

AMENDMENT TO THE SAN DIEGO CITY CHARTER
Proposed by Women Occupy San Diego
For November 2018 Election Ballot

Section 41.2: Commission on Police Practices

A Commission on Police Practices is hereby established. The establishment of this Commission supercedes the Community Review Board on Police Practices previously created by the San Diego City Charter.

- (1) The Commission on Police Practices is an independent Commission, not a Board of the City of San Diego.
- (2) The Commission has the following duties:
 - (A) the duty to investigate (1) all deaths occurring while a person is in the custody of the Police Department of the City of San Diego; (2) all deaths resulting from interaction with an officer of the Police Department of the City of San Diego; and, (3) all police officer-related shootings. The Commission shall have these duties whether or not a complaint has been submitted. Such investigations must be conducted by investigators independent of the San Diego Police Department;
 - (B) the duty to receive, register, review and evaluate all complaints made against officers of the Police Department of the City of San Diego;
 - (C) the duty to submit quarterly reports to the Mayor and City Council regarding the exercise of the Commission's duties and powers. Such reports shall be public but may not disclose any information required to be kept confidential by federal or state law; and,
 - (D) any additional duties established by ordinance.
- (3) The Commission has the following powers:
 - (A) the power to review, evaluate, and investigate all complaints

against officers of the Police Department of the City of San Diego;

- (B) the power to review, evaluate, and investigate all allegations of inappropriate sexual conduct or physical assault by officers of the Police Department of the City of San Diego. The Commission shall have this power whether or not a complaint has been submitted;
- (C) the power to review and evaluate the policies, procedures, practices, and actions of the Police Department of the City of San Diego;
- (D) the power to retain and/or employ (1) independent investigators to conduct investigations; (2) policy analysts to evaluate the policies, procedures, practices; and actions of the Police Department of the City of San Diego; and, (3) such other staff as is appropriate;
- (E) the power to subpoena civilian witnesses, compel their attendance, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records, or other items material to the performance of the Commission's duties or exercise of its powers, subject to the restrictions of applicable federal and state law;
- (F) the power to make recommendations to the Police Department of the City of San Diego on the discipline of individual officers against whom complaints have been made or on whom the Commission has conducted an investigation;
- (G) the power to review and evaluate the administration of discipline arising from sustained complaints and other matters investigated by the Commission; and,
- (H) the power to make specific recommendations to the Police Department of the City of San Diego and the San Diego City Mayor on the policies, procedures, practices and actions of the Police Department of the City of San Diego; and,
- (I) any additional powers established by ordinance.

- (4) All records or other materials of the San Diego Police Department relating to any matter reviewed, evaluated or investigated by the Commission on Police Practices shall be made available to the Commission on Police Practices within the restrictions of applicable federal and state law.
- (5) The Commission on Police Practices must seek and receive legal advice from independent legal counsel, not the Office of the City Attorney.
- (6) The Mayor and City Council must establish and fund a sufficient and appropriate budget for the Commission that will allow it to effectively carry out its duties and powers.
- (7) Any provisions of the San Diego City Charter in conflict with this amendment are hereby amended to conform to the terms of this amendment. Accordingly, Section 43(d) of the San Diego City Charter is deleted.
- (8) Within ninety days of this amendment's adoption, the San Diego City Council must enact an ordinance which:
 - (A) details the duties and powers of the Commission on Police Practices; and,
 - (B) establishes the number, term and method for appointing members to the Commission. The number, term and method established by ordinance may differ from the number, term and method described in Section 41 of the San Diego City Charter.
 - (C) Nothing in the ordinance may interfere with the Commission's authority to independently refer a matter under investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency.