

## **Implementation Ordinance and Standard Operating Procedures: Proposed Elements**

*Note: It is recommended that only the essential items below be included in an ordinance in the Municipal Code. The other items should be included in Standard Operating Procedures, which can be more easily revised by the City Council by resolution as the new Commission evolves. This is similar to the process used for the implementation ordinance for the previous Measure G which modified the current Board. Depending on how long the process takes, the City Council may consider adopting the implementation ordinance in phases, with the first phase including components, such as composition of the Commission, that do not require a meet and confer with the POA.*

### **Commission Membership**

- Number and qualification of Commission members (including proposed youth seats)
- Selection and appointment process for Commission members
- Terms of office
- Filling vacancies; resignations
- Duties of Commissioners and code of ethics
- Removal for cause of Commissioners

### **Commission Operations**

- Commission bylaws, meetings, etc.
- Attendance at Commission closed sessions (where cases are discussed)
- Semi-annual reports to the City Council
- Publication of redacted public case summaries
- Records retention
- Annual evaluation of Commission effectiveness involving all stakeholders
- Confidentiality agreements

### **Commission Staffing**

- Duties and authority of staff, including Executive Director, Investigators, Policy Analyst, Performance Auditor, Community Engagement Coordinator, Complaints Coordinator, Mediation Coordinator
- Role of independent counsel
- Selection of independent counsel
- Annual performance evaluation of Executive Director

## **Handling of Complaints Against SDPD Officers**

- Procedure for filing complaints (and receiving complaints from SDPD)
- Complaint categorization (Category 1 or 2, Formal or Informal)
- Transmission of unredacted case files for investigations completed by Internal Affairs
- Procedures for reviewing Internal Affairs investigations
- Procedure for the Commission to recommend additional findings
- Procedures for handling disagreements with Internal Affairs findings
- Stipulation that Internal Affairs will not close a case until it is reviewed by the Commission
- Mediation procedures

## **Reviews of Non-Complaint-Based Incidents**

- Definition of police misconduct and review process for internal investigations
- Procedures for reviewing allegations of inappropriate sexual conduct, physical assault and domestic violence by SDPD officers

## **Independent Investigations**

- Investigation process for officer-involved shootings and in-custody deaths
- Procedure for determining whether to conduct a discretionary investigation on an incident
- Procedures for conducting discretionary investigations
- Procedure for review or participating in Shooting Review Board recommendations
- Process for issuing subpoenas and remedies for failure to comply or for providing false testimony

## **Discipline**

- Procedure for discipline recommendations
- Define appeals process for sustained findings and discipline

## **Policy and Practice Recommendations**

- Procedure for making policy and practice recommendations to the SDPD and required SDPD response to those recommendations
- Access to SDPD records to conduct performance audits
- Procedure for performance audits and required SDPD response to those audits