

**Interim Bylaws**  
**City of San Diego**  
**Commission Community Review Board 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. Before new Commissioners can be appointed by the City Council, the Council must adopt an implementation ordinance specifying the number of Commissioners, term length, qualifications and selection process. —Within ninety (90) days after the new Commissioners have been appointed, it shall be the responsibility of the CPP to adopt permanent bylaws to replace these interim bylaws. Some of the Commission duties and powers as listed in these bylaws will require the adoption of rules and procedures before implementation.*

**Article I: Name and Authority**

**Section 1: Name**

The name of this ~~Commission Board~~ is the ~~City of San Diego Commission~~ Community Review Board on Police Practices, herein referred to as “the Commission Board”. The ~~Commission was established by full name is as stated in~~ Measure BG, approved by the voters in November 202016. The ~~Community Review Commission Board~~ on Police Practices is also known by the acronym “CPPCRB”.

**Section 2: Authority**

The Commission Board 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 Article V, Section 41.2 - Commission on Police Practices 43(d) which states:

~~(d) Community Review Commission Board on Police Practices.~~  
Notwithstanding any other provision of this Charter, the Mayor and City Council

~~shall have the exclusive authority to create and establish a community review board on police practices to review and evaluate citizens' complaints against members of the San Diego Police Department and the San Diego Police Department's administration of discipline arising from such complaints. The Mayor and City Council shall establish such rules and regulations as may be necessary for this board to carry out its functions; provided, however, that such rules and regulations shall be consistent with the laws of the State of California concerning citizens' complaints against peace officers. Nothing in such rules and regulations shall interfere with the board's authority to independently refer a completed citizen complaint investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency. The board shall review all deaths occurring while a person is in the custody of the San Diego Police Department and all police officer-related shootings. The board shall submit semiannual reports to the Mayor and City Council concerning its evaluation of the San Diego Police Department's investigation of citizens' complaints; provided, however, that such reports shall not disclose any information required to be kept confidential by law.~~

San Diego Municipal Code

~~CPPCRB~~ 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

~~CPPCRB~~ Bylaws

~~CPPCRB~~ Special Rules of Order

~~CPPCRB~~ Operational Standing Rules

~~CPPCRB~~ 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 ~~CommissionBoard~~ will be in accordance with these Bylaws and any Special Rules of Order adopted by the ~~CommissionBoard~~. The default parliamentary authority for procedures that are not covered in these Bylaws or the ~~CPPCRB~~ 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 Community Review CommissionBoard on Police Practices is to~~

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~~review and evaluate complaints brought by members of the public against officers of the Police Department of the City of San Diego and to review and evaluate the administration of discipline arising from sustained complaints. The Commission Board also reviews and evaluates officer-related shootings, all in-custody deaths, and all police actions that result in the death of a person .-~~

~~[\[create a new mission statement regarding independent civilian oversight\]](#)~~

~~[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 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.](#)~~

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**Section 2: Duties**

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

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1. Independently investigate 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.
2. 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.
3. Review and evaluate all factual findings and evidentiary conclusions of the SDPD arising from investigations of police misconduct and all disciplinary decisions resulting from sustained findings.
4. Review and evaluate SDPD's compliance with federal, state and local reporting laws and requirements.
5. Prepare and submit semi-annual reports to the Mayor and City Council regarding the exercise of the Commission's duties and powers.

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**Section 3: Discretionary Powers**

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Per the City Charter, the Commission shall have the discretion to:

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1. Conduct investigatory proceedings and subpoena witnesses
2. 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:
  - a. an incident involving the use of force by a SDPD officer which that resulted in great bodily injury
  - b. dishonesty by a SDPD officer including an allegation of perjury, filing false reports, and destruction, falsifying or concealing evidence
  - c. an incident that which has generated substantial public interest or concern
  - d. an incident wherein which the data shows a pattern of misconduct by a SDPD officer
  - e. an incident wherewhich the data shows a pattern of inappropriate policies, procedures or practices of the SDPDDP or its members
3. Review, evaluate and investigate allegations of inappropriate sexual conduct, physical assault or domestic violence by SPDP officers
4. Make recommendations to the SDPD on the discipline of individual officers about whom complaints have been made or about whom the Commission has conducted an investigation
5. Review and evaluate the policies, procedures, practices and actions of the SDPD
6. Make specific recommendations to the SDPD, the Mayor and the City Council on any policies, procedures, practices and actions of the SDPD

