

**List of Recommendations to the City Council PS&LN Committee  
Regarding the Implementation Ordinance and Standard Operating Procedures  
Approved Unanimously by the Commission on Police Practices  
November 23, 2021**

1. While the City Council appoints Commissioners, the selection process for the independent Commission should be non-political and community driven. The implementation ordinance should specifically recognize the ability of the Commission to make nominations to the City Council. We recommend that the Commission's bylaws (adopted by the Commission once new Commissioners are appointed) include a Nominations Committee to make such recommendations. The Nominations Committee should be composed of 9 persons, with 3 current or former Commission members and 6 community members to be chosen by the Commission – 2 academic professionals who specialize in policing, criminal justice, and/or civil rights law and 4 from community nonprofit organizations or those in various fields including specific seats for experts in racial and identity profiling. None of the Nominations Committee members should be associated with law enforcement.
2. As previously expressed, the rigid geographical restrictions for the Commission seats inhibits 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.
3. 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, we believe that it is essential that the Commission leadership be intimately involved in the selection process for the Executive Director, with the process to be spelled out in the implementation ordinance.
4. The implementation ordinance should restate the provision of the City Charter that the Commission shall select and appoint its own legal counsel, independent of the City Attorney.
5. The implementation ordinance should reference the Standard Operating Procedures (the "rules and procedures" which the City Charter specifies that the City Council may establish) and also authorize the Commission to establish its own bylaws and internal policies, consistent with the City Charter, Municipal Code, Standard Operating Procedures approved by the City Council and all applicable state and federal statutes.
6. Many of the Standard Operating Procedures will relate to the investigatory process for the Commission. We have mapped out our recommendations to indicate which elements should be included in the implementation ordinance, the Standard Operating Procedures, and the Commission's internal policies and procedures (see attached Mapping of Investigation Procedures). Once the Commission has completed the selection process for its outside counsel, the

outside counsel will assist the Commission in drafting recommended Standard Operating Procedures.

7. The section of the implementation ordinance which compels City employees to participate in investigatory proceedings should require them to attend proceedings and be fully responsive. Employees should testify under oath and be held accountable if they are intentionally untruthful or fail to be fully responsive. Since Measure B explicitly affords *subpoena* power to the commission, the ordinance should state that failure to appear and respond pursuant to a legally issued subpoena and/or dishonesty under oath shall result in referral of the case to a Superior Court judge for adjudication.
8. The Definitions section of the ordinance should include a definition of "records." The Records section of the ordinance should apply to all City departments, not just the Police Department, should state that records are to be unredacted unless required by state or federal law. The section should specifically state that disciplinary records of police officers shall be available to the Commission, unless prohibited by state or federal law.
9. The implementation ordinance should authorize the Commission's investigators to participate in the initial scene walk-through by SDPD or other investigatory agencies for officer involved shootings.
10. When conducting its investigations of complaints, the Commission's investigators should be authorized to add other findings when the investigation reveals violations of SDPD policies and procedures not specifically mentioned by the complainant (similar to how Internal Affairs adds other findings).
11. The Commission concurs with the definitions of "investigations" and "investigative proceedings" proposed by San Diegans for Justice.
12. The ordinance should state that the Police Department shall be required to make a written, substantive response to recommendations regarding findings and discipline within 14 days and a written, substantive response to policy and procedure recommendations within 60 days.
13. The Commission would like to see a "whistle blower" sections similar to that proposed by San Diegans for Justice.
14. The implementation ordinance should authorize the Commission to make recommendations to the City Council and/or Mayor regarding taking a position on local, state, and federal legislation and local and state ballot measures on topics related to matters within the purview of the Commission.
15. To ensure independence, background checks for potential Commissioners should be conducted by an entity outside of the Police Department.
16. The Subpoena section of the implementation ordinance should make it clear that the Commission may subpoena records related to any of its powers and authorities including reviewing policies, procedures, practices, and actions of SDPD and making discipline recommendations.
17. SDPD should be required to transmit all complaints to the Commission within two business days after receipt and all other investigations of misconduct within two business days after the investigation is opened. Written updates on all investigations should be submitted monthly to the Commission. Since the Police Officers Bill of Rights requires that discipline for sustained findings be imposed within one year, it is essential that the Commission be given ample time to review all SDPD findings. Accordingly, we recommend that if SDPD has not completed an investigation and transmitted it to the Commission within six months, the Department should be required to provide a written explanation to the Commission with status reports to be submitted every two weeks thereafter.