

**San Diegan For Justice Report
List of Improvement Opportunities**

Opportunity	Responsibility	STATUS/Comments
Jurisdictional Scope & Powers		
Subject Matter Jurisdiction		
✓ Consider adding “domestic violence” to list of complaint-based investigative authority	Board of Supervisors	Approved by CLERB. Pending BOS Consideration
✓ Consider authorizing CLERB to conduct pattern & practice investigations	Board of Supervisors	Approved by CLERB. Pending BOS Consideration
Personal Jurisdiction		
✓ Consider expanding jurisdiction to cover all Department employees	Board of Supervisors	Approved to cover medical staff. Pending BOS Consideration
Investigative Powers		
✓ Consider adding ordinance provision that affords CLERB direct access to Department reports and information systems	Board of Supervisors	Approved by CLERB. Pending BOS Consideration
✓ Consider adding ordinance provision that enhances ability to enforce duty to cooperate to the extent permissible by law	Board of Supervisors	Approved by CLERB. Pending BOS Consideration
Disciplinary Recommendations		
✓ Consider adding ordinance provision requiring Departments to provide CLERB with information to support specific disciplinary recommendations & public reporting of aggregated disciplinary information	Board of Supervisors	Approved by CLERB. Pending BOS Consideration
Policy Recommendations		
✓ Consider adding ordinance provision formalizing that Department response to CLERB policy recommendations is required	Board of Supervisors	Approved by CLERB. Pending BOS Consideration
Policies & Procedures		
Investigative Process – Complaint Intake		
✓ Consider eliminating ordinance provision that requires complaints to be signed under penalty of perjury	Board of Supervisors	Approved by CLERB Pending BOS Consideration
✓ Accept electronic signatures unless prohibited by law	CLERB Staff	In progress
✓ Develop policies & procedures governing steps required to secure a signed complaint before a complaint can be dismissed for lack of signature	CLERB Staff	In practice

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	✓ Consider eliminating requirement that complainants agree to forgo issuing subpoenas to CLERB	CLERB Staff	In practice
Investigative Process – Preliminary Investigations			
	✓ Continue pursuit of immediate notifications of critical incidents by Departments	CLERB Staff	In practice
	✓ Respond to scenes to conduct preliminary investigative steps, more independent fact-finding (canvassing for witnesses & video) as soon as practicable	Investigating Agency	Per Investigating Agency Rules
	✓ Pursue access to and participation in the Departments’ Critical Incident Review Board proceedings/reports		Not approved
	✓ Conduct independent investigative steps as soon as practicable after incident occurs (rather than awaiting documents from the Departments)	CLERB Staff	In practice
Investigative Process – Information Access			
	✓ Pursue direct (front-end and back-end) access to Department reporting/information systems	Board of Supervisors + SDSO	Approved by CLERB. Not approved by SDSO
Investigative Process – Investigative Planning and Management			
	✓ Develop investigative plans	CLERB Staff	In practice
	✓ Consistently document investigative progress – including delays	CLERB Staff	In practice
	✓ Develop technology-based case management tools to enhance quality and timeliness of investigations	CLERB Staff	In practice
	✓ Develop more robust policies and procedures to enhance timeliness and quality → investigator manual	CLERB Staff	In progress
Investigation Process – Witnesses, Subpoena Power & the Duty to Cooperate			
	✓ Conduct and record witness interviews in person to the extent possible	CLERB Staff	In practice
	✓ Enforce subpoena power	CLERB Staff	In practice
	✓ Enforce duty to cooperate	CLERB Staff	In practice
	✓ Consider conducting non-public investigative hearings and public hearings at officers’ request where doing so would improve fact-finding	CLERB Board + CLERB Staff	In practice
Internal Investigative Case Review			
	✓ If not already doing so, require full file review by at least 2 staff members before closing a case	CLERB Staff	In practice
	✓ For serious cases, require legal input throughout investigative process and legal review prior to closing	CLERB Staff	In practice