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**a. Objectives**

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The Community Review Commission Board on Police Practices is tasked with a single primary objective and two secondary objectives. The primary objective is clearly identified in the San Diego City Charter and constitutes the central function for members of this citizen-initiated Commission Board. The two secondary objectives support the work of the Commission Board, employing special talents and energy of involved Commission Board members according to their interests and availability.

**A. Primary Objective: Complaint Review**

It is the primary objective of the Commission Board to ensure complaints against San Diego Police Department (SDPD) officers are investigated thoroughly, completely and fairly, giving equal consideration to citizens and police officers alike. The Commission Board will make every effort to review and evaluate citizens' complaints objectively and impartially. The Commission Board may devise its own internal procedures for the format and presentation of case review reports. The Commission Board may add comments to its completed review of a citizen's complaint, however such comments must be limited to substantive issues directly related to the citizen's complaint and/or the subject officers and must comply with the laws of the State of California concerning citizens' complaints against peace officers.

**B. Secondary Objectives**

**1. Policy Recommendation**

It is the objective of the Commission Board to advocate for policies which promote fair and humane policing and also ensure the safety of both citizens and police officers. Subsequent to the review and evaluation process, the Commission Board may recommend improvements in policy, procedures or training of police officers to the Mayor and/or Chief of Police.

Additionally, in consideration of issues other than complaints, the Commission Board may address a substantive item, other than one arising in the course of reviewing a particular case, if it determines that (1) the substantive matter impacts the work of the Commission Board; and (2) because of its training and experience, the Commission Board has expertise on the matter at hand. The Commission Board may discuss the issue and make a recommendation to the Mayor and/or Chief of Police.

**2- Section 4. Outreach and Education**

It is the objective of the Commission Board to operate transparently, to keep the community informed about the activities of the Commission Board, and to provide opportunities to receive public input on the Commission Board's operations. It is the further objective of the Commission Board 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.

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**3. Commission Board**

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**Section 45. Independence**

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The ~~Community Review Commission~~Board on Police Practices ~~adheres to a fundamental modus operandi to maintain~~s and defend~~s~~ an independent posture within which objective, balanced review, investigations, and evaluation processes will be assured. The ultimate usefulness of the ~~Commission~~Board 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~~Board independence is essential to earn the trust of the community and fulfill the mandate from the initial creation of the ~~Commission~~Board by citizen initiative.

**Article III: Membership**

**Section 1: Selection and Appointment**

~~The initial members of the Commission shall be the CRB members at the time of the CRB dissolution.~~

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~~New appointments will be made after the City Council has adopted an ordinance specifying the number of Commissioners, term length, qualifications and selection process.~~

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~~There are twenty three (23) members, appointed by the Mayor of San Diego and confirmed by the City Council. Members are appointed to two year terms, and appointments are staggered so that the terms of no more than 12 members expire in a year.~~

~~Members are limited to a maximum of eight (8) consecutive years on the CommissionBoard, starting on the date of the initial Mayoral appointment. Former members who served for eight years become eligible again after a period of two years. Former members of the CommissionBoard who did not complete eight years of service may be eligible to complete eight total years of service. Members whose terms of service have expired shall have the option to continue to serve until their successor is duly appointed and qualified, even if the total time served extends beyond the maximum permissible length of service.~~

~~Present or former San Diego Police Department officers and current City of San Diego employees are not eligible for membership on the CommissionBoard.~~

Members of the ~~Commission~~Board shall serve without compensation, but shall be reimbursed for authorized, reasonable and necessary expenses incurred in the performance of their official duties ~~as approved by the Mayor or the Mayor's designated representative.~~

Prior to assuming the duties of office, members must complete the required training program approved by the ~~Commission~~Board and must subscribe to the Oath of Office administered by the City Clerk's Office and sign the oath card. All Members who are reappointed to the ~~Commission~~Board must retake the Oath of Office and sign a new

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oath card.

