeting archive video, click [here](#). Video footage of each Commission meeting is posted online [here](#) within 24-48 hours of the conclusion of the meeting.

Comments received no later than 11 am the day of the meeting will be distributed to the Commission on Police Practices. Comments received after the deadline described above but before the item is called will be submitted into the written record for the relevant item.

Written Materials: You may alternatively submit via U.S. Mail to Attn: Office of the Commission on Police Practices, 525 B Street, Suite 1725, San Diego, CA 92101. Materials submitted via U.S. Mail must be received the business day prior to the meeting to be distributed to the Standing Committee.

If you attach any documents to your comment, they will be distributed to the Standing Committee in accordance with the deadlines described above.

- I. CALL TO ORDER/WELCOME (Committee Chair Bonnie Benitez)
- II. ROLL CALL (Executive Director Paul Parker)
- III. NON-AGENDA PUBLIC COMMENT (Executive Director Paul Parker)
- IV. NEW BUSINESS (DISCUSSION/ACTION ITEMS)
 - A. Initial Review of Commission on Police Practices (CPP) Bylaws
- V. ADJOURNMENT

Materials Provided:

- CPP Bylaws:
<https://www.sandiego.gov/sites/default/files/2024-05/cpp-bylaws-030624.pdf>

Access for People with Disabilities: As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the Commission at (619) 236-6296 or commissiononpolicepractices@sandiego.gov.

Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services, or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible to ensure availability. The city is committed to resolving accessibility requests swiftly.

**Bylaws
City of San Diego
Commission on Police Practices**

Preamble

On November 3, 2020, the voters of San Diego approved Measure B creating a new independent Commission on Police Practices (CPP) replacing the Community Review Board on Police Practices (CRB). Per the City Charter amendment, the members of the CRB at the time of its dissolution became the initial CPP members. On October 3, 2022, the City Council, adopted an implementation ordinance specifying the number of Commissioners, term length, qualifications, and selection process. These Bylaws are the operating procedures for the Commission’s governance.

Article I. Name and Authority

Section 1. Name

The name of this Commission is the Commission on Police Practices, herein referred to as “the Commission.” The Commission was established by Measure B, approved by the voters in November 2020. The Commission on Police Practices is also known by the acronym “CPP.”

Section 2. Authority

The Commission operates in accordance with the following documents, listed in hierarchical order:

United States Constitution

California Constitution

California Statutes and Codes, including but not limited to the Government Code (Ralph M. Brown Act, Section 54950 et seq.; and Public Safety Officers Procedural Bill of Rights, Sections 3300-3311, Chapter 9.7, Division 4, Title 1), Penal Code (PC), Health and Safety Code, and Vehicle Code (VC)

San Diego City Charter, including but not limited to Article V, Section 41.2 - Commission on Police Practices

San Diego Municipal Code, including but not limited to Chapter 2, Article 2, Division 55 – Office of the Commission on Police Practices, and Chapter 2, Article 6, Division 11 – Commission on Police Practices

CPP Standard Operating Procedures (“rules and regulations” referenced in the charter)

San Diego City Council Policies

City of San Diego Administrative Regulations

Memorandum of Understanding (MOU) between City of San Diego and San Diego

Police Officers Association

CPP Bylaws

CPP Special Rules of Order

CPP Operational Standing Rules

CPP Administrative Standing Rules

Robert's Rules of Order, Newly Revised

National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics (Attached hereto as Exhibit A)

Parliamentary procedures of this Commission will be in accordance with these Bylaws and any Special Rules of Order adopted by the Commission. The default parliamentary authority for procedures that are not covered in these Bylaws or the CPP Special Rules of Order shall be the current edition of Robert's Rules of Order, Newly Revised.

Article II. Purpose, Mission, Duties, Powers, and Objectives

Section 1. Purpose and Mission

The purpose of the Commission on Police Practices is to provide an independent investigation of officer-involved shootings and in-custody deaths, and an unbiased evaluation of all complaints against the San Diego Police Department (SDPD) and its personnel, in a process that will be transparent and accountable to the community. The Commission will also evaluate and review SDPD policies, practices, training, and protocols and represent the community in making recommendations for changes. The mission of the Commission is to hold law enforcement accountable to the community and to increase community trust in law enforcement, resulting in increased safety for both the community and law enforcement.

Section 2. Duties

Per the City Charter, the Commission shall have the following mandatory duties:

- A. To establish operating procedures for its governance and the Commission's investigatory proceedings consistent with all applicable laws including the Charter, the Ralph M. Brown Act, the California Public Records Act, and all laws, rules, regulations, and collective bargaining agreements between the City and its recognized employee organizations that provide rights to City employees.
- B. Independently investigate and evaluate all deaths occurring while a person is in custody of the SDPD, all deaths resulting from the interaction with an officer of the SDPD, and all SDPD officer-related shootings.
- C. Prepare operating procedures for Commission investigators and/or Commissioners to have immediate access to the scene or area of: (1) An SDPD police officer-involved shooting; (2) Death or deaths resulting from an interaction with one or more SDPD police officer(s); (3) Death or deaths that occur while a person was in the custody of the SDPD; and (4) Investigations by SDPD of the events listed in items 1-3 of this section.

