

Bylaws
City of San Diego
Commission on Police Practices

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Preamble

On November 3, 2020, the voters of San Diego approved Measure B creating a new independent Commission on Police Practices (CPP). 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."

Section 2. Authority

The Commission's statutory authority is derived from:

- The 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

Section 3. Parliamentary Procedures

Parliamentary procedures of this Commission shall be in accordance with these Bylaws and any Special Rules of Order adopted by the Commission. The parliamentary authority for procedures that are not covered in these Bylaws or the Commission's 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

Consistent with section 26.1107 of the San Diego Municipal Code, the Commission shall have the following mandatory duties:

- A. To establish operating procedures for Commission on Police Practices governance and investigatory proceedings which are consistent with all applicable laws, rules and regulations, including collective bargaining agreements between the City and its recognized employee organizations.
- B. Independently investigate and evaluate:
 - 1.) all deaths occurring while a person is in custody of the SDPD;
 - 2.) all deaths resulting from the interaction with an officer of the SDPD, and
 - 3.) all SDPD officer-related shootings.
- C. Prepare operating procedures for Commission investigators and other Commission staff 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 the Commission must not review or evaluate a complaint where the complainant has requested the complaint be handled without investigation by the Commission 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 mandatory training program for Commissioners 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 roundtable community meetings to solicit public input on Commission function(s).
- M. Establish operating procedures consistent with Section 26.1114 of the San

Section 3. Discretionary Powers

The Commission shall have the discretion to exercise its duties and powers consistent with Sections 26.1107 and 26.1110 of the San Diego Municipal Code.

Section 4. Outreach and Education

Consistent with Section 26.1114 of the San Diego Municipal Code, 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

Consistent with sections 26.1101 and 26.1107(a)(2), the Commission on Police Practices shall maintain and defend an independent posture within which objective and balanced case 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 the Mayor and SDPD.

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. The Commission will be composed of up to twenty-five (25) Commissioners appointed by the City Council pursuant to Section 26.1103 and 26.1105 of the San Diego Municipal Code.
- B. Appointment to the Commission will be for a 2-year term, with re-appointment for up to (3) additional consecutive 2-year terms.
- C. Commissioners shall serve without compensation, but shall be reimbursed for authorized, reasonable, and necessary expenses incurred in the performance of their official duties.
- D. 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. Commissioners are not voting members of the Commission until Oath of Office has been taken and the oath card has been signed.

Section 2. Responsibilities

Commissioners have the following responsibilities:

A. Meeting Attendance

To accomplish the work of the Commission in compliance with all laws, codes and regulations, Commissioners must appear in person at regular and Standing Committee meetings.

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

B. Case Review and Confidentiality

Except for the Chair, Commissioners shall be assigned to review and evaluate complaints and investigations of misconduct by SDPD personnel.

Commissioners are required to sign a confidentiality agreement before reviewing confidential material.

Commissioners shall not take part in Closed Session meetings or case reviews without first signing a confidentiality agreement.

C. Committee Participation

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

D. Training

Commissioners are required to pursue and complete trainings mandated by the Commission.

E. Community Outreach

Commissioners shall participate in community outreach activities.

Commissioners are authorized to speak in public about the activities and goals of the Commission. Commissioner public comments must comply with confidentiality and ethics requirements. Only the Chair and the Executive Director may act as spokespersons for the Commission.

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 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. Commissioners shall recuse themselves from discussion and voting on cases where they have a conflict of interest. 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 NACOLE Code of Ethics, the Commission's adopted Conflict of Interest Policy, and the City of San Diego Code of Conduct for Board and Commissions is attached as Exhibit A, B, and C of these bylaws.

Section 3. Removal

A. Voluntary Resignation

Any Commissioner may voluntarily resign by submitting their notice 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 notice has been received, the position shall be considered vacant.

B. Removal for Cause

Consistent with Section 26.1106 of the San Diego Municipal Code, a Commissioner may be removed for cause.

The Executive Committee is authorized to investigate allegations against a Commissioner. If the investigation confirms that cause for removal exists, the Commissioner shall be invited to meet with the Executive Committee. The Executive Committee will transmit to the Commissioner a written invitation to meet with the Executive Committee. The written invitation shall include specific notice of the allegations supporting cause for removal and be sent via the City email address of record for the Commissioner with a redundant paper copy sent by the first class mail and provide no less than seven calendar days' notice of the meeting. The Executive Committee shall determine whether to proceed with removal after

1. The meeting is held, or
2. The invitation to the meeting is declined, or
3. No response to the invitation is received.