## **Section 2: Responsibilities**

Members have the following responsibilities:

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### 1. Meeting Attendance

The substantive work of the CommissionBoard cannot be accomplished in the absence of a quorum. In order to accomplish the work of the CommissionBoard, members should be in attendance and vote on issues at all meetings. Any member with an unexcused absence from two (2) consecutive meetings or an unexcused absence from one third of all regular scheduled meetings during any Fiscal Year (July 1 through June 30 of the following year) may be removed from the CommissionBoard per Article III, Section 4.B. of these bylaws. Members may request to be excused from a meeting by contacting the Chair or Executive Director no later than 12 noon on the day of the meeting. An excused absence can be granted by the ChairExecutive Director for the following reasons:

- a. An unforeseen event
- b. Illness or health
- c. Out of town
- d. Religious observance

### 2. Case Review

Members, with the exception of the Chair and First Vice Chair, shall be assigned to three-person Case Review Teams. The Case Review Teams shall review the Internal Affairs investigation in accordance with the current Operational Standing Rule for Case Review. A Team Leader will be appointed for each Case Review Team.

Every member shall complete the review of at least 80% of the cases assigned to that member's Case Review Team. Any member with an unexcused absence from review of more than 20% of the cases assigned to that member's Case Review Team during any Fiscal Year (July 1 through June 30 of the following year) may be removed from the CommissionBoard per Article III, Section 4.B. of these bylaws. Members should notify the Chair or Executive Director and the Team Leader of their assigned Case Review Team of an excused absence from review of a case for one of the following reasons:

- a. An unforeseen event
- b. Illness or health
- c. Out of town
- d. Conflict of Interest

### 3. Committee Participation

Members are required to participate on one of the standing committees of the CommissionBoard.

### 4. Training

Members are required to pursue and complete 48 hours of educational

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opportunities annually, including at least two police ride-alongs.

### 5. Community Outreach

All members shall participate in at least one community outreach activity per quarter.

All members can speak about the role of the CommissionBoard in public to provide education for the community. Only the CommissionBoard Chair is the spokesperson for the CommissionBoard on issues that require public comment.

### 6. 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. Members shall avoid any situation where they have a conflict of interest by immediately notifying the Chair or Executive Director and their Team Leader requesting either to be excused from review of the case or to have the case reassigned to a different Case Review Team. Active involvement in other boards, committees or organizations could pose an actual or perceived conflict of interest with membership on the CommissionBoard. CommissionBoard Members shall disclose all potential conflicts to the Chair or Executive Director immediately.

## **Section 3: Removal**

### **A. Voluntary Resignation**

Any Member of the CommissionBoard can voluntarily resign by sending a letter or email of resignation to the CommissionBoard Chair and the Executive Director. A member's written notice of resignation is required by the City Clerk ~~and the Mayor's Office~~, and becomes a matter of public record. Once the letter has been received, the position shall be considered vacant. ~~Thereafter, the Mayor shall appoint and the City Council confirm a new member to fill the remainder of the term.~~

### **B. Removal for Cause**

~~If a member is convicted of a felony or crime of moral turpitude, the member will automatically be suspended from participating in any capacity on the CommissionBoard, pending a vote by the City Council upon recommendation from the Mayor to formally remove or reinstate the member from the CommissionBoard all of which shall be completed within 30 days of the date of suspension.~~

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A member may also be removed for cause including but not limited to the following reasons: (1) misuse of position as a CommissionBoard Member, (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 CommissionBoard member; (5) unexcused absences from at least two consecutive meetings or by failure to complete case review as assigned by the Executive Director; (6) violation of the NACOLE Code of Ethics; or (7) a conflict of interest.