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Investigative Outcomes			
	✓ Pursue aggregated disciplinary data and other information from the Departments to inform more specific disciplinary recommendations	CLERB Board + CLERB Staff	Approved
	✓ Pursue and publish data from the Departments on the ultimate outcome of matters within CLERB’s jurisdiction	CLERB Staff	In practice
Oversight of Detention Facilities			
	✓ Pursue visits in response to complaints and critical incidents	CLERB Staff	In practice
	✓ Consider pursuing unannounced visits	CLERB Board + CLERB Staff	Considered Not in practice
Policy Development			
	✓ Engage community in the development of recommendations regarding public-facing policies	CLERB Board	In practice
	✓ Develop recommendations to enhance the Departments’ transparency	CLERB Board + CLERB Staff	In practice
Management & Administration			
	✓ Consider tailoring performance evaluation system to address organizational needs – reinforcing key values of integrity, timeliness, and neutrality	CLERB Board + CLERB Staff	In practice
	✓ Increase use of data management/technology to drive timeliness and quality	CLERB Staff	In practice
Board Procedures & Decision-making			
	✓ Share responses to board member questions about individual cases with all board members	CLERB Staff	In practice
	✓ Provide a formal opportunity for board members to review key evidence	CLERB Staff	In practice
	✓ Consider requiring board members to attest to having reviewed the summary report and key evidence prior to decision-making	CLERB Board	In progress
	✓ Develop a protocol for appointing an “Acting Executive Director” in the event of vacancies in that position	CLERB Board	Board appoints A/EO
	✓ Consider allowing for community input into the Executive Director performance objectives	CLERB Board	Not implemented
	✓ Consider appointing Executive Director to a term of years with removal only for cause	CLERB Board	Considered Not approved by the Board
Board Selection Process			
	✓ Identify ways to streamline the process to minimize time of vacancies	CAO	In practice
	✓ Assess whether geographic representation is inhibiting diversity of board composition	CAO	In practice

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✓	Consider expanding the board to add members with helpful subject matter expertise + personal experience	Board of Supervisors	In the charter Board 9-15 seats
✓	Enhance transparency around the selection process and criteria for selection	CLERB Board + CAO	For consideration by responsible parties
✓	Allow Board input to the selection criteria for each vacancy to enhance diversity of representation and address needed subject matter expertise	CLERB Board + CAO	For consideration by responsible parties
✓	Consider creating standing committees to take on regular tasks, and ad hoc committees to take on larger non-recurrent projects	CLERB Board	In practice
Resources			
Human Resources			
✓	Increase investigative staffing to enhance ability to conduct independent investigative tasks and improve investigative timeliness and quality	Board of Supervisors	In progress
✓	Pursue in-house capabilities: data analysis, policy analysis, & legal affairs	Board of Supervisors	In progress
✓	Review quality and consistency of onboarding training – leverage available external resources (e.g. NACOLE)	CLERB Staff	In practice
✓	Provide consistent, regular training for Board and Staff to stay abreast of Department policies and operations and best practices in policing and civilian oversight	CLERB Staff	In practice
✓	Pursue external subject matter expertise as needed	CLERB Staff	In progress
✓	Pursue independent selection of outside counsel – periodically review	CLERB Staff	In practice
Technical Resources			
✓	Pursue database management technology to track timeliness of investigative process	CLERB Staff	In progress
✓	Pursue external video evidence analysis capabilities	CLERB Staff	In practice
Financial Resources			
✓	Increase funding to support optimal investigative staffing	Board of Supervisors	In progress
✓	Increase funding to afford in-house capabilities (policy, data, legal)	CAO	In progress
✓	Increase funding for training (Board + Staff)	Board of Supervisors	In progress
✓	Increase funding for investigative equipment (vehicles, recording devices)	Board of Supervisors	In progress

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✓	Consider reimbursing Board members for reasonable expenses	CLERB Staff	In practice
Case & Data Management			
✓	Leverage or acquire case management tools to enhance timeliness & quality of investigations	CLERB Staff	In progress
✓	Incorporate timeliness drivers in case management policies and procedures	CLERB Staff	In practice
✓	Leverage CLERB data to identify trends in Department performance	CLERB Staff	In practice
✓	Leverage data to identify patterns and practices of misconduct	CLERB Staff	In practice
Community Engagement & Transparency			
Public Reporting & Meetings			
✓	Explore feasibility of publishing investigative reports and information to the extent permissible by law	CLERB Staff	In practice
✓	Unless legally prohibited, disclose all MOU's with Departments and unions	CLERB Staff	In practice
	•Pursue aggregated data from the Departments on case outcomes that can be used to support public reporting on matters within CLERB's jurisdiction	CLERB Staff	In progress
	•Conduct periodic audits to assess whether the SDS is following its own policy regarding the release of information on critical incidents that is required by law	CLERB Staff	In practice
	•Develop a data dashboard for the website on key metrics and case information (status and outcome)	CLERB Staff	In progress
	•Ensure public comments received at meetings that require a response from CLERB or the Departments are directed to the appropriate resource	CLERB Staff	In practice
Community Engagement			
✓	Develop a strategic plan for community outreach supporting 2-way communication: seek feedback + provide education	CLERB Staff	In progress

Summary

10 recommendations Pending consideration by responsible parties
15 Recommendation In Progress
36 Recommendations In Practice

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