If the Executive Committee decides to proceed with removal, the matter will be placed on the next Regular Commission Meeting agenda. The Commissioner will be afforded due process. The Commission will then vote on the question of whether the removal proceedings should continue. A two-thirds vote is required to cause the Commission to recommend to the City Council that the Commissioner be removed from the Commission.

Article IV. Officers

Section 1. Officers of the Commission

The officers of this organization shall be Chair, Vice Chair for Policy, and Vice Chair for External Affairs, Vice Chair for Strategic Planning, and Vice Chair for Commissioner Development. These elected officers shall make up the Executive Committee.

No individual shall hold more than one office at any time. An individual may serve no

more than two consecutive complete 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, Vacancies, and Removal

A. Election

All Officers are elected at the last Regular 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 their order of appearance in the Bylaws, starting with the Chair.

All 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 Regular Meeting of a fiscal year is not held, Officers shall continue to serve until their successors are elected and assume office.

B. Vacancies

If any Officer position becomes vacant, the Commission shall take nominations from the floor and hold an election for each vacant position. at the next Regular Meeting of the Commission. Officers elected to fill a vacancy shall serve until the end of term of the office they fill.

C. Removal

The Commission may remove any Officer upon a two-thirds vote of the Commission.

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) Serve as Chair for all meetings of the Commission.
- (2) Serve as Chair for all meetings of the Executive Committee.
- (3) Set the agenda for all Commission and Executive Committee meetings in collaboration and consultation with the Executive Committee and Executive Director.
- (4) Act as spokesperson for the Commission, to make official statements for the Commission, or to delegate this responsibility to another Commissioner.
- (5) Coordinate with the Executive Director on communication between the Commission and the Mayor, the San Diego City Council, the Office of the City Attorney, and the Chief of Police.
- (6) Appoint Chairs and members for all Standing Committees of the Commission. Chairs of Standing Committees shall be subject to the approval of the Commission.

(7) Serve as an ex officio member and ensure effective functioning of all committees of the Commission.

(9) Perform such other duties as may be conferred by vote of the Commission.

B. Vice Chair for Policy

The Vice Chair for Policy shall have the following powers and duties:

(1) Fulfill the duties of the Chair in the temporary absence of the Chair.

(2) Serve as a member of the Executive Committee.

(3) Participate in meetings with SDPD Internal Affairs and the Chief of Police.

(5) Liaise with the Policy Committee.

(6) Perform such other duties as may be conferred by vote of the Commission or requested by the Chair.

C. Vice Chair for External Affairs

The Vice Chair for External Affairs shall have the following powers and duties:

(1) Fulfill the duties of the Chair in the temporary absence of the Chair and Vice Chair of Policy.

(2) Serve as a member of the Executive Committee.

(3) Participate in meetings with SDPD Internal Affairs and the Chief of Police.

(4) Act as a Parliamentarian for the Commission or designate another Commissioner as parliamentarian, subject to approval by a majority vote of the Commission

(5) Liaise with the Outreach Committee.

(6) Perform such other duties as may be conferred by vote of the Commission or requested by the Chair.

D. Vice Chair for Strategic Planning

The Vice Chair for Strategic Planning shall have the following powers and duties:

(1) Serve as a member of the Executive Committee.

(2) Support the development and implementation of the Commission's annual strategic priorities, including budget development, in collaboration with the relevant committees and staff.

(3) Coordinate progress tracking in collaboration with Committee Chairs and staff to align efforts.

(4) Lead or support special projects related to Commission-wide goals.

(5) Liaise with the Rules Committee.

(6) Perform such other duties as may be conferred by vote of the Commission or requested by the Chair.

E. Vice Chair for Commissioner Development

The Vice Chair for Commissioner Development shall have the following

powers and duties:

- (1) Serve as a member of the Executive Committee.
- (2) Support the recruitment, onboarding, training, and continuing education for Commissioners.
- (3) Liaise with the Training and Recruitment Committees.
- (4) Facilitate Commissioner engagement, mentorship, and participation.
- (5) Perform such other duties as may be conferred by vote of the Commission or requested by the Chair.

Article V. Meetings

Section 1. General

Meetings of the Commission shall be held regularly. Notice of time, place, and agenda shall be provided at least 72 hours before the scheduled time of every meeting.

Section 2. Regular Meetings

Regular Meetings are held to transact business, provide the public an opportunity to comment, and to hear presentations. Regular Meetings may include Closed Session items.

