

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

Preamble

On November 3, 2020, the voters of San Diego approved Measure B creating a new independent Commission on Police Practices (CPP) replacing the Community Review Board on Police Practices (CRB). Per the City Charter amendment, the members of the CRB at the time of its dissolution became the initial CPP members. 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 is the Commission on Police Practices, herein referred to as “the Commission”. The Commission was established by Measure B, approved by the voters in November 2020. The Commission on Police Practices is also known by the acronym “CPP”.

Section 2: Authority

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

United States Constitution

California Constitution

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

San Diego City Charter, including Article V, Section 41.2 - Commission on Police Practices San Diego Municipal Code

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

San Diego City Council Policies

City of San Diego Administrative Regulations

Memorandum of Understanding (MOU) between City of San Diego and San Diego Police Officers Association

CPP Bylaws

CPP Special Rules of Order

CPP Operational Standing Rules

CPP Administrative Standing Rules

Robert's Rules of Order, Newly Revised

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

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

Article II: Purpose, Duties, Powers and Objectives

Section 1: Purpose

The San Diego Commission on Police Practices (CPP) avails the non-police community of a forum in which to voice concerns and criticisms of San Diego Police Department (SDPD) operations by incorporating dual forms of civilian oversight of law enforcement. An investigation and review form of oversight will focus on improving SDPD officer conduct, and a monitor/auditor form of oversight will focus on insuring SDPD policies, procedures and training are reasonable and equitable.

Section 2: Duties

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

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.

Section 3: Discretionary Powers

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

1. Conduct investigatory proceedings and subpoena witnesses
2. Investigate complaints against SDPD officers (in addition to the required investigations stated above), unless the complaint 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 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 has generated substantial public interest or concern
 - d. an incident where the data shows a pattern of misconduct by a SDPD officer
 - e. an incident where the data shows a pattern of inappropriate policies, procedures or practices of the SDDP 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

a.

Section 4. Outreach and Education

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

Commission

Section 5. Independence

The Commission on Police Practices maintains and defends an independent posture within which objective, balanced review and evaluation processes will be assured. The

ultimate usefulness of the Commission depends on independence from political pressure, independence from community pressure, and independence from influence or control by SDPD. In this regard, actual independence and perceived independence are equally important. Any action or activity that could present an appearance of compromised independence should be avoided. Commission independence is essential to earn the trust of the community and fulfill the mandate from the initial creation of the Commission by citizen initiative.

Article III: Membership

Section 1: Selection and Appointment

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

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

Members of the Commission shall serve without compensation, but shall be reimbursed for authorized, reasonable and necessary expenses incurred in the performance of their official duties. Prior to assuming the duties of office, members must complete the required training program approved by the Commission 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 must retake the Oath of Office and sign a new oath card.

Section 2: Responsibilities

Members have the following responsibilities:

1. Meeting Attendance

The substantive work of the Commission cannot be accomplished in the absence of a quorum. In order to accomplish the work of the Commission, 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 Commission 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 Chair 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 Commission 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 Commission.

4. Training

Members are required to pursue and complete 48 hours of educational 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 Commission in public to provide education for the community. Only the Commission Chair is the spokesperson for the Commission 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 Commission. Commission Members shall disclose all potential conflicts to the Chair or Executive Director immediately.

Section 3: Removal

A. Voluntary Resignation

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

Removal for Cause

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 Commission, pending a vote by the City Council to formally remove or reinstate the member from the Commission all of which shall be completed within 30 days of the date of suspension.

A member may also be removed for cause including but not limited to the following reasons: (1) misuse of position as a Commission Member, (2) misuse of police-issued documents; (2) violation of state laws of confidentiality; (4) misconduct that impedes the member's ability to serve as an effective and impartial Commission 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 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 Cabinet, shall determine whether to proceed with removal proceedings. If it is determined to proceed, the matter will be placed on the next regular Commission Open Meeting agenda. The member will have an opportunity to present a defense and answer questions. By a two-thirds vote, the Commission may recommend to the City Council that the member be removed. The affected member shall not be entitled to a cast a vote in the matter. A hearing by the City Council shall occur within sixty (60) days of the receipt of the recommendation.

Article IV: Officers

Section 1: Officers of the Commission

The officers of this organization shall be Chair, First Vice Chair, and Second Vice Chair.

These elected officers shall be referred to collectively as the Cabinet.

No individual shall hold more than one office at any time. **Section 2: Term and Succession**

A. Term

Those serving as officers of the CRB at the time of its dissolution shall continue in office until new Commissioners are appointed. If a majority of the Commission may vote to call an election prior to the appointment of new Commissioners.

B. Vacancies

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

If the offices of Chair, First Vice Chair and Second Vice Chair all become vacant at the same time, the Executive Committee shall appoint a Commission 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. 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 Commission.