Upon receiving information that a member may be subject to removal for cause, the Executive Director-Cabinet shall investigate or arrange for an investigation of the situation. If after the investigation, it appears that cause exists for removal, the member shall be invited to meet with the Executive Director and the Cabinet. After that meeting, ~~the Executive Director, in consultation with~~ 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 CommissionBoard Open Meeting agenda. The member will have an opportunity to present a defense and answer questions. By a two-thirds vote, the CommissionBoard may recommend to the City Council-Mayor that the member be removed. The affected member shall not be entitled to a cast a vote in the matter.

~~Upon recommendation of the Mayor to remove a member, a~~ hearing by the City Council shall occur within sixty (60) days of the receipt of the recommendation.

#### **C. Non-Reappointment**

~~Any member can, at the end of their current term, be removed from the CommissionBoard by non reappointment at the Mayor's discretion during the annual appointment process. A non-reappointed member may continue to serve until his or her successor is duly appointed and qualified.~~

### **Article IV: Officers**

#### **Section 1: Officers of the CommissionBoard**

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.

~~All officers shall be members of the CommissionBoard. The term of office is one year, coinciding with the start of the City's fiscal year on July 1 through the end of the fiscal year on June 30 of the following calendar year. 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.~~

#### **Section 2: Term Election and Succession**

##### **A. Term Election**

~~Those serving as officers of the CRB at the time of its dissolution shall continue in office until new Commissioners are appointed. **New officers shall be elected within thirty (30) days after the adoption of permanent bylaws.** If a majority of the Commission may vote to call an election prior to the appointment of new Commissioners. Officers are elected at~~

~~the last scheduled Open Meeting of the fiscal year to serve during the following fiscal year. 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.~~

~~The Nominating Committee (as described in Art. VI, section 3. A., of these Bylaws) 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. Voting shall be by show of hands.~~

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

### **B. Vacancies Succession**

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 CommissionBoard 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~~ ~~Mayor will shall~~ appoint a CommissionBoard Member to serve as Acting Chair for a period of two months, 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 ~~show of hands~~. Notice of such elections shall be given one month 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 CommissionBoard.

### **A. Chair**

The Chair shall have the following powers and duties:

1. ~~—To serve as Chair for all meetings, Closed and Open, of the CommissionBoard.~~
2. To serve as Chair for all meetings of the Executive Committee.
3. To serve as a member of the Cabinet.
4. ~~—To act as the spokesperson for the CommissionBoard, to make official statements for the CommissionBoard, or to delegate this responsibility to another CommissionBoard Member.~~
5. To coordinate with the Executive Director on communication between the CommissionBoard and the Mayor, the San Diego City Council and the Chief of Police.
6. ~~\_To appoint Chairs and members for all Committees of the CommissionBoard.~~

~~except the Nominating Committee.~~

7. To be ex officio member and ensure effective functioning of all committees of the Commission Board, ~~except the Nominating Committee.~~

8. To facilitate communication between Case Review Team Leaders.

9. ~~To~~ serve on a temporary Case Review Team when case load requires formation of a temporary Team by the Executive Director.

10. ~~To~~ perform such other duties as may be conferred by vote of the Commission Board.

### B. First Vice Chair

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

1. ~~To~~ serve as Chair for all meetings, Closed and Open, of the Commission Board in the absence of the Chair.

2. ~~To~~ serve as Chair for the Executive Committee Meeting in the absence of the Chair.

3. To serve as a member of the Executive Committee.

4. To serve as a member of the Cabinet.

5. ~~To~~ oversee training of new members with the Recruitment and Training Committee, and to oversee training of the Team Leaders.

6. ~~To~~ serve on a temporary Case Review Team when case load requires formation of a temporary Team by the Executive Director.

7. ~~To~~ perform such other duties as may be conferred by vote of the Commission Board or requested by the Chair.

### C. Second Vice Chair

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

1. ~~To~~ serve as Chair for all meetings, Closed and Open, of the Commission Board in the absence of the Chair and the First 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 serve as a member of a Case Review Team.

6. To act as Parliamentarian for the Commission Board.

7. ~~To~~ perform such other duties as may be conferred by vote of the Commission Board or requested by the Chair.