Section 3. Closed Sessions

Closed sessions are held to provide a confidential environment in which to:

- (1) to review complaints and investigations regarding SDPD Officers, or
- (2) to discuss personnel or other information that is specifically exempt from public disclosure by law.

Attendance by anyone other than Commissioners is by invitation only.

Section 4. Priority Meetings

Priority Meetings may be held from time to time as needed. A Priority Meeting may be called by the Chair, a majority vote of the Executive Committee, or any three Commissioners. Notice of a Priority Meeting shall state the topic(s) to be discussed, and no other business may be considered during the Priority Meeting.

Section 5. Voting and Quorum

Only Commissioners can vote on issues before the Commission and must be counted to determine the presence of a quorum.

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. Committees shall limit their business to 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

official action on behalf of the Commission without prior authorization by the Commission.

Committees fall into two categories: Standing Committees and Ad Hoc Committees. Standing Committees carry out long-term ongoing functions of the Commission. Ad Hoc Committees either support periodic functions of the Commission or are formed to accomplish specific, short-term tasks.

Committee Chairs of all committees shall be Commissioners. Unless otherwise specified herein, and except for the Executive Committee, Standing Committee Chairs shall be appointed by the Commission Chair, subject to approval by the full Commission, and 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.

Section 2. Standing Committees

Notice of Standing Committee meeting time, place and agenda shall be provided at least 72 hours before the scheduled meeting time.

Standing Committee Chairs have the following tasks:

- A. Conduct Committee meetings at least quarterly or as needed.
- B. Coordinate with staff to ensure appropriate public notice of all meetings, with an agenda in advance and opportunities for public comment.
- C. Report on Committee activities at Regular Meetings and make recommendations for Commission action.
- D. Contribute a summary of Committee activities and accomplishments for the required Semi-Annual Reports to the City Council.

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. Regular meetings of the Executive Committee shall be held monthly, or at the discretion of the Chair. Priority meetings of the Executive Committee may be called by the Chair or two Officers. The Executive Committee shall be responsible for the oversight and annual performance review of the Executive Director.

To ensure compliance with the Brown Act, outside of the Executive Committee meetings, a majority of the Executive Committee shall not be present at other Commission meetings.

To ensure alignment between the Executive Committee and the other Standing Committees, the Executive Committee shall:

- Hold coordination meetings with standing committee chairs, as needed.
- Provide written updates on strategic priorities and Commission goals.
- Invite Committee chairs to report at Executive Committee meetings on a rotating basis or as needed.

Allegations of impropriety against any Commissioner shall be referred to the Executive Committee. If an allegation involves a member of the Executive Committee, or if a conflict of interest is determined to exist, the Chair (or, if the Chair is implicated, the Commission by majority vote) shall appoint an ad hoc

investigative subcommittee. Commissioners not the subject of the allegation. The investigative body (Executive Committee or ad hoc subcommittee) shall make findings and recommendations to the full Commission for final determination.

B. Policy Committee

The Policy Committee shall work with staff to 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.

C. Training Committee

The Training Committee shall work with staff to develop and implement training and continuing education programs for Commissioners.

D. Community Outreach Committee

The Community Outreach Committee shall work with staff to 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 make recommendations, and 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 shall ensure that proposed amendments do not violate or conflict with any existing provision in these Bylaws or any other rules that govern 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 shall be disbanded at the completion of its assigned task. Ad Hoc Committees are limited to no more than seven Commission members.

A. Nominating Committee

The Nominating Committee shall be formed to facilitate election of officers. The three Commissioners 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 Regular 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 and staff.
- C. Coordinate with the Chair on communication between the Commission and the Mayor, the San Diego City Council, the Office of the City Attorney, and the Chief of Police.
- D. Maintain records and prepare 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 and dissemination of all meeting notices for the Commission and Committee meetings as required by the Ralph M. Brown Act.
- G. Attend all Commission meetings, unless excused by the Chair 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.
- J. To act as spokesperson for the Commission, to make official statements for the Commission, or to delegate responsibility to another staff member.
- K. Direct the development and management of the budget of the Commission.

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.

The Executive Director can be terminated by a two-thirds vote of Commissioners at a regularly scheduled Regular Commission meeting

Section 2 - Executive Director Vacancy

If the Executive Director is unwilling, unavailable, or unable to perform their duties, the Deputy Executive Director shall assume the Executive Director duties on an interim basis.

If there is neither an Executive Director nor a Deputy Executive Director to perform the duties of the Executive Director, the Executive Committee shall nominate a person to the City Council to serve as the Interim Executive Director.

Section 3: 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 Executive Committee.

