

**BYLAWS OF THE OCEANSIDE
POLICE AND FIRE COMMISSION****ARTICLE I. THE COMMISSION****Section 1.1** Police and Fire Commission

The name of the Commission shall be the “City of Oceanside Police and Fire Commission” (hereinafter referred to as “Commission”).

Section 1.2 Authority

The Commission operates and performs all functions in accordance with the following: California Statutes and Codes, including but not limited to the Government Code, Ralph M. Brown Act, Section 54950 et seq.; and Public Safety Officers Procedural Bill of Rights, Sections 3300-3311, Chapter 9.7, Division 4, Title 1, Penal Code (PC), Health and Safety Code, Vehicle Code (VC), and applicable provisions of the City of Oceanside Municipal Code.

Section 1.3 Purpose

- A. The Commission shall advise the City Council on policy matters pertaining to safety, police, fire and other areas wherein the matter of public safety may be of concern.
- B. The Commission will maintain a standing oversight committee to review and make recommendations regarding citizen complaints against OPD and OFD.
- C. The Commission shall act as an advisor to the community to help find solutions to their concerns relating to public safety.
- D. The Commission shall make studies, reports, hold hearings and formulate policy recommendations to the City Council on matters relating to public safety.
- E. The Commission shall receive and expeditiously act on all special assignments requested by the City Council and shall submit reports and recommendations to the City Council on these assignments. The Commission will also make recommendations regarding public safety concerns and advise the Council.
- F. The Commission may submit recommended projects to the City Council for possible assignment by the Council.

ARTICLE II. MEMBERSHIP**Section 2.1** Composition

The Commission shall consist of nine (9) regular voting members. All members shall be residents of the City of Oceanside.

Section 2.2 Terms of Membership

Regular members shall serve terms of three (3) years. Commission members whose terms have expired may apply for reappointment if they wish to do so.

Section 2.3 Termination of Membership

Membership in the Commission shall automatically be terminated upon any of the following occurrences:

- A. The member is no longer a resident of the City of Oceanside;
- B. The member has two (2) unexcused absences per fiscal year from regular Commission meetings without cause and/or without notifying the Chairperson or City Staff;
- C. The member has more than three absences each fiscal year (includes excused and unexcused absences);
- D. The member fails to attend any City conducted Commissioner Training sessions that may be offered;
- E. Upon removal by a majority of the City Council, with or without cause.
- F. The member fails to complete and submit the required financial interest disclosure forms to the City Clerk's Office by the specified due date.

Section 2.4 Resignation

Any Commission member may resign at any time by giving written notice to the Mayor of the City of Oceanside and the Chairperson of the Commission. Any such resignation shall be effective upon receipt or upon any date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

Section 2.5 Vacancy

When a vacancy occurs, the Mayor shall appoint an applicant to fill the vacancy, subject to the provisions and appointment procedures outlined in Chapter 2, article 2.1 of the City code. The new applicant should be approved by the majority of City Council Members prior to appointment. Vacancies will be filled as expeditiously as is feasible.

Section 2.6 Expectations

- A. Commissioners are expected to adhere to the principles as set forth in the “Board & Commission’s Workbook” and the “City of Oceanside’s Code of Ethics & Conduct for Elected & Appointed Officials”.
- B. Commissioners are encouraged to attend community functions as a means of facilitating the Commission’s goals and objectives.
- C. Commissioners are encouraged to attend and participate in major police and fire department events (such as swearing-in and promotion ceremonies).
- D. Commissioners are encouraged to schedule at least two ride-alongs with the police department during their term of service.
- E. Commissioners are encouraged to visit all of the fire departments stations (either individually or as a group).

ARTICLE III. OFFICERS

Section 3.1 Officers

The officers of the Commission shall consist of a Chairperson and a Vice-Chairperson, who each must be a regular voting Commissioner.

Section 3.2 Chairperson

The Chairperson shall preside at all meetings of the Commission and shall work with the staff who serve the Commission to submit such agendas, recommendations, and information at such meetings that are reasonable and proper for the conduct of business affairs and policies of the Commission.

Section 3.3 Vice-Chairperson

The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In the event of the resignation, death or removal of the Chairperson, the Vice-Chairperson shall assume the Chairperson’s duties until such time as the Commission shall elect a new Chairperson, pursuant to Section 3.6 **herein** concerning vacancies.