- D. Make findings upon the completion of any investigation, complaint review or evaluation.
- E. Receive, register, review, and evaluate all complaints against SDPD officers, except that the Commission will not review and evaluate complaints where the complainant has requested that the matter be handled without investigation, or where no specific allegation or police officer can be identified.
- F. Review and evaluate all factual findings and evidentiary conclusions of the SDPD arising from investigations of police misconduct, including internal investigations not resulting from a complaint, and all disciplinary decisions resulting from sustained findings.
- G. Review and evaluate SDPD's compliance with federal, state, and local reporting laws and requirements.
- H. Comply with all applicable federal, state, and local laws and regulations, including the City's Civil Service Rules, Personnel Regulations, Administrative Regulations, and collective bargaining agreements between the city and its recognized employee organizations in any interaction with City employees.
- I. Maintain a training program for individuals interested in appointment to the Commission. Upon appointment, Commissioners must also complete training to ensure their working knowledge of applicable laws and rules.
- J. Forward to SDPD a copy of any complaint received by the Commission that identifies an employee of the Department within five calendar days of the Commission's receipt of the complaint.
- K. Retain complaints and any reports or findings relating to complaints for at least five years or any longer period required by state law.
- L. Engage in outreach to address community groups and inform the public on the duties and responsibilities, policies, and ongoing operations of the Commission, including a roundtable in a community location to solicit public input on Commission function(s).
- M. Establish operating procedures for: (1) the preparation and submission of a semi-annual report to the Mayor and City Council regarding the exercise of the Commission's duties and powers; (2) the community to evaluate the commission's processes and performance; (3) the development, data collection, tracking, and reporting of community policing standards; (4) the Commission's communications with complainants regarding the status of their complaints; (5) public communications on the Commission's internet website, including providing to the public, as soon as practicable, as much information as permitted by law, on the status of the Commission's investigation of each complaint, the list of all complaints received, the Commission's findings on the

complaints it investigated, and all of the Commission's recommendations.

Section 3. Discretionary Powers

The Commission shall have the discretion to:

- A. Conduct independent investigatory proceedings, subpoena witnesses, and authorize enforcement of the subpoena.
- B. Investigate complaints against SDPD officers (in addition to the required investigations stated above), unless the complainant has requested that the matter be handled without an investigation, provided that the Commission determines that the complaint arises from any one of the following:
 - (1) an incident in which the use of force by a SDPD officer resulted in great bodily injury.
 - (2) dishonesty by a SDPD officer including an allegation of perjury, filing false reports, and destruction, falsifying or concealing evidence.
 - (3) an incident that has generated substantial public interest or concern.
 - (4) an incident where the data shows a pattern of misconduct by a SDPD officer.
 - (5) an incident where data shows a pattern of inappropriate policies, procedures, or practices of the Police Department or its member.
- C. Review, evaluate and investigate allegations of inappropriate sexual conduct, physical assault, or domestic violence by SDPD officers.
- D. Make recommendations to the Chief of Police on the discipline of individual officers about whom complaints have been made or about whom the Commission has conducted an investigation.
- E. Review and evaluate the Police Department's administration of discipline of police officers arising from other matters not involving alleged misconduct.
- F. Review and evaluate the policies, procedures, practices, and actions of the SDPD.
- G. Make specific recommendations to the Chief of Police, the Mayor and the City Council on any policies, procedures, practices, and actions of the SDPD.
- H. Develop and implement a mediation program that enables complainants to resolve their issues with a police officer who is a subject of a complaint, through face-to-face alternative dispute resolution involving a trained mediator.
- I. Establish an operating procedure to directly receive and investigate complaints by members of the public against SDPD employees who are not police officers.

Section 4. Outreach and Education

It is the objective of the Commission to operate transparently, to keep the community informed about the activities of the Commission, and to provide opportunities to receive public input on the Commission's operations. It is the further objective of the Commission to encourage persons with complaints about the actions of SDPD sworn personnel to file a complaint, to widely publicize the procedures for filing complaints and to make the process as simple as possible, and to enact mechanisms to ensure that persons filing complaints and witnesses will be able to do so without fear of retaliation or adverse consequences.

Section 5. Independence

The Commission on Police Practices maintains and defends an independent posture within which objective, balanced review, investigations, and evaluation processes will be assured. The ultimate usefulness of the Commission depends on independence from political pressure, independence from community pressure, and independence from influence or control by SDPD. In this regard, actual independence and perceived independence are equally important. Any action or activity that could present an appearance of compromised independence should be avoided. Commission independence is essential to earn the trust of the community and fulfill the mandate from the initial creation of the Commission by citizen initiative.