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 Regular 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 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 Regular 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 Regular 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 Regular 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 December 3, 2025

Attachments:

- A. NACOLE Code of Ethics
- B. CPP Conflict of Interest Policy and Disclosure Form
- C. City of San Diego Code of Conduct for Board and Commissions



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 City of
SAN DIEGO COMMISSION ON POLICE
PRACTICES CONFLICT-OF-INTEREST POLICY

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 as 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; 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.

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 in 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.

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.

Print Name: _____

Signature: _____ Date: _____

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

**City of San Diego
Code of Conduct
Boards and Commissions**

A. CONDUCT GUIDELINES

These Conduct Guidelines shall apply to individuals appointed to a City board or commission under San Diego Charter sections 41, 41.2, and 43 (members). These Conduct Guidelines are designed to describe the manner in which appointed members should treat one another, elected officials, City staff, constituents, and others they come into contact with while representing the City.

1. Members' Conduct with Each Other in Public Meetings

Members represent a wide variety of backgrounds, personalities, values, expertise, opinions, and goals. Despite this diversity, all have chosen to serve in public office to preserve and protect the present and the future of the community. In all cases, members should acknowledge this common goal even though individuals may not agree on every issue.

- a. *Honor the role of the chair in maintaining order*
It is the responsibility of the chair to run the meeting and keep the comments of members on topic during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following parliamentary procedure outlined in the applicable bylaws, if any, or Robert's Rules of Order.
- b. *Practice civility and decorum in discussions and debate*
Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.
- c. *Avoid personal attacks or comments that could offend other members*
If a member is personally offended by the remarks of another member, the offended member should make note of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair shall maintain control of this discussion.
- d. *Demonstrate effective problem-solving approaches*
Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the entire community.

2. Members' Conduct with the Public in Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- a. *Be welcoming to speakers and treat them with care and gentleness.*
While questions of clarification may be asked, the member's primary role during public testimony is to listen.
- b. *Be fair and equitable in allocating public hearing time to individual speakers.*
The chair will determine and announce limits on speakers at the start of the public hearing process.
- c. *Practice active listening*
While active listening can be exercised differently by every individual, it can be disconcerting to speakers to have members not look at them when they are speaking. It may be fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room can give the appearance of disinterest. Members should be conscious of facial expressions and avoid those that could be interpreted as "smirking," disbelief, anger, or boredom.
- d. *Maintain an open mind*
The public deserves an opportunity to address the members and to influence the thinking of elected and appointed officials.
- e. *Ask for clarification, but avoid debate and argument with the public*
Only the chair – not individual members – can interrupt a speaker during a presentation, including when a speaker is perceived to be disruptive. However, a member can ask the chair for a point of order if the speaker is off the topic.

3. Member's Conduct with the Public Outside of Public Meetings

- a. Members may represent themselves to the public as a member of a board or commission when performing official business as a member, or when authorized by the board or commission, or the City. When not performing official business or otherwise authorized, members should make clear they are not speaking on behalf of the board or commission, or the City.
- b. The City seal or logo may be used in compliance with the City of San Diego Visual Style Guide when conducting City business as a board or commission after securing (1) the approval by the board or commission at a public meeting to submit a request to the Mayor, and (2) the approval of the Mayor, or designee, of the request from the board or commission.

- c. Official positions and opinions of a board or commission must be established by approval of the board or commission at a public meeting, not by an individual member of a board or commission, and must be regarding the subject matter within the purview of the board or commission.
- d. Except for the Commission on Police Practices and Ethics Commission, press releases or other official communications with the media on behalf of the board or commission must be first provided to the Office of Boards and Commissions for review. Press releases and other official communications must be regarding the subject matter within the purview of the board or commission. The Commission on Police Practices must manage their press releases and other official communications with the media consistent with their authority under San Diego Charter section 41.2, Council-approved ordinances and procedures, and applicable federal and state law. The Ethics Commission must manage their press releases and other official communications with the media consistent with their authority under the San Diego Charter, Council-approved ordinances and procedures, and applicable federal and state law.