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**D. Cabinet**

The Cabinet is responsible for providing consultation to the Executive Director on issues of importance, including but not limited to:

- 1. Membership of Case Review Teams.
- 2. Assignment of Case Review Team Leaders.
- 3. Investigation into allegations of impropriety against any Commission Board Member and recommendations resulting from such investigations.

The Cabinet shall

- 1. In consultation with the Executive Director, shall make Case Review Team and Leader assignments
- 2. Investigate allegations of impropriety against any Commission Member and make recommendations resulting from such investigations
- 3. Provide supervision of and consultation with the Executive Director.

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**Article V: Meetings**

**Section 1: General**

Closed and open meetings of the Commission Board 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 Board and the public at least 72 hours before the scheduled time of every meeting in accordance with the Ralph M. Brown Act.

**Section 2: Closed Meetings**

~~Closed Meetings are normally held twice each month, except only once in December. Closed Meetings are held pursuant to California Government Code Section 54957 to provide a confidential environment in which (1) to review citizens' complaints brought against 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 is limited to Commission Board Members, the Executive Director and Commission staff assigned City Staff, the Chief of Police and/or the Chief's designee, designated SDPD Internal Affairs staff, independent Legal Counsel designated City Attorney Office representatives or outside counsel, and trainees appointed by the Mayor (CPPCRB Academy members) with responsibility for a case that is being presented to the Commission Board. The Commission Board, pursuant to Robert's Rules of Order, may vote to go into Executive Session and may exclude anyone other than voting board members to invite SDPD personnel to attend any session for the purpose of answering questions from the Commission.~~

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Closed Meetings are normally held twice each month, except only once in December. Closed Meetings 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

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exempt from public disclosure by law. Attendance by anyone other than Commission members and staff is by invitation.

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### **Section 3: Open Meetings**

Open Meetings are normally held once each month, except in December, to transact business and to hear presentations. Open Meetings provide a forum in which to communicate with the public, to advise the community on the business of the Commission of the complaint process and the CommissionBoard role in the review of complaints, and to hear public testimony on issues under the Commission's purview. Commission business on the police complaint review process. Individual cases are not discussed in open meetings

### **Section 4: Special Meetings**

Special Meetings can be held as needed and may be either Closed or Open. A Special Meeting may be called by initiated by the Chair, the Cabinet, by the Executive Director, or by a vote of CommissionBoard members. 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 CommissionBoard members can vote on issues before the CommissionBoard and are counted to determine the presence of a quorum. CommissionBoard members (except the Chair) are expected to vote on all issues and must state on the record the reason for any abstention. The Chair is not required to vote; however the Chair may vote whenever his or her vote will affect the result.

No formal action can be taken without a quorum. The requirement for a quorum shall be more than half of the maximum number of members on the CommissionBoard. The maximum number of members is 23, so a quorum is 12.

The basis for decisions at all CommissionBoard meetings is an expected attendance of 18 CommissionBoard members. Consequently, regardless of the number of CommissionBoard members present, the minimum number of votes required to approve or to disapprove a motion is as follows:

#### **A. Motion Requires Majority Vote**

The motion is approved if the majority votes affirmative with at least ten votes affirmative. The motion is disapproved if the majority votes negative with at least ten votes negative. If neither is achieved, the pending motion fails to be approved or disapproved and is trailed to the next CommissionBoard meeting with a quorum.

#### **B. Motion Requires Two-thirds Vote**

The motion is approved if the majority votes affirmative with at least 12 votes affirmative and the number of affirmative votes is at least twice the number of negative votes. Otherwise the motion is not approved.

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The minimum number of votes required, as stated above, applies to main motions that would have the CommissionBoard take an official position on matters, including but not limited to, case review findings, recommendations to the San Diego Police Department, CPPCRB rules and bylaws, and letters to the Mayor or other public officials. It does not apply to subsidiary, incidental, privileged or procedural motions, or motions that do not express an official position on a matter.