Article III. Membership

Section 1. Selection and Appointment

- A. There will be up to 25 Commissioners who must reside within the City of San Diego with the following categories:
 - (1) Nine Commissioners, one from each Council District
 - (2) Two Commissioners aged 18 to 24 at the time of appointment
 - (3) Five Commissioners residing in low-to-moderate income neighborhoods
 - (4) Nine Commissioners at large without additional age or residence restriction
- B. Effective June 30th, 2024, appointment to the CPP will be to a specific seat within a category for a 2-year term, with re-appointment for up to 3 additional consecutive 2-year terms. Only half of the Commissioners will be eligible for reappointment in any one year.
- C. The process for appointment to the CPP will be determined by the San Diego City Council. The primary concern for appointment of Commissioners will be to maintain full membership of the Commission. Recruiting to fill vacancies will focus on candidates for the specific seats that are vacant.
- D. Commissioners shall serve without compensation, but shall be reimbursed for authorized, reasonable and necessary expenses incurred in the performance of their official duties. Prior to assuming the duties of office, Commissioners must subscribe to the Oath of Office administered by the City Clerk's Office and sign the oath card. All Commissioners who are reappointed to the

Commission must retake the Oath of Office and sign a new oath card. Once Commissioners take the Oath of Office and sign the oath card, they are considered voting members of the Commission.

Section 2. Responsibilities

Commissioners have the following responsibilities:

A. Meeting Attendance

The substantive work of the Commission cannot be accomplished in the absence of a quorum. To accomplish the work of the Commission, Commissioners are expected to be in attendance and participate in meetings. Meeting attendance shall be in accordance with the Brown Act. Any Commissioner with an unexcused absence from at least three (3) consecutive meetings of the full Commission may be removed from the Commission per Article III, Section 3.B. of these bylaws. Commissioners may request to be excused from a meeting by contacting the Chair and Executive Director no later than 12 noon on the day of the meeting. An excused absence can be granted by the Chair for the following reasons:

- (1) Illness or health
- (2) Out of Town
- (3) Work/School, but not on a regular basis
- (4) Religious observance
- (5) Extraordinary Circumstances

B. Case Review

Commissioners may be assigned by the Chair, or their designee, to review and evaluate complaints and investigations of misconduct in accordance with the current Operational Standing Rule for Case Review. Commissioners must sign a confidentiality agreement. Commissioners cannot take part in Closed Session meetings or review cases without signing the confidentiality agreement.

C. Committee Participation

Commissioners are required to participate on at least one of the standing committees of the Commission.

D. Training

Commissioners are required to pursue and complete educational opportunities as determined by the Training and Continuing Education Committee.

E. Community Outreach

Commissioners shall participate in community outreach activities as determined by the Community Outreach Committee.

Commissioners can speak in public about the role of the Commission to provide education for the community. Only the Commission Chair is the

spokesperson for the Commission on issues that require public comment.

F. Ethical Conduct

To promote public trust, integrity, and transparency, members are expected to adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics. The NACOLE Code of Ethics includes Personal Integrity, Independent and Thorough Oversight, Transparency and Confidentiality, Respectful and Unbiased Treatment, Outreach and Relationship with Stakeholders, Agency Self-examination and Commitment to Policy Review, and Primary Obligation to the Community. The complete NACOLE Code of Ethics is attached as Exhibit A of these bylaws.

Any actual or perceived conflict of interest during case review shall be avoided. Conflict of interest exists when a member has an outside financial interest or a personal relationship with someone involved in the case or has intimate knowledge of the facts of the case. Commissioners shall avoid any situation where they have a conflict of interest by immediately notifying the Chair or Executive Director requesting either to be excused from review of the case or to have the case reassigned. Active involvement in other boards, committees or organizations could pose an actual or perceived conflict of interest with membership on the Commission. Commissioners shall disclose all potential conflicts to the Chair or Executive Director immediately. The complete Conflict of Interest Policy and Form is attached as Exhibit B of these bylaws.

Section 3. Removal

A. Voluntary Resignation

Any Commissioner can voluntarily resign by sending a letter or email of resignation to the Commission Chair and the Executive Director. A Commissioner's written notice of resignation is required by the City Clerk and becomes a matter of public record. Once the letter has been received, the position shall be considered vacant.

B. Removal for Cause

A Commissioner may also be removed for cause including but not limited to the following reasons: (1) misuse of position as a Commissioner; (2) misuse of police-issued documents; (3) violation of state laws of confidentiality; (4) misconduct or conviction of a crime that impedes the member's ability to serve as an effective and impartial Commissioner; (5) unexcused absences from at least three consecutive meetings or by failure to complete case review as assigned; (6) violation of the NACOLE Code of Ethics; or (7) an undisclosed conflict of interest.