Section 3.4 Additional Duties

At times, officers of the Commission shall perform duties and functions at the request of the Commission or staff, incidental to the offices held by such officers. This section shall also apply to members acting as or performing the duties of the officer.

Section 3.5 Election

The Chairperson and Vice-Chairperson shall be elected by the Commission at one of its initial meetings and annually in June thereafter at a designated regular meeting from among the Commission members, who shall each hold office for a term of one (1) year or until their successors are elected and qualified. An officer shall be prohibited from election to more than two (2) consecutive terms of office.

Section 3.6 Officer Vacancies

Should the office of Chairperson or Vice-Chairperson become vacant, the Commission shall elect a successor from among its members at the next regular or special meeting, and the office shall be held for the unexpired term of office.

ARTICLE IV. MEETINGS

Section 4.1 Regular Meetings

Regular meetings shall be held every two months on the second Tuesday of even-numbered months at 5:00 p.m. In the event that the regular meeting date is a legal holiday of the City, then any such regular meeting shall be held on the next regular date or as agreed upon by the Commission members prior to meeting.

Section 4.2 Special Meetings

Special meetings may be held pursuant to and in accordance with the provisions of section 54956 of the California Government Code.

Section 4.3 Adjourned Meetings

Any meeting of the Commission may be adjourned to another meeting providing the adjournment indicates the date, time and place of the adjourned meeting. A Commission member(s) absent from the meeting at which adjourned decision is made, shall be notified by the Chairperson of the continued meeting.

Section 4.4 Meetings to be Open and Public

All meetings of the Commission and its standing committees shall be open and public to the extent required by the California State Brown Act. All persons shall be permitted to attend any such meetings, except as otherwise provided by law.

Section 4.5 Quorum

A majority of the Commission membership shall constitute a quorum for the purpose of conducting the Commission business, exercising its powers and all other purposes, but less than a majority of the Commission membership may adjourn the meeting from time to time until a quorum is obtained. Unless otherwise provided in the bylaws, an affirmative vote by a majority of members

of the Commission present shall be required for approval of any action brought before the Commission.

Section 4.6 Excused Absences

A member's absence from a meeting shall be excused if, prior to the meeting from which a member will be absent, the member notifies the Chairperson or City staff of his/her intent to be absent. At each meeting, after the meeting has been called to order, the Chairperson shall report to the Commission the name of any member who has so notified the Chairperson or staff of his or her intent to be absent.

ARTICLE V. RECORDS, REPORTS, AND ANNUAL WORK PLAN

Section 5.1 Meeting Records

The Commission shall keep minutes of all meetings, which shall be open for inspection by any member of the public. Minutes should contain detailed voting records by Member, and by specific action. Upon approval of meeting minutes by the Commission, copies of such minutes shall be distributed to the City Council and City Manager.

Section 5.2 Order of Business

The Commission shall establish the order of business. Agendas shall be published and posted in compliance with applicable state and local laws and rules. Provisions will be made for citizens with disabilities by contacting City staff.

Section 5.3 Rules of Order

Unless otherwise decided by the Commission, all business and matters before the Commission shall be transacted in conformance with Article I of Chapter 2 of the Oceanside City Code, established City policy, applicable Council Policy and Robert's Rules of Order (latest edition) to the extent applicable to the business of this Commission.

Section 5.4 Off-Agenda Items

No off-agenda items shall be acted upon or discussed by the Commission. Commission members, staff and/or public may announce off-agenda matters of concern. Each off-agenda matter shall be automatically referred to staff for resolution or placed on the next available Commission agenda.

Section 5.5 Reports Submitted to City Council

The Commission shall submit copies of business related reports, studies, and correspondence sent to public agencies to the City Manager and City Council upon distribution of the original document.

Section 5.6 Presentation of Annual Work Plan

The commission shall submit to the City Council, no later than three (3) months after the initial seating of the Commission, and no later than June 30 of each following year, a comprehensive work plan indicating specific goals and objectives proposed for the fiscal year to support the purpose and scope of responsibilities as described in Section 1.2 *herein*. The Commission will have an annual workshop to discuss the proposed fiscal year work plan.

