

DRAFT
Approved by the CPP Ad Hoc Transition Planning Committee
January 20, 2022

Commission on Police Practices recommendations on 2nd draft of the Measure B Implementation Ordinance (in priority order):

1. The rigid geographical restrictions for the Commission seats inhibit the ability to maintain other types of diversity and would make filling vacancies extremely challenging. We recommend that only 11 of the 25 seats be designated seats – 2 youth seats and one each from the 9 City Council districts. When vacancies on the Commission arise for the 14 non-designated seats, priority should be given to (1) individuals residing in areas (police beats) of the City with higher numbers of complaints of excessive use of force, complaints of discrimination, and/or warrantless stops and searches, (2) individuals and/or family members of individuals who have had prior adverse interactions with law enforcement, and/or (3) individuals with experience or expertise in addiction treatment unhoused community services, immigration/migrant services, mental health, criminal justice, and/or social work. [Section 26.1103 (d)]
2. Change “The Commission may prepare an operating procedure for its nomination process” to “The Commission shall prepare an operating procedure for its nomination process that includes community input in the interviewing and selection of nominees for membership to the Commission.” [Section 26.1105 (a)]
3. Past criminal convictions should not automatically disqualify an applicant from serving on the Commission. [Section 26.1103 (g)]
4. The definition of “investigations” should be expanded to clarify that it includes “the comprehensive gathering of information from original sources.” [Section 26.1102]
5. The requirement to provide records to the Commission should apply to all City departments, not just the Police Department, and should state that records are to unredacted unless required by state or federal law. Records should be defined to include all data collected by the City, regardless of whether it has been compiled into a report or document. It should be specifically stated that disciplinary records of police officers shall be available to the Commission, unless prohibited by state or federal law. [Section 26.1109]
6. Delete the phrase “are considered personnel records” from the second sentence in Section 26.1109 (c).
7. The ordinance should state the Commission investigators shall full access to crime scenes on first walk-throughs. [Section 26.1107 (a) (1)]

8. The Commission is concerned about the implications of the references to “collective bargaining” and whether this could provide SDPD and POA influence over Commission practices and procedures. [Sections 26.1107 (a) (1 and 12) and 26.1109 (c)]
9. The ordinance should require that all complaints, findings, decisions, and recommendations by the Commission be made public to the fullest extent of the law, as soon as practicable. [Section 26.1114]

Note: In its November 23, 2021 recommendations to the City Council’s Public Safety and Livable Neighborhoods Committee, the Commission noted that while the City Council is the appointing authority for the Commission’s Executive Director, since the Executive Director serves at the direction and will of the Commission, and to ensure independence, it is essential that the Commission leadership be intimately involved in the selection process. We have been advised that instead of including this in the implementation ordinance that the appropriate place for this would be an amendment to the new Municipal Code Section 22.5601 – The Office of the Commission on Police Practices, which refers to the appointment and duties of the Executive Director.