

RESOLUTION NUMBER R- 316227

DATE OF FINAL PASSAGE JUN 05 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DIRECTING THE CITY'S MANAGEMENT
TEAM FOR LABOR NEGOTIATIONS TO ENGAGE IN
COLLECTIVE BARGAINING WITH THE CITY'S
RECOGNIZED EMPLOYEE ORGANIZATIONS ON THE
PROPOSED OPERATING PROCEDURES FOR THE
COMMISSION ON POLICE PRACTICES.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. City of San Diego (City) voters established the Commission on Police Practices (Commission) by approving Measure B in November 2020, which, in part, added section 41.2 to the San Diego City Charter (Charter). Measure B took effect on December 18, 2020, when the California Secretary of State chaptered the Charter amendment. Charter section 41.2 establishes the Commission as an investigatory body of the City, independent of the Mayor and the Police Department, with certain mandatory duties and discretionary powers. Under Charter section 41.2, the Council may, by ordinance, mandate additional duties and authorize additional powers for the Commission, consistent with the Charter and applicable federal and state laws.

B. Charter section 41.2 requires the Council to adopt an implementation ordinance, which it did by San Diego Ordinance O-21557 (October 20, 2022), codified at San Diego Municipal Code (Municipal Code) sections 26.1101 through 26.1115.

C. Municipal Code section 26.1107(a)(1) requires the Commission to "establish operating procedures for its governance and the Commission's investigatory proceedings. All operating procedures prepared by the Commission must be consistent with all applicable laws, including the Charter, the Ralph M. Brown Act, the California Public Records Act, and all laws,

rules, regulations, and collective bargaining agreements between the City and its recognized employee organizations that provide rights to City employees. The Commission's initial operating procedures and any amendments must be approved by the Council, by resolution, before the operating procedures take effect." (Italics deleted.)

D. Municipal Code section 26.1107(a)(2) states that "the Commission must prepare operating procedures for Commission investigators to have immediate access to the scene or area of a police officer-involved shooting, the scene or area where a death or deaths occurred resulting from interaction with a police officer, the scene or area where a death or deaths occurred while a person was in the custody of the Police Department, and Police Department investigations of police officer-involved shootings, deaths resulting from interaction with police officers, and deaths occurring while a person is in the custody of the Police Department." (Italics deleted.)

E. Municipal Code section 26.1107(a)(13) states: "The Commission may establish an operating procedure to directly receive and investigate complaints by members of the public against Police Department employees who are not police officers, in accordance with the City Charter and this Code. Any procedure to investigate the complaints must be made available in writing and accessible to the public." (Italics deleted.)

F. Municipal Code section 26.1109(a) states: "The Commission and the Police Department may develop an operating procedure for the disclosure of Police Department records to the Commission. However, any disclosure of personnel records to the Commission by any City department must be in accordance with all applicable federal and state laws and regulations, including all laws and regulations pertaining to confidential medical information and personnel records. The Commission is required to maintain the confidentiality of all Police Department records and City personnel records, in accordance with applicable laws, and to respond to

requests by members of the public for records in the possession of the Commission in a manner consistent with the California Public Records Act and applicable constitutional, statutory, and case law that protects personnel records.” (Italics deleted.)

G. Municipal Code section 26.1114(c) states: “The Commission must establish an operating procedure for the preparation and submission of a semi-annual report to the Mayor and Council regarding the exercise of the Commission’s powers and duties.” (Italics deleted.)

H. Municipal Code section 26.1114(d) states: “The Commission must establish an operating procedure for allowing the community to evaluate the Commission’s processes and performance.” (Italics deleted.)

I. Municipal Code section 26.1114(e) states: “The Commission must establish an operating procedure for the development, data collection, tracking, and reporting of community policing standards. These standards may include de-escalation techniques, strategies, and practices; use of distraction blows; acts of intimidation; detentions; and other standards the Commission determines to develop, track, and report. The operating procedure must, at a minimum, include processes for community input and Police Department discussion facilitated by the Commission regarding the community policing standards.” (Italics deleted.)