Upon receiving information that a Commissioner has engaged in behavior that may subject the member to the removal for cause action, the Cabinet shall investigate or arrange for an investigation of the situation. If after the investigation, it appears that cause exists for removal, the Commissioner shall be invited to meet with the Executive Director and the Cabinet. After that meeting, the Cabinet shall determine whether to proceed with removal

proceedings. If it is determined to proceed, the matter will be placed on the next regular Commission Open Meeting agenda. The Commissioner will have an opportunity to present a defense and answer questions. By a two-thirds vote, the Commission may recommend to the City Council that the member be removed. The affected Commissioner shall not be entitled to cast a vote in the matter. A hearing by the City Council shall occur within sixty (60) days of the receipt of the recommendation.

Article IV. Officers

Section 1. Officers of the Commission

The officers of this organization shall be Chair, First Vice Chair, and Second Vice Chair. These elected officers shall be referred to collectively as the Cabinet.

No individual shall hold more than one office at any time. An individual may serve no more than two consecutive terms in the same office and becomes eligible again to serve in that office after a period of two years commencing at the conclusion of their second term.

Section 2. Election and Succession

A. Election

Officers are elected at the last Open Meeting of the fiscal year to serve a one-year term in conjunction with the next fiscal year. The Nominating Committee (see Article VI, Section 3.A.) will present at least one nomination for each office. Prior to the vote for each office, additional nominations will be taken from the floor. Officers will be elected individually in order of precedence, starting with the Chair.

Officers must receive a majority vote of the Commission. If no candidate receives a majority, then a runoff will be held between the candidates with the two highest numbers of votes.

If the last scheduled Open Meeting of a fiscal year is not held, officers shall continue to serve until their successors are elected and assume office.

B. Vacancies

If the office of Chair becomes vacant, the First Vice Chair becomes Chair for the unexpired term. If the office of First Vice Chair becomes vacant, the Second Vice Chair becomes First Vice Chair for the unexpired term. If the office of Second Vice Chair becomes vacant, an election, with nominations taken from the floor, will be held at the next Open Meeting of the Commission to fill the office for the remainder of the unexpired term.

If the offices of Chair, First Vice Chair and Second Vice Chair all become vacant at the same time, the Executive Committee shall appoint a Commissioner to serve as Acting Chair for a period of sixty days, during which time elections will be held to fill the vacancies for the unexpired term. Such elections will take nominations from the floor and elect officers individually in order of precedence by roll call vote. Notice of such elections

shall be given thirty days ahead of the election date.

Section 3. Powers and Duties

The officers of this organization shall fulfill the duties of office while always acting for the good of the entire Commission.

A. Chair

The Chair shall have the following powers and duties:

- (1) To serve as Chair for all meetings, Closed and Open, of the Commission.
- (2) To serve as Chair for all meetings of the Executive Committee.
- (3) To serve as a member of the Cabinet.
- (4) To set the agenda for all Commission, Executive Committee, and Cabinet meetings in consultation with the Executive Director.
- (5) To act as the spokesperson for the Commission, to make official statements for the Commission, or to delegate this responsibility to another Commissioner.
- (6) To coordinate with the Executive Director on communication between the Commission and the Mayor, the San Diego City Council, and the Chief of Police.
- (7) To appoint Chairs and members for all Committees of the Commission.
- (8) To be an ex officio member and ensure effective functioning of all committees of the Commission.
- (9) To perform such other duties as may be conferred by vote of the Commission.

B. First Vice Chair

The First Vice Chair shall have the following powers and duties:

- (1) To fulfill the duties of the Chair in the absence of the Chair.
- (2) To serve as a member of the Executive Committee.
- (3) To serve as a member of the Cabinet.
- (4) To oversee training of new members with the Training and Continuing Education Committee.
- (5) To perform such other duties as may be conferred by vote of the Commission or requested by the Chair.

C. Second Vice Chair

The Second Vice Chair shall have the following powers and duties:

- (1) To fulfill the duties of the Chair in the absence of the Chair and 1st Vice Chair.
- (2) To serve as Chair for the Executive Committee Meeting in the absence of the Chair and First Vice Chair.
- (3) To serve as a member of the Executive Committee.

- (4) To serve as a member of the Cabinet.
- (5) To act as or designate a Parliamentarian for the Commission. The proposed parliamentarian is subject to approval by a majority vote of the Commission.
- (6) To perform such other duties as may be conferred by vote of the Commission or requested by the Chair.

D. Cabinet

The Cabinet shall:

- 1) Investigate allegations of impropriety against any Commissioner and make recommendations resulting from such investigations.
- 2) Provide supervision of and consultation with the Executive Director to ensure the Commission fulfills its purpose, mission, duties, powers, and objectives.

Article V. Meetings

Section 1. General

Meetings of the Commission shall be held regularly in order to carry out the objectives and purposes of the organization. Notice of time, place and agenda shall be provided to the Commission and the public at least 72 hours before the scheduled time of every meeting in accordance with the Ralph M. Brown Act.

Section 2. Regular Meetings

Regular Meetings are normally held at least once per month to transact business and to hear presentations. Regular Meetings provide a forum in which to communicate with the public, to advise the community on the business of the Commission, and to hear public testimony on issues under the Commission's purview. Individual cases are not discussed in open meetings.