4. Members' Conduct with City Staff

Governance of the City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council's policies. Therefore, members should make every effort to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- a. *Treat all City staff as professionals*
Clear and honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior and personal attacks towards City staff are not acceptable. Any member who has concerns about the employment performance of an individual City staff should contact the City staff's manager or supervisor. The members of the Commission on Police Practices are expected to act in a manner consistent with their authority under San Diego Charter section 41.2, Council-approved ordinances and procedures, and applicable federal and state law.
- b. *Do not disrupt City staff from their jobs*
Members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the member does not say anything, their presence implies support, shows partiality, may intimidate staff, and hampers staff's ability to do their job objectively.
- c. *Requests of City staff*
Except for members of the Commission on Police Practices and Ethics Commission, members of boards and commissions must request assistance from City staff through the chair to the assigned liaison and not the City staff directly. The assigned liaison will be responsible for coordinating with the Office of Boards and Commissions as appropriate. The Commission on Police Practices must request assistance from City staff consistent

with their authority under San Diego Charter section 41.2, Council-approved ordinances and procedures, and applicable federal and state law. The Ethics Commission must request assistance from City staff consistent with their authority under the San Diego Charter, Council-approved ordinances and procedures, and applicable federal and state law.

d. *Expenditure of Funds*

Except for the Commission on Police Practices, members must receive prior approval from the Office of Boards and Commissions for any expenditure of funds, personal or otherwise, for any board or commission business. Members of the Commission on Police Practices must expend funds, personal or otherwise, for any Commission on Police Practices business consistent with their authority under San Diego Charter section 41.2, Council-approved ordinances and procedures, and applicable federal and state laws. Members of the Ethics Commission must expend funds, personal or otherwise, for any Ethics Commission business consistent with their authority under the San Diego Charter, Council-approved ordinances and procedures, and applicable federal and state law.

B. ETHICS

Members of boards and commissions who are required to file economic interest disclosure forms, Statements of Economic Interests Form 700 (SEIs), under a conflict of interest code must comply with the City of San Diego's Ethics Ordinance, San Diego Municipal Code sections 27.3501 – 27.3595. The City of San Diego Ethics Commission enforces the Ethics Ordinance and provides training to members of boards and commissions who are subject to SEI filing. The Ethics Commission's Fact Sheets and Frequently Asked Questions are located on its website [Ethics Commission | City of San Diego Official Website](#), and you may contact the Ethics Commission at ethicscommission@sandiego.gov or (619) 533-3476 with questions regarding your compliance with the Ethics Ordinance. Please note that the Ethics Commission gives advice about future conduct only, not about actions already taken.

C. ATTENDANCE

Members shall attend all open and public meetings of the group unless excused in accordance with applicable bylaws, if any. Except for the Commission on Police Practices and Ethics Commission, members should communicate to the chair or the assigned liaison in advance, if possible, if they will miss a meeting. Meetings that are cancelled at the last minute due to a lack of quorum compromises the credibility of the board or commission and inconveniences members, City staff, and the public. The Executive Director of the Commission on Police Practices will record and track absences of members of the Commission on Police Practices. The Executive Director of the Ethics Commission will record and track absences of members of the Ethics Commission.

D. IMPLEMENTATION

This Code of Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document will be included in the regular orientations for applicants to boards and commissions. Members entering office shall sign a statement acknowledging they have read and understand this Code of Conduct. In addition, this Code of Conduct shall be periodically reviewed by the Office of Boards and Commissions and updated as necessary.

1. Acknowledgement of Code of Conduct

Members must sign an acknowledgement that they have read and understand this Code of Conduct.

2. Behavior and Conduct

This Code of Conduct expresses standards of conduct expected for members of City Boards and Commissions. Members themselves have the primary responsibility to ensure that such standards are understood and met.

3. Ethics Training for Local Officials

Upon appointment, members who are required to file SEIs must file an Assuming Office SEI online within 30 days of appointment. The filing of an Assuming Office SEI should alert the Ethics Commission to add you to the list to attend the Ethics Commission's training on the Ethics Ordinance. Members should contact their board or commission liaison and may contact the Ethics Commission at ethicscommission@sandiego.gov to ensure they are signed up for required training at the first available opportunity. Members who are subject to the Ethics Ordinance are required by Council Policy 000-04 to take their first training course within 90 days of their appointment and to attend the course every two years thereafter. Members subject to the Ethics Ordinance are required to comply with its laws and to attend all required trainings. Members will receive notices regarding future training requirements.

E. ALLEGED VIOLATIONS

Except for the Commission on Police Practices and Ethics Commission, an alleged violation of this Code of Conduct may be reported to the Office of Boards and Commissions. An alleged violation of this Code of Conduct by a member of the Commission on Police Practices may be reported to the Executive Director of the Commission of Police Practices. An alleged violation of this Code of Conduct by a member of the Ethics Commission may be reported to the Executive Director of the Ethics Commission. For those members subject to the Ethics Ordinance, an alleged violation of the Ethics Ordinance may be reported to the Ethics Commission.