J. Municipal Code section 26.1114(f) states: “The Commission must establish an operating procedure that describes the Commission’s communications with complainants regarding the status of their complaints. At a minimum, the operating procedure must describe the Commission’s process for receiving and acknowledging complaints and for providing complainants with the status and outcomes of the Commission’s reviews and investigations.” (Italics deleted.)

K. Municipal Code section 26.1114(g) states: “The Commission must establish an operating procedure covering public communications on the Commission’s Internet website,

including providing to the public, as soon as practicable, as much information as permitted by law, on the status of the Commission's investigation of each complaint, the list of all complaints received, the Commission's findings of the complaints it investigated, and all of the Commission's recommendations." (Italics deleted.)

L. By San Diego Resolution R-313501 (May 5, 2021), the Council adopted the Commission's interim operating procedures following a collective bargaining process with the City's impacted recognized employee organizations. These procedures did not cover all of the required matters as described in the Municipal Code. As a result, the Commission is not yet fully implemented and conducting the Charter-required investigations.

M. By San Diego Resolution R-314375 (October 6, 2022), the Council amended the interim operating procedures, following the required collective bargaining process. These procedures also did not cover all of the required matters as described in the Municipal Code.

N. The Commission has now prepared and finalized the full draft operating procedures and is presenting them to the Council for determination. The Commission approved the final proposed amendments to the draft operating procedures at the Commission's April 2, 2025, and April 16, 2025, regular business meetings.

O. On April 23, 2025, the Council's Public Safety Committee considered the proposed operating procedures and voted to advance the proposed operating procedures to the Council to conduct a policy review and to direct the collective bargaining process as defined and required by the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06. The MMBA, at California Government Code sections 3500 through 3511, establishes collective bargaining procedures for public agency employers, including the City.

P. By San Diego Resolution R-315855 (November 6, 2024), the Council approved its most recent designation of the City's management team for labor negotiations (Management Team).

Q. The Council recognizes its need to engage in collective bargaining on the mandatory subjects of bargaining impacted by the Commission's proposed operating procedures, and the Council intends to refer the collective bargaining duties to the City's Management Team.

R. The Council has now considered the proposed operating procedures prepared by the Commission and forwarded by the Public Safety Committee to the Council, which are on file with the Office of the City Clerk as Document No. ^{RR-}316227. The Council requests that the City's Management Team engage in the required collective bargaining process and return to the Council for further direction and final determinations, as required by the MMBA, the Charter, the Municipal Code, and Council Policy 300-06.

S. The Office of the City Attorney has prepared this Resolution based on the information provided and verified by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

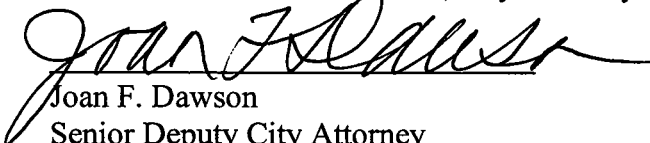
Be it resolved by the Council of the City of San Diego:

1. The Council directs the City's Management Team to engage in the collective bargaining process on the mandatory subjects of bargaining related to the Commission's proposed operating procedures, which are on file in the Office of the City Clerk, as Document No. ^{RR-}316227, and the Council directs the City's Management Team to return to the Council for final determinations on the proposed operating procedures, as required by the MMBA, the Charter, the Municipal Code, and Council Policy 300-06.

2. The Council also requests that the City's Management Team regularly report back to the Council on the progress of collective bargaining related to the Commission's proposed operating procedures and seek further instructions from the Council, in response to any collective bargaining discussions, as legally required.

APPROVED: HEATHER FERBERT, City Attorney

By


Joan F. Dawson
Senior Deputy City Attorney

JFD:cm

April 29, 2025

Or.Dept: Human Resources

Doc. No. 4041299

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
JUN 02 2025

DIANA J.S. FUENTES
City Clerk

By


Deputy City Clerk

Approved:

6/5/25
(date)


TODD GLORIA, Mayor

Vetoed:

(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 02 2025, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 05 2025.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By *Kristell Medina*, Deputy

Office of the City Clerk, San Diego, California

316227

Resolution Number R-_____