Section 3. Closed Sessions

Closed Sessions are held pursuant to California Government Code Section 54957 to provide a confidential environment in which (1) to review complaints and investigations regarding SDPD Officers in accordance with California Penal Code Section 832.7 or (2) to discuss personnel or other information that is specifically exempt from public disclosure by law. Attendance by anyone other than Commissioners and staff is by invitation.

Section 4. Special Meetings

Special Meetings can be held as needed. A Special Meeting may be called by the Chair, the Cabinet, or by a majority vote of Commissioners. Notice of a Special Meeting shall state the topic(s) to be discussed, and no other business may be considered during the Special Meeting.

Section 5. Voting and Quorum

Only Commissioners can vote on issues before the Commission and are counted to determine the presence of a quorum. The Chair is not required to vote; however, the

Chair may vote whenever their vote will affect the result.

No formal action can be taken without a quorum. The requirement for a quorum shall be a majority of filled seats on the Commission.

Article VI. Committees

Section 1. General

Committees of the Commission shall be formed to carry out the primary objectives of the Commission and to maintain functions necessary to sustain the Commission. Committees shall limit their business to the purpose identified in this document or the purpose identified at their inception. Committees shall conduct their business in a manner consistent with these Bylaws and the Standing Rules of the Commission. Committees shall not take any final action on behalf of the Commission or issue any official communication. The Chair may appoint community members as advisors to a committee.

Committees fall into two categories: Standing Committees and Ad Hoc Committees. Standing Committees require a constant presence to carry out long-term ongoing functions of the Commission. Ad Hoc Committees either support periodic functions of the Commission that do not require a constant presence for service or are formed to accomplish specific, short-term tasks that are not within the assigned function of any Standing Committee or any other Ad Hoc Committee.

Committee Chairs of all committees shall be Commissioners. Unless otherwise specified herein, Standing Committee Chairs shall be appointed by the Commission Chair to serve a one-year term. Ad Hoc Committee Chairs shall be selected by a majority vote of the Ad Hoc Committee members and can serve until their committee is disbanded.

Standing Committee Chairs have the following tasks:

- A. Conduct Committee meetings at least quarterly or more often as needed.
- B. Support the Brown Act requirement for public notice with an agenda in advance and opportunities for public comment.
- C. Report on Committee activities at Open Meetings and make recommendations for Commission action.
- D. Contribute a summary of Committee activities and accomplishments for the CPP Semi-Annual Reports.
- E. Serve as a member of the Executive Committee.

Section 2. Standing Committees

Notice of Standing Committee meeting time, place and agenda shall be provided to Committee members and the public at least 72 hours before the scheduled meeting time. Except for the Executive Committee, Standing Committees are limited to no more than seven (7) Commissioner members.

A. Executive Committee

The Executive Committee has continuing jurisdiction over the effective and ethical functioning of the Commission. The Chair of this Committee is the Commission Chair. Members of the Executive Committee are the elected officers of the Commission and Standing Committee Chairs. Regular meetings of the Executive Committee shall be held monthly, or at the discretion of the Chair. The Executive Committee shall have the responsibility for facilitating the annual performance review of the Executive Director. The Executive Committee may advise the Executive Director on finance and budget issues.

B. Policy Committee

The Policy Committee shall evaluate recommendations from Commissioners and members of the community for improvements to SDPD policy, procedure, training or administration of discipline of police officers. The result of the evaluation shall be presented to the Commission. The Policy Committee may recommend Commission action to forward suggested improvements to the Chief of Police.

C. Training and Continuing Education Committee

The Training and Continuing Education Committee shall develop and implement a training program for new Commissioners. The Committee will arrange presentations on subjects of interest at the Regular Business Meetings of the Commission. The Committee also arranges additional training opportunities and field trips for the Commission.

D. Community Outreach Committee

The Community Outreach Committee shall support the Commission's outreach and education objectives to inform the public and seek feedback regarding the Commission's work.

E. Rules Committee

The Rules Committee shall evaluate recommendations from Commissioners for amendments to these Bylaws, to Special Rules of Order, to Standing Rules and to other operational procedures. The Rules Committee is responsible to ensure that a proposed amendment does not violate or conflict with any existing provision in these Bylaws or any other rules that govern the Commission. The result of the evaluation shall be presented to the Commission.

F. Recruitment Committee

The Recruitment Committee shall engage in activities to recruit new members for the Commission, inform interested individuals about the Commission, interview prospective members, and select nominees to recommend to the City Council.

Section 3. Ad Hoc Committees

Ad Hoc Committees may be formed as needed by the Commission Chair or by a majority vote of the Commission for an assigned specific task. Unless extended by a vote of the Commission, each Ad Hoc Committee is disbanded at the completion of the assigned task. Ad Hoc Committees are limited to no more than seven Commission members.

A. Nominating Committee

The Nominating Committee is a recurring ad hoc committee that shall be formed annually to facilitate election of officers. Three Commissioner of the Nominating Committee shall be elected by the Commission with nominations taken from the floor. The Nominating Committee shall recruit Commissioners who are willing and qualified as candidates for each office. The Nominating Committee shall present to the Commission at least one nomination for each office prior to the last scheduled Open Meeting of the fiscal year. The Nominating Committee shall be disbanded following the election of Commission officers.

Article VII. Administration

Section 1. Executive Director

The Executive Director is appointed by the City Council and serves at the will and direction of the Commission. The Executive Director or their designee is responsible for facilitating the work of the Commission, including, but not limited to, the following tasks:

- A. Interface with community members, respond to inquiries and receive complaints.
- B. Direct the day-to-day operations of the Commission.
- C. Liaison between the Commission and City departments, in particular SDPD and the City Attorney's Office.
- D. Maintain records and prepare of reports, including semi-annual reports to the Mayor and City Council.
- E. Hire and supervise Commission staff, independent contractors, and consultants.
- F. Arrange for the preparation of and dissemination of all meeting notices for the CPP and committee meetings as required by the Ralph M. Brown Act.
- G. Attend all CPP meetings and provide staff support for committee meetings.
- H. Serve as custodian of the Commission's records, in compliance with all applicable laws related to records retention, protection, confidentiality and disclosure.
- I. Arrange for the preparation of and dissemination of the minutes of all CPP and committee meetings.

The Commission shall conduct a formal performance evaluation of the Executive Director on an annual basis in a manner consistent with the evaluation process used by the City's Human Resources Department.

Section 2: Independent Legal Counsel

The Commission shall retain its own Legal Counsel, who is independent of the City Attorney for legal support and advice in carrying out the Commission's duties and actions. The Legal Counsel may be a Commission employee or independent contractor hired by the Executive Director, with the approval of the Cabinet.

Article VIII. Amendment

Section 1. CPP Bylaws

Bylaws describe organizational structure, eligibility requirements of the Commissioners, the terms, responsibilities and powers of the officers, types of meetings, specification of a quorum, identity of standing and ad hoc committees, the duties and responsibilities of each committee, and identity of a parliamentary authority. Amendment of these Bylaws requires a two-thirds vote of Commissioners at a regularly scheduled Open Commission meeting. Proposed amendments must be submitted by a Commissioner as defined in and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Commissioners at least ten days before the meeting where the vote will be taken.

Section 2. CPP Special Rules of Order

Special Rules of Order define and clarify parliamentary procedures that are different from the specifications of the identified parliamentary authority. Special Rules of Order may be adopted, amended, or deleted by a two-thirds vote of Commissioners at a regularly scheduled Open Commission meeting. Proposed amendments must be submitted by a Commissioner and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Commissioners at least ten days before the meeting where the vote will be taken.

Section 3. CPP Operational Standing Rules

Operational Standing Rules define and clarify operational procedures for any interface between this organization and all other City Departments. Operational Standing Rules may be adopted, amended, or deleted by a majority vote of Commissioners at a regularly scheduled open Commission meeting. Proposed amendments must be submitted by a Commissioner and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Commissioners at least ten days before the meeting where the vote will be taken. Commission-approved Operational Standing Rules become effective when reviewed and approved by the City Council.

Section 4: CPP Administrative Standing Rules

Administrative Standing Rules define and clarify internal procedures for this organization. Administrative Standing Rules may be adopted, amended, or deleted by a majority vote of Commissioners at a regularly scheduled Open Commission meeting.

Proposed amendments must be submitted by a Commissioner and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Commissioners at least ten days before the meeting where the vote will be taken.

Approved by vote of the Commission on Police Practices on March 6, 2024

Attachments:

- A. NACOLE Code of Ethics
- B. CPP Conflict of Interest Policy and Disclosure Form



National Association for Civilian Oversight of Law Enforcement

Code of Ethics

PREAMBLE

Civilian oversight practitioners have a unique role as public servants overseeing law enforcement agencies. The community, government, and law enforcement have entrusted them to conduct their work in a professional, fair and impartial manner. They earn this trust through a firm commitment to the public good, the mission of their agency, and the ethical and professional standards described herein.

The standards in the Code are intended to be of general application. It is recognized, however, that the practice of civilian oversight varies among jurisdictions and agencies, and additional standards may be necessary. The spirit of these ethical and professional standards should guide the civilian oversight practitioner in adapting to individual circumstances, and in promoting public trust, integrity and transparency.

PERSONAL INTEGRITY

Demonstrate the highest standards of personal integrity, commitment, truthfulness, and fortitude in order to inspire trust among your stakeholders, and to set an example for others. Avoid conflicts of interest. Conduct yourself in a fair and impartial manner and recuse yourself or personnel within your agency when a significant conflict of interest arises. Do not accept gifts, gratuities or favors that could compromise your impartiality and independence.