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## **Article VI. Committees**

### **Section 1: General**

Committees of the CommissionBoard shall be formed to carry out the primary objectives of the CommissionBoard and to maintain functions necessary to sustain the CommissionBoard. 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 CommissionBoard. Committees shall not take any final action on behalf of the CommissionBoard or issue any official communication. The Chair may appoint community members as non-voting members of 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 CommissionBoard. Ad Hoc Committees either support periodic functions of the CommissionBoard 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 members of the CommissionBoard. Unless otherwise specified herein, Committee Chairs shall be appointed by the CommissionBoard Chair to serve a one-year term. Ad Hoc Committee Chairs can serve until their committee is disbanded. Standing Committee Chairs have the following tasks:

1. Conduct Committee meetings at least quarterly or more often as needed.
2. Support the Brown Act requirement for public notice with an agenda in advance.
3. Report on Committee activities at Open Meetings and make recommendations for CommissionBoard action.
4. Contribute a summary of Committee activities and accomplishments for the CPPCRB Semiannual Reports.
5. 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) members.

#### **A. Executive Committee**

The Executive Committee has continuing jurisdiction over the ~~health and welfare effective and ethical functioning~~ of the CommissionBoard. The Chair of this Committee is the CommissionBoard Chair. Members of the Executive Committee are the elected officers of the CommissionBoard and Standing Committee Chairs. ~~Nonvoting members of the Executive Committee include the Executive Director, the Legal Counsel assigned Deputy City Attorney or outside counsel and SDPD representatives.~~ Regular meetings of the Executive Committee may be held monthly at the discretion of the Chair.

#### **B. Policy Committee**

The Policy Committee shall evaluate recommendations from CommissionBoard Members for improvements to SDPD policy, procedure, training or administration of discipline of police officers. The result of the evaluation shall be presented to the CommissionBoard. The Policy Committee can recommend CommissionBoard action to forward suggested improvements to the Chief of Police and the Mayor. The Policy Committee meets at the discretion of the Policy Committee Chair.

#### **C. Continuing Education Committee**

The Continuing Education Committee arranges presentations on subjects of interest at the Open Meetings of the CommissionBoard. The Continuing Education Committee also arranges additional training opportunities and field trips for the CommissionBoard. The Continuing Education Committee meets at the discretion of the Continuing Education Committee Chair.

#### **D. Community Outreach Committee**

The Community Outreach Committee supports the CommissionBoard's outreach and education objectives at community events and informational meetings. The Outreach Committee meets at the discretion of the Outreach Committee Chair.

#### **E. Rules Committee**

The Rules Committee shall evaluate recommendations from CommissionBoard Members 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 CommissionBoard. The result of the evaluation shall be presented to the CommissionBoard. The Rules Committee meets at the discretion of the Rules Committee Chair.

#### **F. Recruitment and Training Committee**

The Recruitment and Training Committee supports activities to recruit new members for the CommissionBoard, to inform interested individuals about the CommissionBoard, and to provide training to CPPCRB Academy members. The Recruitment and Training Committee meets at the discretion of the Recruitment and Training Chair.

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**Section 3: Ad Hoc Committees**

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

**A. Nominating Committee**

~~The Nominating Committee is an ad hoc committee shall be formed to facilitate election of officers. Three members of the Nominating Committee shall be elected by the CommissionBoard with nominations taken from the floor. Members of the Nominating Committee shall select their committee Chair. The Nominating Committee shall solicit candidates for each office and shall present to the CommissionBoard 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 CommissionBoard officers.~~

**Article VII: Administration**

**Section 1.A. Executive Director**

~~The Mayor of the City of San Diego shall appoint one person to be the Executive Director of the CommissionBoard. The Executive Director will report to the Mayor's Office. The Executive Director, with the approval of the Mayor, shall manage CommissionBoard members and personnel necessary to discharge the functions of the CommissionBoard. Under general direction, The Executive Director is appointed by the City Council and serves under the will and direction of the Commission. The Executive Director is responsible for facilitating the work of the CommissionBoard, including, but not limited to, the following tasks:~~

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1. Interface with community members, responding to inquiries and receiving complaints.
2. Direction of day-to-day operations of the CommissionBoard.
3. Liaison between the CommissionBoard and City departments, in particular SDPD and the City Attorney's Office.
4. Maintenance of records and preparation of reports, including semiannual reports to the Mayor and City Council.
5. Hire and supervise Commission staff, independent contractors and consultants

~~Management of all CommissionBoard personnel throughout recruitment, training, team assignment and case review activities.~~

6. Arrange for the preparation of and dissemination all meeting notices for CPPCRB board and committee meetings as required by the Ralph M. Brown Act.



