

RESOLUTION NO. 216171

JUN 9 1976

BE IT RESOLVED, that the City Council of The City of San Diego hereby requests the City Attorney to reexamine his legal position in the matter of the police intelligence inquiry in light of the fact of Council's adoption of a new and specific resolution governing the purpose and scope and conduct of this inquiry (Exhibit I).

BE IT FURTHER RESOLVED, that the Council hereby directs the City Attorney to provide a written report to Council within one week indicating what the City Attorney's advice to the City Manager and Chief of Police will be concerning that portion of the above-referenced resolution which directs the City Manager and Chief of Police to "provide the special attorney with any assistance that the special attorney deems necessary to his conduct of a complete independent inquiry, including assistance in providing complete access to any and all written information contained in the files of the Police Department and any testimonial information that can be gained from interviews of past and present employees of the intelligence operations of the Police Department."

BE IT FURTHER RESOLVED, that if the City Attorney advises the City Manager and Chief of Police that they cannot provide the special attorney with complete access to this information that the City Attorney, as part of his written

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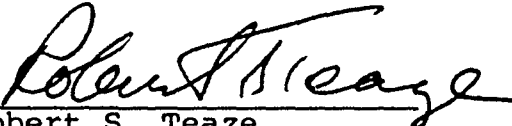
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report to Council within one week, specifically cite all  
legal authority in support of such advice.

APPROVED: JOHN W. WITT, City Attorney

By

  
Robert S. Teaze  
Assistant City Attorney

RST:rb 535  
5-18-76  
Orig.Dept.: Mayor

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DRAFT RESOLUTION

WHEREAS, the San Diego City Council has been made aware through the public media of alleged misconduct on the part of past and present City employees, possibly in violation of the civil rights of several citizens of San Diego; and

WHEREAS, such alleged misconduct, in part, has resulted in the filing of Lawsuit No. 75-4-7 in Federal District Court (Bohmer v. Nixon, et al) alleging a violation of civil rights by numerous defendants, including several San Diego police officers; and

WHEREAS, the City of San Diego is obligated to respond in damages to any liability that may be determined to fall upon those officers for actions undertaken during the course and scope of their employment; and

WHEREAS, the City Council must authorize any money needed from the taxpaying public's treasury to meet such judgments as might be rendered against the City; and

WHEREAS, such alleged misconduct may indicate a pattern of police department practices, past and present, that represent unwritten, but actual, policies of the police department that tacitly condone the violation of the civil rights of certain individuals and which might expose the City to further future civil liability; and

WHEREAS, all policies of the City of San Diego should be reviewed and established by the City Council, the legislative body that is responsible for the public treasury and who represents the citizens of San Diego; and

WHEREAS, the City Council has a need to know the actual practices and policies that govern the conduct of all City departments, including

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the intelligence operations of the police department, for the clear legislative purpose of prospective cure of such practices and policies that the City Council determines may not be in the best interest of the public and which may expose the City to further future civil liability,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Diego hereby establishes that it is in the best interest of the people of San Diego for the Council to proceed with an independent inquiry of the intelligence operations of the police department;

BE IT, FURTHER, RESOLVED that the City Council reaffirms the "Guidelines for Conducting Police Intelligence Inquiry" adopted by the Council on March 24, 1976 (Exhibit A);

BE IT, FURTHER, RESOLVED that the City Council hereby designates Mr. Coleman Conrad as a special attorney under the provisions of Charter Section 40 for the specific purpose of conducting an independent inquiry of his own of the police intelligence operations and providing Council with legal advice and assistance and recommendations designed to cure any police intelligence practices and policies that might expose the City to civil liability;

BE IT, FURTHER, RESOLVED that the City Council reaffirms the methodology to be used by the special attorney for gathering necessary background information as recommended by the Rules Committee Consultant in his April 9, 1976 memorandum to Council entitled "Status Report on Inquiry into Police Intelligence Operations" (Exhibit B);

BE IT, FURTHER, RESOLVED that the City Manager and Chief of Police are, hereby, directed to provide the special attorney with any assistance that the special attorney deems necessary to his conduct of a complete independent

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inquiry including assistance in providing complete access to any and all written information contained in the files of the police department and any testimonial information that can be gained from interviews of past and present employees of the intelligence operations of the police department;

BE IT, FURTHER, RESOLVED that, at the conclusion of his independent inquiry, the special attorney shall provide the Council with legal advice and assistance necessary to assist the Council in determining how to proceed with a public Council inquiry into police intelligence operations in a public forum, if the Council concludes at that time that such a public inquiry is necessary and in the best public interest.

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Passed and adopted by the Council of The City of San Diego on JUN 9 1976,  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By Kathleen Martinez, Deputy.

(Seal)

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Office of the City Clerk, San Diego, California

Resolution Number 216171 Adopted JUN 9 1976

CC-1276 (REV. 12-75)

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