INDEPENDENT AND THOROUGH OVERSIGHT

Conduct investigations, audits, evaluations and reviews with diligence, an open and questioning mind, integrity, objectivity and fairness, in a timely manner. Rigorously test the accuracy and reliability of information from all sources. Present the facts and findings without regard to personal beliefs or concern for personal, professional, or political consequences.

TRANSPARENCY AND CONFIDENTIALITY

Conduct oversight activities openly and transparently, providing regular reports and analysis of your activities, and explanations of your procedures and practices to as wide an audience as possible. Maintain the confidentiality of information that cannot be disclosed and protect the security of confidential records.

RESPECTFUL AND UNBIASED TREATMENT

Treat all individuals with dignity and respect, and without preference or discrimination including, but not limited to: age, ethnicity, citizenship, color, culture, race, disability, gender, gender identity, gender expression, housing status, marriage, mental health, nationality, religion, sexual orientation, socioeconomic status, or political beliefs, and all other protected classes.

OUTREACH AND RELATIONSHIPS WITH STAKEHOLDERS

Disseminate information and conduct outreach activity in the communities that you serve. Pursue open, candid, and non-defensive dialogue with your stakeholders. Educate and learn from the community.

AGENCY SELF-EXAMINATION AND COMMITMENT TO POLICY REVIEW

Seek continuous improvement in the effectiveness of your oversight agency, the law enforcement agency it works with, and their relations with the communities they serve. Gauge your effectiveness through evaluation and analysis of your work product. Emphasize policy review aimed at substantive organizational reforms that advance law enforcement accountability and performance.

PROFESSIONAL EXCELLENCE

Seek professional development to ensure competence. Acquire the necessary knowledge and understanding of the policies, procedures, and practices of the law enforcement agency you oversee. Keep informed of current legal, professional and social issues that affect the community, the law enforcement agency, and your oversight agency.

PRIMARY OBLIGATION TO THE COMMUNITY

At all times, place your obligation to the community, duty to uphold the law and to the goals and objectives of your agency above your personal self-interest.

The following oversight agencies have adopted the NACOLE Code of Ethics:

- Citizen Oversight Board, City & County of Denver, CO
- Citizens' Law Enforcement Review Board, San Diego County, CA
- Citizens' Review Board on Police Practices, San Diego, CA
- Civilian Review Board, Eugene, OR
- Independent Review Panel, Miami, FL
- Milwaukee Fire and Police Commission, Milwaukee, WI
- Office of Citizen Complaints, San Francisco, CA
- Office of Community Complaints, Kansas City, MO
- Office of Police Complaints, Washington, D.C.
- Office of Professional Accountability, Seattle, WA
- Office of the Community Ombudsman, Boise, ID
- Office of the Independent Monitor, City & County of Denver, CO
- Office of the Independent Police Auditor, Bay Area Rapid Transit District, San Francisco, CA
- Office of the Independent Police Auditor, San Jose, CA
- Office of the Police Auditor, Eugene, OR
- Office of the Police Ombudsman, Spokane, WA
- Richmond Police Commission, Richmond, CA

The Commission on Police Practices adopts this Conflict-of-Interest Policy (“Policy”) to ensure the proper independence and impartiality of the Commission, and to foster unquestioned public confidence in the Commission’s independence and institutional integrity as a properly administered civilian oversight agency for purposes of due process, transparency, and accountability.

As a body that may potentially influence personnel decisions and public safety policies or procedures, it is recognized that Commissioners must be seen to be fair, independent, impartial, and objective in regard to decisions made. To the extent that this function is compromised, the Commission will not be able to function in an oversight role effectively or as a matter of law.

It is the Policy of the Commission on Police Practices that real or perceived conflicts of interest must be reported at the earliest opportunity. It is also the Policy of the Commission that real or perceived conflicts of interest shall be publicly disclosed by Commissioners in furtherance of the mission and purpose of the Commission to be fair, independent and impartial, transparent and accountable to the public.

SCOPE

1. This Policy provides an independent framework for the proper conduct of Commission affairs. It should not be relied upon as an exclusive or comprehensive list of applicable legal or fiduciary requirements of conduct. It does not attempt to specify possible activity that might be inappropriate or prohibited under applicable conflict of interest laws and regulations.
2. Nothing in this Policy exempts any person from any other applicable City law, Conflict-of-Interest Code, or regulation. The standards of conduct set forth in this Policy are in addition to all other applicable City of San Diego conflict of interest policies, laws, and regulations.
3. This Policy is in addition to the California Political Reform Act and City of San Diego Code of Ethics. The Political Reform Act requires state and local government agencies to adopt conflict of interest codes. The Fair Political Practices Commission has adopted a regulation that may be incorporated by reference in an agency’s code. The terms of this regulation (Cal. Code Regs., tit. 2, § 18730) and any duly adopted amendments are hereby referenced by this Policy.

