

ADVISORY BOARD NAME: COMMISSION ON POLICE PRACTICES

1. MISSION AND DUTIES OF THE ADVISORY BOARD

i *What are the Mission and Duties of the Advisory Board, as established by the Municipal Code?*

The purpose of the Commission on Police Practices is to provide an independent investigation of officer-involved shootings and in-custody deaths, and an unbiased evaluation of all complaints against the San Diego Police Department and its personnel, in a process that will be transparent and accountable to the community. The Commission will also evaluate and review SDPD policies, practices, training, and protocols and represent the community in making recommendations for changes. The mission of the Commission is to hold law enforcement accountable to the community and to increase community trust in law enforcement, resulting in increased safety for both the community and law enforcement.

Per the City Charter, the Commission shall have the following mandatory duties:

1. Independently investigate all deaths occurring while a person is in custody of the SDPD, all deaths resulting from the interaction with an officer of the SDPD, and all SDPD officer-related shootings
2. Receive, register, review and evaluate all complaints against SDPD officers, except that the Commission will not review and evaluate complaints where the complainant has requested that the matter be handled without investigation
3. Review and evaluate all factual findings and evidentiary conclusions of the SDPD arising from investigations of police misconduct and all disciplinary decisions resulting from sustained findings
4. Review and evaluate SDPD's compliance with federal, state, and local reporting laws and requirements
5. Prepare and submit semi-annual reports to the Mayor and City Council regarding the exercise of the Commission's duties and powers

Per the City Charter, the Commission shall have the discretion to:

1. Conduct investigatory proceedings and subpoena witnesses
2. Investigate complaints against SDPD officers (in addition to the required investigations stated above), unless the complainant has requested that the matter be handled without an investigation, provided that the Commission determines that the complaint arises from any one of the following: a. an incident involving the use of force by a SDPD officer that resulted in great bodily injury b. dishonesty by a SDPD officer including an allegation of perjury, filing false reports, and destruction, falsifying or concealing evidence c. an incident that has generated substantial public interest or concern d. an incident where the data shows a pattern of misconduct by a SDPD officer e. an incident where the data shows a pattern of inappropriate policies, procedures or practices of the SDPD or its members
3. Review, evaluate and investigate allegations of inappropriate sexual conduct, physical assault or domestic violence by SPDP officers
4. Make recommendations to the SDPD on the discipline of individual officers about whom complaints have been made or about whom the Commission has conducted an investigation
5. Review and evaluate the policies, procedures, practices and actions of the SDPD
6. Make specific recommendations to the SDPD, the Mayor and the City Council on any policies, procedures, practices, and actions of the SDPD

2. ACTIONS TAKEN BY THE ADVISORY BOARD

i Please write a brief summary of the actions taken by the Advisory Board that year.

In 2021, the Commission reviewed, deliberated on, and closed 99 Category I cases, 4 officer-involved shooting cases and 1 in-custody death case that were investigated by SDPD's Internal Affairs Unit. The Commission also audited 31 Category II cases that were investigated by SDPD Command, evaluated 61 officer disciplinary actions given to officers with sustained findings in 28 cases, and reviewed 1 shooting review board report. Additionally, the Commission made the following improvements to its operations and policy recommendations to City Officials and/or SDPD's Chief of Police

Commission Operations - Approval of: 1) Interim Standard Operating Procedures 2) Interim Bylaws 3) Revised Template to Team Case Reports & Presentations on a Trial Basis 4) Outline of Investigation Procedures 5) Modifications to Mayor's Proposed Budget for the Commission 6) Commission Transition Timeline (Tentative) 7) FY21-FY22 Work Plan 8) Interim Executive Director Compensation and Benefits 9) Selection Process for Permanent Executive Director 10) Process for SDPD Personnel Attendance at Commission Closed Meetings

Approval of Amendments to: 1) Article V. Section 5 of the Commission's Interim Bylaws to delete the minimum vote requirement for motions 2) Article V. Section 5 of the Commission's Interim Bylaws to replace the requirement of 12 members for a quorum with a majority of filled seats on the Commission, with a minimum number of 7 Commissioners needed to conduct business 3) the Commission's Interim Standard Operating Procedures Regarding Review of Officer-Involved Shootings and In-Custody Death Cases Not Independently Investigated within the One-Year Deadline

Commission Recommendations - Approval of Commission recommendations in memo to Police Chief regarding 1) SDPD's new Protest Policy 2) BWC Usage in Secure Facilities 3) Warnings Prior to OC Usage 4) Time Limits in Maximum Restraints 5) Seatbelt Usage during Transportation and Observation of Detainees in Sally Port 6) SDPD's Use of Force Opinions 7) Officers Failing to Activate Body Worn Cameras