ARTICLE VI. REPRESENTATION BEFORE PUBLIC BODIES

Section 6.1 Representation

Any official representations on behalf of the Commission before the City Council, or any public body, shall be made by the Chairperson, the Vice-Chairperson in the Chairperson's absence, or a member of the Commission specifically designated by the Commission.

Section 6.2 Statement of Minority Views

All reports by City staff and all official representation on behalf of the Commission pursuant to Section 4.1 and 4.2 herein on matters that have been approved or disapproved by the Commission shall, in addition to a statement of majority vote, include a brief statement of any minority opinions on the matter, as incorporated in the Official Minutes of the Commission.

ARTICLE VII. COMMITTEES

Section 7.1 Established

The Commission shall have the authority to and may establish standing or ad-hoc committees as necessary to accomplish the purposes set forth in Section 1.2 herein. Standing or ad-hoc Committees may meet to discuss recommendations for action by the Commission. Membership composition and terms shall be determined by the Commission for any committee created; however, no committee shall consist of the number of Commission members so as to constitute a quorum to serve on one (1) committee. In addition, the Commission may appoint an unspecified and unlimited number of other persons not currently serving as a Commission member.

Section 7.2 Appointment of Committee Members

Members on a standing or ad-hoc committee shall be appointed by the Chairperson with the approval of a majority of the Commission members.

Section 7.3 Committee Reports

Standing or ad-hoc Committee(s) shall from time to time make reports, written or verbal, to the Commission.

Section 7.4 Standing Oversight Committee

The standing oversight committee shall review complaints from citizens pursuant to Article I, section 1.3B and shall be handled in accordance with the committee's standard operating procedures. (Annex A and Annex B)

ARTICLE VIII. MISCELLANEOUS

Section 8.1 Councilmember Liaisons to Commission

The Mayor shall appoint to the Commission, subject to approval of the City Council, one (1) member of the City Council to serve as a non-voting ex-officio member of the Commission. Said ex-officio member shall serve as liaison between the City Council and the Commission, shall from time-to-time inform the City Council of the activities and issues addressed by the Commission, and shall assist the Commission in promoting recommendations made to the City Council. Council liaisons will make every effort to attend all Commission meetings.

Section 8.2 City Assistance to Officers and Commission

The City Manager shall appoint staff to assist the Commission officers and members, as necessary in such activities as setting and conducting meetings, preparing meeting agendas and minutes and responding to requests for assistance from Commission members.

Section 8.3 Amendment of Bylaws

The bylaws of the Commission shall be recommended for amendment upon the affirmative vote of at least two-thirds (2/3) of the total membership of the Commission at a regular or special meeting of the Commission. No such amendment shall be adopted unless at least seven (7) days written notice has previously been given to all members of the Commission. Notice of amendment shall identify the section or the sections of the bylaws proposed to be amended. Any amendment to the bylaws shall be approved by resolution of the City Council and shall take effect as of the date of such City Council approval.

Section 8.4 Procedural Situations Not Addressed

In procedural situations not addressed in the body of the Commission bylaws, the determination of the situation shall be subject to the jurisdiction of the City Attorney's Office.

ANNEX A – POLICE DEPARTMENT

Standard Operating Procedures

100. OVERVIEW

The City of Oceanside takes seriously all complaints regarding the service provided by the Police Department and the conduct of its sworn and nonsworn personnel and recognizes the importance of transparency and independent objectivity in order to foster and deepen trust with our community. Oceanside Police Officers are carefully selected, highly trained, and serve with a pride of professionalism. However, as in any large organization, deviations from ideal performance can occur. Allegations of misconduct against department personnel are investigated thoroughly and objectively, with the goals of maintaining the integrity of the department and the confidence of the public.

Citizen complaints are *defined as any complaint filed by anyone within the city of Oceanside based on alleged misconduct by OPD personnel*. Citizen complaints are investigated by the Police Department and independently reviewed and evaluated by the Police & Fire Commission *Standing Oversight Committee*. In conducting its review, the Commission's Standing Oversight Committee (SOC) shall be provided access to the entire investigation, including reports, transcripts, audio and video recordings, and any other materials collected and/or evaluated as part of the investigation. Additionally, the Committee is authorized to request additional investigative action be taken.

All Commission actions, including document review and public disclosure, shall be conducted in accordance with all applicable law and regulation. The Commission operates and performs all functions in accordance with the following: California Constitution; California Statutes and Codes, including but not limited to the California Public Records Act, Government Code, Ralph M. Brown Act, Section 54950 et seq.; and Public Safety Officers Procedural Bill of Rights, Sections 3300-3311, Chapter 9.7, Division 4, Title 1, Penal Code (PC), Health and Safety Code, Vehicle Code (VC), and applicable provisions of the City of Oceanside Municipal Code.

101. Scope

The Commission's oversight of internal Police Department investigations shall be limited to citizen complaints of misconduct. *See above for clarity on citizens' complaints.*

102. Receipt and Assignment of Complaints

Complaints can be filed online, in person, or via telephone. The Chief of Police or designee *will inform the SOC of a pending investigation*. The Chief's designee will review and assign complaints for investigation. The Police Department's Professional Standards Unit has the primary responsibility for conducting complaint investigations, however, they may also be assigned to other supervisory, management, and command staff personnel.

103. Investigation

Assigned personnel are responsible for completing a thorough investigation in accordance with Police Department policy and California Government Code Section 3300 et seq. (Police Officers Bill of Rights).

104. Findings

Generally, the subject member's Division Commander is responsible for reviewing completed investigations and recommending findings. A finding shall be recommended for each allegation. Findings are categorized as follows:

a. **Unfounded**: When the investigation discloses the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

i. A frivolous complaint is a complaint against a police officer which has a finding of other than SUSTAINED or NOT SUSTAINED, and where there is evidence that the complaint was totally and completely without merit or brought for the sole purpose of harassing the police officer.

ii. Once approved by the Chief of Police as being frivolous, no such complaint may be referred to, noted or numerically/statistically counted in any evaluation or in any general personnel file listed under the officer's name, such as a Divisional File.

b. **Exonerated**: When the investigation discloses the alleged act occurred, but the act was justified, lawful and/or proper.

c. **Sustained**: When the investigation discloses sufficient evidence to establish the act occurred, and it constituted misconduct.

d. **Not Sustained**: When the investigation discloses there is insufficient evidence to sustain the complaint or fully exonerate the member.

200. STANDING OVERSIGHT COMMITTEE EVALUATION

200A. THE OPD PROFESSIONAL STANDARDS UNIT WILL INFORM THE STANDING OVERSIGHT COMMITTEE OF ALL COMPLETED INVESTIGATIONS THAT ARE READY FOR REVIEW BY EMAIL.

201. Access to Investigative Materials

Upon completion of an internal investigation report, the Police Department shall prepare a redacted version whereby involved parties are identified as follows: Subject Member, Witness Member, Complainant, and Non-Member Witness. Multiple persons in any given category shall be numbered sequentially for identification purposes. For example, in cases involving three Non-Member Witnesses, they shall be identified as Non-Member Witness 1, Non-Member Witness 2 and Non-Member Witness 3.

All documents used during the course of the investigation and for purposes of rendering a finding shall be redacted in the same manner. Copies of any audio and visual files used or created during the course of the investigation shall have names and faces blurred. Copies of all other content collected, created, or otherwise used during the investigation and for purposes of rendering a finding shall accompany the redacted report and this complete package shall be referred to as the Oversight Copy. The SOC shall be provided meeting space in the Police Department to conduct its review. Upon completion of complaint review and evaluation, the Oversight Copy shall be retained by the Police Department Professional Standards Unit. This process shall serve to preserve confidentiality while providing the SOC complete access to all materials utilized by the Police Department during the course of an investigation, maintain compliance with Government Code Section 3300 et seq.

202. Complaint Investigation Review

The SOC shall review the entire Oversight Copy of the complaint investigation and determine whether the investigation was thorough, complete, objective, impartial, and accurate. Once a complaint investigation review has been completed, the SOC shall make its disposition.

203. SOC Case Report

The SOC shall complete a Case Report for each complaint investigation review. The content of the report shall include the demographics of the involved parties, synopsis of the complaint, summary of the investigation, and a conclusion for each allegation. The Police Department

Professional Standards Unit shall provide staff support to the SOC for completion of the report. The original Case Report shall be included in the internal investigation report file.

300. CASE DISPOSITION

The SOC will make one of the following dispositions:

301. Agree

The SOC concurs with the finding(s) of the investigation and the investigation was thorough, complete, objective, impartial, and accurate. When the Committee's conclusion is Agree, the matter is referred back to the Police Department for final disposition.