ADDRESSING CONFLICTS OF INTERESTS

1. A Commissioner who becomes aware of a personal conflict of interest or the appearance of a personal conflict of interest that affects their duty as a Commissioner has an immediate obligation to disclose that conflict to the Executive Director and Chair by filing a **Conflict-of-Interest Disclosure Form** incorporated into, and attached to, this Policy.
2. Any Commissioner who has a personal interest in a complaint, investigation, or matter before, or likely to come before, the Commission who will or is expected to participate in that decision must file a **Conflict-of-Interest Disclosure Form** with the Executive Director and Chair at the earliest opportunity.
3. The Commissioner must recuse themselves from any participation, whether direct or indirect, in any Commission action or decision that may reasonably be expected to affect their interest consistent with this Policy, City of San Diego Code of Ethics and San Diego Municipal Code section 26.1106.

DUTY TO DISCLOSE AT MEETING

1. Any Commissioner who has a personal interest in a complaint, investigation, or matter before, or likely to come before, the Commission who will or is expected to participate in that decision must, following the announcement of the agenda item to be discussed or voted upon, but before either the discussion or vote commences, do the following:
 - a. Publicly identify the personal interest giving rise to the conflict and request that this disclosure be made part of the record of the proceedings;
 - b. Recuse themselves from discussing, voting, or attempting to use their influence to affect the outcome of this matter;
 - c. Leave the room until after the discussion and vote on the item in question;
 - d. In the event the discussion or vote is to occur in Closed Session, the public identification may be made orally during the Open Session before the body goes into Closed Session and may be limited to a declaration that their recusal is because of a conflict of interest on a particular closed session item, and that the Commissioner is recused from any participation on the Closed Session item.

DISCLOSURE AND PUBLIC RECORDS

Any disclosures made by Commissioners on a Conflict-of-Interest Disclosure Form shall be maintained by the Commission and subject to public disclosure under the requirements of the California Public Records Act, Government Code sections 6250 et seq.

Commission on Police Practices Conflict-of-Interest Disclosure Form

A potential or actual conflict of interest exists when involvement or participation of Commissioners in complaints, actions, or activities regarding the San Diego Police Department (SDPD) could compromise the independence, impartiality, and due process required by the Commission on Police Practices to fulfill its mission and purpose.

Under San Diego City Charter section 41.2, the Commission on Police Practices is an investigatory body of the City, independent of the Mayor, Police Chief, and Police Department. The Commission's purpose is:

- (1) To provide independent community oversight of the Police Department, directed at increasing community trust in the Police Department and increasing safety for both community members and police officers;
- (2) To perform independent investigations of police officer-involved shootings, in-custody deaths, and other significant incidents involving the Police Department, and independent evaluations of complaints against the SDPD and its personnel, in a process that is transparent and accountable to the community; and
- (3) To evaluate and review Police Department policies, practices, training, and protocols, and represent the community in making recommendations for changes.

Under San Diego Municipal Code section 26.1106, grounds for removal of a Commissioner may include, but are not limited to: misuse of their position for personal interests; misuse of records; conduct that impedes a Commissioner's ability to serve impartially and independently; violation of the Code of Ethics for Civilian Oversight of Law Enforcement (NACOLE); or any other cause that impacts the Commission's effective operations, standing, or independence.

Any conduct by a Commissioner that could cause an actual or perceived conflict of interest regarding the independence or impartiality of the Commissioner or the Commission must be publicly disclosed. Depending on the nature of the disclosure or conflict, the Commissioner may be recused from involvement or participation in actions by the Commission regarding a particular agenda item, action, or recommendation.

This Conflict-of-Interest Disclosure Form must be filed with the Executive Director and Chair and indicate:

- Whether a commissioner has any actual or perceived interest, involvement, or participation in any complaint or actions coming before the Commission.
- A Commissioner should disclose any personal, business, or volunteer affiliations that may give rise to a real or perceived conflict of interest.
- Any actions or interests that would reasonably appear to affect the independence and impartiality of the Commissioner, or potentially compromise the independence and impartiality of the Commission should be disclosed on this form.

Commissioners with a conflict of interest should refrain from any participation in affected complaint(s), matters, or actions involving the Commission. The Commission's General Counsel or Outside Legal Counsel may be consulted regarding this disclosure and/or mandatory recusal.

Please use the form on the next page.

**Commission on Police Practices
Conflict-of-Interest Disclosure Form**

Please describe below any relationships, involvement, transactions, interests or circumstances that you believe could contribute to a conflict of interest.

Agenda Item or Commission Action: _____

_____ I have the following conflict of interest to report involving a family member, or personal, business, volunteer, or professional relationship:

1. _____
2. _____
3. _____

_____ I have the following conflict of interest to report involving my personal interest, or involvement in a complaint, action, or matter before the Commission:

1. _____

2. _____

3. _____

I acknowledge that this Conflict-of-Interest Form constitutes a public record under the California Public Records Act or Government Code sections 6250 et seq.

I hereby certify that the information set forth above is true and complete to the best of my knowledge.

Signature: _____ Date: _____

Print Name: _____

Please submit this form to the Commission on Police Practices Executive Director and Chair.