The Commission also approved the following: 1) List of Proposed Recommendations Regarding the Implementation Ordinance & Standard Operating Procedures and to send the list to the Public Safety & Livable Neighborhoods Committee and City Council for consideration 2) The extension of the contract with Devaney Pate Morris & Cameron (DPMC) with an amount of \$180,000 per year effective July 1, 2021 to allow the Commission to continue its work. The Commission's intent for the \$180,000 is to give the Commission flexibility to allocate \$25,000 for DPMC to continue providing legal services to the Commission and \$155,000 for its outside counsel contract if a new Request for Proposal is needed based on the possibility that the scope of work for outside counsel increases. This would allow the Commission to continually have independent legal services without any interruptions.

3. ADVISORY BOARD MEETINGS

i What were the number of Advisory Board meetings and what were the issues discussed?

In 2021, the Commission met 28 times in Closed Session and 11 times in Open Session for business with all the meetings occurring virtually on Zoom. In addition to its regularly scheduled meetings, the Commission held 2 community roundtable discussions and one special meeting. The roundtable discussions were held to update the community on the ordinance and Measure B requirements and solicit community feedback on the Commission size; composition; application and selection process; service guidelines; independent investigations; and list of recommendations. The special meeting was held for the Commission to discuss and approve a memo for the Public Safety & Livable Neighborhoods Committee regarding the Measure B Implementation Ordinance & Operating Procedures.

The Commission's Policy Committee held 1 community roundtable discussion on SDPD's new protest policy to solicit feedback for the development of a list of recommendations to the new policy. The Policy Committee also held 3 meetings to discuss and/or approve: the list of recommendations to SDPD's new protest policy; the recommendation to change SDPD procedure 1.49 to eliminate the exception of using BWCs in secure facilities; the recommendation to modify SDPD Procedure 1.06 to require officers to give a verbal warning prior to using chemical OC spray where possible; the recommendation to modify SDPD Procedure 6.01 to include a maximum time limit for an individual to be restrained in WRAP devices to be no more than 2 hours; the recommendation to modify 6.01 to also increase the requirements necessary prior to seatbelts not being used under the officer safety exemption; and the recommendation to require officers check on the status/welfare of detainees while in the sally port at a set time interval of every 15 minutes. The Police Committee also approved that the following recommendations be sent to the full Commission for consideration and approval: to require plain clothes officers and watch command staff to have and activate BWCs and for field lieutenants to have an officer with a BWC present when dealing with issues or complaints; require someone from the training command staff and city attorney to review, approve, and sign off on all use of force opinions.

The Commission's Rules Committee held 5 meetings to discuss and/or approve the Commission's previous referenced Interim Bylaws and Standard Operating Procedures and Standing Rules.

The Commission's Ad Hoc Transition Planning Committee held 45 meetings to advise its Interim Executive Director, Cabinet, and Commission on multiple issues related to the implementation of Measure B, including but not limited to:

- 1) Development of the Commission's FY22 budget
- 2) Recommendations to PS&LN for the Implementation Ordinance
- 3) Development of investigation procedures
- 4) Securing office space
- 5) Determining technology requirements
- 6) Establishing staff positions exempt from Civil Service (Deputy Executive Director, General Counsel, Policy Analyst, Performance Auditor and Supervising Investigator), hiring of two classified employees (Executive Assistant, Administrative Aide) and initiating the search process for the Deputy Executive Director
- 7) Developing an implementation timeline (as an internal planning document)
- 8) Implementing the RFP process for Outside Counsel

The Committee invited District 4's Chief of Staff and PS&LN Committee Consultant to its meetings to facilitate communication with the PS&LN Committee on items relating to the transition of the Commission.

4. MEETING CANCELATIONS

i *What were the number of meetings cancelled and what was the reasoning?*

The Commission schedules its regular closed session meetings for the 2nd and 4th Tuesdays monthly. In 2021, the Commission scheduled 22 regular closed session meetings and cancelled 3 of those meetings due to the lack of cases ready for Commission deliberation. The Commission scheduled 7 additional closed session meetings to address the backlog of active cases before the Commission. Out of the 7 additional closed session meetings, the Commission cancelled 1 meeting due to a lack of quorum needed to conduct business. It is important to note that this meeting was not a regularly scheduled meeting of the Commission and the Commission went above and beyond by adding additional closed session meetings to address the rise in the number of active cases before the Commission.