302. Disagree

The SOC does not concur with the finding(s). When the Committee's conclusion is Disagree, the SOC will issue a report to the Police Department detailing its conclusion. *For the first year, a rolling log of conclusions will be presented annually to the full commission and updated on the commission's webpage.*

400. PUBLIC REPORTS

On a *bi-monthly* basis, the SOC shall present a case summary for each matter reviewed during the preceding two months to the Commission. The summary shall take place during a regular, open session. The contents of the summary shall be derived from SOC case reports and include action taken by the Committee *and OPD*.

ANNEX B – FIRE DEPARTMENT

Standard Operating Procedures

100. OVERVIEW

The City of Oceanside takes all complaints seriously regarding the service provided by the Fire Department and the conduct of its sworn and nonsworn personnel. The department recognizes the importance of transparency and independent objectivity in order to foster and deepen trust with our community. Oceanside Fire personnel are carefully selected, highly trained, and serve with a pride of professionalism. However, as in any large organization, deviations from ideal performance can occur. Allegations of misconduct against department personnel are investigated thoroughly and objectively, with the goals of maintaining the integrity of the department and the confidence of the public.

Citizen complaints are investigated by the Fire Department and independently reviewed as necessary by the Police & Fire Commission's Standing Oversight Committee (SOC). The Committee shall be provided access to OFDs complaints log and all the information that it provides. This includes the investigation process and the outcome.

Complaints or inquiries about conduct or performance that, if true, would not violate City or Department policy, federal, state or local law, policy or rule are handled by a Fire Department supervisor and are not subject to this review and evaluation process. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

101. Scope

The Commission's oversight of Fire Department investigations shall be limited to citizen complaints.

102. Receipt and Assignment of Complaints

Complaints can be filed online, in person, or via telephone. The Fire Chief or designee reviews and assigns complaints for investigation and has primary responsibility for conducting complaint investigations.

103. Investigation

Assigned personnel are responsible for completing a thorough investigation in accordance with Fire Department policy and California Government Code Section 3200 et seq. (Firefighters Bill of Rights).

104. Findings

Generally, the subject member's Division Chief is responsible for reviewing completed investigations and recommending findings. A finding shall be recommended for each allegation. Findings are categorized as follows:

- a. **Unfounded:** When the investigation discloses the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.
- b. **Exonerated:** When the investigation discloses the alleged act occurred, but the act was justified, lawful and/or proper.
- c. **Sustained:** When the investigation discloses sufficient evidence to establish the act occurred, and it constituted misconduct.
- d. **Not Sustained:** When the investigation discloses there is insufficient evidence to sustain the complaint or fully exonerate the member.

200. STANDING OVERSIGHT COMMITTEE EVALUATION

201. Access to Investigative Materials

The Committee will receive the complaint log from OFD on a quarterly basis. OFD will submit the log of complaints that have been investigated and if a complaint requires immediate action, the chief or designee, will file directly with the committee. Otherwise, the log will be reviewed by the committee and returned as findings complete.

All names will be redacted from the complaint log and from attached investigations, if necessary to view.

202. Complaint Investigation Review

The SOC shall review the entire complaint log and determine whether the investigation was thorough, complete, objective, impartial, and accurate. Once a complaint investigation review has been completed, the SOC shall make its disposition.

300. CASE DISPOSITION

In the event the SOC request additional information from OFD regarding the complaint log. The committee will request further investigation and provide one of the following dispositions after reviewing requested information.

301. **Agree**

The SOC concurs with the finding(s) of the investigation and the investigation was thorough, complete, objective, impartial, and accurate.

302. **Disagree**

The SOC does not concur with the finding(s). When the Committee's conclusion is Disagree, the SOC will issue a report to the Fire Department detailing its conclusion.

303. **Incomplete**

When the Committee's conclusion is Incomplete. The matter is referred back to the Fire Department for additional information so that the Committee can agree or disagree.

400. PUBLIC REPORTS

On a quarterly basis, the SOC shall present a case summary for each matter reviewed during the preceding three months to the Commission. The summary shall take place during a regular, open session. The contents of the summary shall be derived from SOC case reports and include action taken by the Committee.