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7.—Attend all CPP meetings, including committee meetings..

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- 8. Serve as custodian of the Commission’s records, in compliance with all applicable laws related to records retention, protection, confidentiality and disclosure.

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87-9. Arrange for the preparation of and dissemination of the minutes of all CPPCRB board and committee meetings.

~~The Executive Director also provides any additional support that is either not specifically assigned to CommissionBoard Members, or not being provided by assigned CommissionBoard Members as needed, or assigned by the Mayor.~~

~~Formal communication between SDPD and the CommissionBoard will be coordinated through the Executive Director and the Mayor’s Office. The Executive Director shall accurately communicate, in a timely fashion, information from the Mayor, City Council or SDPD to the full CommissionBoard.~~

~~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 Personnel Department.~~

**~~C. Inherent Powers of the Mayor and Coordination / Consultation with CPPCRB~~**

~~The San Diego City Charter gives the Mayor the power to oversee the San Diego Police Department. Accordingly, at any time, the Mayor may be requested to monitor, review and evaluate a case by a majority vote of the CommissionBoard. The Mayor may also independently initiate such a review and evaluation and use such resources as necessary to conduct this review. The Mayor will ensure that all complaints are investigated in a timely and efficient manner. The Mayor may monitor the progress of particularly sensitive complaints and incidents. If a review is approved by the Mayor, it may include:~~

- ~~Discussion with witnesses.~~
- ~~Review of the Internal Affairs investigation.~~
- ~~Discussion with appropriate SDPD investigative staff and CPPCRB Case Review Team members reviewing the case.~~
- ~~Review of tapes and transcripts of interviews with witnesses and police officers.~~
- ~~Review of pertinent evidence, including body worn camera video.~~
- ~~Review of any other available investigative reports by other agencies.~~

~~The completed review by the Mayor shall be presented by the Executive Director to the CommissionBoard for review and comment in a closed meeting.~~

~~The Mayor shall conduct general reviews as needed to evaluate the City’s complaint, investigative and review process. This will include an analysis of trends and patterns in citizen complaints, investigations and discipline. The scope of this review shall include:~~

- ~~Evaluation of the SDPD complaint procedures.~~

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~~Surveys and interviews of the complainants previously involved in the complaint process.~~

~~Survey and interview of witnesses involved in the complaint process.~~

~~Review of statistical reports related to the complaint process.~~

~~Interviews with personnel designated to process complaints.~~

~~Review of discipline imposed to identify trends.~~

~~The completed report of any general review and evaluation will be submitted to the CommissionBoard for comment and recommendations.~~

**Section 2: Independent Legal CounselRole of City Attorney**

~~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, in consultation with the Cabinet. Legal representation and legal advice will be provided by the City Attorney pursuant to City Charter, Section 40. The City Attorney may authorize the appointment of outside counsel to advise the CommissionBoard and Executive Director.~~

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**Article VIII: Amendment**

**Section 1: CPPCRB Bylaws**

Bylaws describe organizational structure, eligibility requirements of the members, 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 CommissionBoard Members at a regularly scheduled Open CommissionBoard meeting. Proposed amendments must be submitted by a CommissionBoard member as defined in and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all CommissionBoard members at least ten days before the meeting where the vote will be taken.

**Section 2: CPPCRB 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 CommissionBoard Members at a regularly scheduled Open CommissionBoard meeting. Proposed amendments must be submitted by a CommissionBoard member and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all CommissionBoard members at least ten days before the meeting where the vote will be taken.

**Section 3: CPPCRB Operational Standing Rules**

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

**Section 4: CPPCRB 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 CommissionBoard Members at a regularly scheduled Open CommissionBoard meeting. —Proposed amendments must be submitted by a CommissionBoard member and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all CommissionBoard Members at least ten days before the meeting where the vote will be taken.

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