The Commission held 11 regularly scheduled open session meetings and did not have to cancel any of those meetings. The Commission does not schedule open or closed session meetings for the 4th Tuesday in December due to the holiday.

5. AVAILABLE OPPORTUNITIES

i *What are the number of vacant positions on the Advisory Board?*

In 2021, the Commission had approximately 6 vacancies. The Commission continues to have no representation from District 8. The City Council is unable to appoint new Commissioners to the Commission until the implementation ordinance for the Commission is finalized and approved. Once the implementation ordinance take effect, new Commissioners can be appointed to the Commission and trained.

6. EXPIRED MEMBERSHIP

i *What are the number of members serving on expired terms?*

As of December 2021, the Commission has 11 members serving on expired terms. Due to the ongoing pandemic and issues involving law enforcement nationally, the Commission has been faced with a large backlog of cases assigned to the Commission teams for case review. The 11 members who are serving on expired terms continue to serve to assist with case review, training, and ensuring that the Commission has a quorum to conduct business so that there is continuity in civilian oversight of SDPD.

7. CONCERNS OR SUGGESTIONS TO BRING TO THE COUNCIL

i *Do you have any suggestions or concerns that you would like to bring to the Council's attention?*

The Commission would like to bring 2 concerns/issues to the Council's attention. The first issue is that as of January 11, 2022, the Commission is down to 15 appointed Commissioners and 8 vacancies. Out of the 15 appointed Commissioners, 1 Commissioner is unable to review cases due to personal reasons until further notice. This Commissioner has been inactive and non-responsive to requests by staff and Commission leadership. This is problematic due to the policies approved by the Commission.

The second issue is the need for an implementation ordinance/procedure to appoint new Commissioners to the Commission. Due to the pandemic and national climate for law enforcement and community relations, the Commission has seen an increase in the number of active cases before the Commission. Additionally, some Commissioners were not as active as others for personal reasons as well as the adjustment from reviewing cases in Internal Affairs and meeting in person to reviewing cases remotely and attending meetings virtually. Although most of the Commissioners have been trying to continue providing this important service to the City, the number of Commissioners is declining and there is nothing in place for this work to continue efficiently. The Commission is in jeopardy of not being able to continue its oversight duties if new Commissioners are not appointed soon.

8. ASSISTANCE TO THE BOARD

i *Please provide an estimate of the City staff hours assisting in administering the Board.*

The number of hours for the Commission's Interim Executive Director was approximately 3,640 hours, 1,016 hours for the Executive Assistant, and 120 hours for the Administrative Aide. The Executive Assistant was hired in June 2021 and the Administrative Aide was hired in December 2021.





9. VOLUNTEER HOURS

i *Please provide an estimate of the volunteer hours by commissioners.*

Based on the number of volunteer hours reported by 10 members of the Commission on Police Practices, approximately 2,975.62 hours were logged in the Better Impact System. Of the hours reported, 70 hours were spent in training (Community Workshops, Inside SDPD, PERT, Ride-Alongs, SDPD Menu Training, Tours, Retreat); 158 hours in Conferences/Seminars; 17 hours in Community Outreach Events; 1268 hours in case review; 1159 hours in Meetings (Commission and Committee Meetings, Community Meetings, Meetings with Officials); and 305 hours in other Commission Duties (Administrative Duties, Committee Assignments, Emails and News Articles, Presentations). Please note that at the time this report was drafted not all Commissioners inputted their hours into the Better Impact System, so the number of volunteer hours is higher than provided. Final volunteer hours of the Commission will be included in a future Annual Report of the Commission.

ADVISORY BOARD ACTIVITIES

Please provide 4-5 pictures of the Advisory Board Activities

PDF Files	Title of Activity	Date of Event
	<p>Academy Training on Use of Force, BWC, Detention & More for New Commissioners</p>	<p>April 10, 2021</p>
	<p>27th Annual NACOLE Conference in Tucson, AZ (Chair Hilpert standing at the microphone)</p>	<p>December 12-16, 2021</p>
 <p data-bbox="212 1333 613 1375">Commission on Police Practices Outreach Committee Community Roundtable Discussion (1.30.2021)</p>	<p>Commission on Police Practices Outreach Committee Community Roundtable Discussion</p>	<p>January 30, 2021</p>
 <p data-bbox="212 1780 412 1793">Commission on Police Practices Open Session Meeting on 5/25/2021</p>	<p>Commission on Police Practices Open Meeting</p>	<p>May 25, 2021</p>