A. Chair

The Chair shall have the following powers and duties:

1. To serve as Chair for all meetings, Closed and Open, of the Commission.
2. To serve as Chair for all meetings of the Executive Committee.
3. To serve as a member of the Cabinet.
4. To act as the spokesperson for the Commission, to make official statements for the Commission, or to delegate this responsibility to another Commission Member.
5. To coordinate with the Executive Director on communication between the Commission and the Mayor, the San Diego City Council and the Chief of Police.
6. To appoint Chairs and members for all Committees of the Commission.
7. To be ex officio member and ensure effective functioning of all committees of the Commission.
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.

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

D. Cabinet

The Cabinet shall

1. In consultation with the Executive Director, 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.

Article V: Meetings

Section 1: General

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

Section 2: 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 Members, the Executive Director and and Commission staff, the Chief of Police and/or the Chief's designee, designated SDPD Internal Affairs staff, and independent Legal Counsel, The Commission, pursuant to Robert's Rules of Order, may vote to invite SDPD personnel to attend any session for the purpose of answering questions from the Commission. SDPD personnel attendance is for the purpose of answering questions from Commissioners. SDPD personnel shall not engage in deliberations regarding complaints.

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 , and to hear public testimony on issues under the Commission's purview. . 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 the Chair, the Cabinet, or by a vote of Commission 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 Commission members can vote on issues before the Commission and are counted to determine the presence of a quorum. Commission 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 Commission. The

maximum number of members is 23, so a quorum is 12.

The basis for decisions at all Commission meetings is an expected attendance of 18 Commission members. Consequently, regardless of the number of Commission 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 Commission 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.

The minimum number of votes required, as stated above, applies to main motions that would have the Commission take an official position on matters, including but not limited to, case review findings, recommendations to the San Diego Police Department, CPP 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.

Article VI. Committees

Section 1: General

Committees of the Commission shall be formed to carry out the primary objectives of the Commission and to maintain functions necessary to sustain the Commission. Committees shall limit their business to the purpose identified in this document or the purpose identified at their inception. Committees shall conduct their business in a manner consistent with these Bylaws and the Standing Rules of the Commission. Committees shall not take any final action on behalf of the Commission or issue any official communication. The Chair may appoint community members as 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 Commission. Ad Hoc Committees either support periodic functions of the Commission that do not require a constant presence for service or are formed to accomplish specific, short term tasks that are not within the assigned function of any Standing Committee or any other Ad Hoc Committee.

Committee Chairs of all committees shall be members of the Commission. Unless otherwise specified herein, Committee Chairs shall be appointed by the Commission 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 Commission action.
4. Contribute a summary of Committee activities and accomplishments for the CPP 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 of the Commission. The Chair of this Committee is the Commission Chair. Members of the Executive Committee are the elected officers of the Commission and Standing Committee Chairs. Nonvoting members of the Executive Committee include the Executive Director, the Legal 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 Commission 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 Commission. The Policy Committee can recommend Commission 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 Commission. The Continuing Education Committee also arranges additional training opportunities and field trips for the Commission. The Continuing Education Committee meets at the discretion of the Continuing Education Committee Chair.

D. Community Outreach Committee

The Community Outreach Committee supports the Commission'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 Commission 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 Commission. The result of the evaluation shall be presented to the Commission. 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 Commission, to inform interested individuals about the Commission, and to provide training to members. The Recruitment and Training Committee meets at the discretion of the Recruitment and Training Chair.

Section 3: Ad Hoc Committees

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

Article VII: Administration

Section 1. Executive Director

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 Commission, including, but not limited to, the following tasks:

1. Interface with community members, responding to inquiries and receiving complaints.
2. Direction of day-to-day operations of the Commission.
3. Liaison between the Commission 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
6. Arrange for the preparation of and dissemination all meeting notices for CPP board and committee meetings as required by the Ralph M. Brown Act.
7. Serve as custodian of the Commission's records, in compliance with all applicable laws related to records retention, protection, confidentiality and disclosure.
8. Arrange for the preparation of and dissemination of the minutes of all CPP board and committee meetings.

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

Section 2: Independent Legal Counsel

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

Amendment

Section 1: CPP 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 Commission Members at a regularly scheduled Open Commission meeting. Proposed amendments must be submitted by a Commission 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 Commission members 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 Commission Members at a regularly scheduled Open Commission meeting. Proposed amendments must be submitted by a Commission member and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Commission members 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 the Mayor's Office, other City Departments and this organization. Operational Standing Rules may be adopted, amended, or deleted by a majority vote of Commission Members at a regularly scheduled Open Commission meeting. Proposed amendments must be submitted by a Commission member, and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Commission members 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 Mayor.

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

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