



**THE CITY OF SAN DIEGO**  
**M E M O R A N D U M**

Date: June 23, 2021

To: Councilmember Monica Montgomery Steppe, Chair  
Public Safety & Livable Neighborhoods  
Councilmember Raul Campillo, Vice Chair  
Councilmember Stephen Whitburn  
Councilmember Marni von Wilpert

From: Brandon Hilpert, Chair, Commission on Police Practices *RH*  
via Sharmaine Moseley, Interim Executive Director *SM*

**Subject: Draft Implementation Ordinance for Commission on Police Practices**

The Commission on Police Practices (“CPP” or “Commission”) wishes to thank the City Council and City Attorney for considering and incorporating many of our community-based recommendations into the Implementation Ordinance Draft that was released on Monday, June 21, 2021. At its meeting on June 22, 2021, the Commission voted unanimously to share our opinions on the Implementation Ordinance Draft.

It should be noted that the Commission received the draft implementation ordinance only 24 hours prior to our meeting which did not allow us ample time to fully evaluate the ordinance and solicit public feedback to incorporate community priorities into our recommendations. Because of the critical importance of the ordinance, we would appreciate sufficient time to further evaluate the ordinance.

Some of the Commission’s initial, preliminary concerns and recommendations with the draft Implementation Ordinance are as follows:

- We express concern regarding the rigid geographic restrictions on Commissioner membership. Eighteen of the 25 Commissioner seats have specific geographical designations, and the other five members must reside within specified census tracts. This inhibits the ability to maintain other types of diversity and can make filling vacancies challenging. We recommend a more flexible structure.

- In order to be a truly independent body, as Measure B clearly intended, it is crucial that the process for selecting/nominating members to the Commission be community driven. As an independent commission, the selection/nomination process should not be the same as other city boards and commissions. If unique procedures for CPP recruitment, evaluation and selection are not included in the ordinance, we recommend that they should be codified in a City Council Policy.
- The draft ordinance is missing a Staffing and Budget section similar to Section 26.0411 of the Ethics Commission ordinance. We recommend that in order to ensure independence, it is essential that the Commission select its own Executive Director (with community input), subject to approval and appointment by the City Council like the Ethics Commission. We also recommend that the section specify that the Commission shall appoint its own legal counsel, independent of the City Attorney and state that the City shall provide a reasonable budget for the Commission.
- The ordinance should authorize the Commission to develop its own bylaws and rules that are consistent with the Charter, this ordinance, Standard Operating Procedures adopted by the City Council and all applicable local, state and federal laws. The bylaws and rules include selection of CPP officers, duties of committees, conduct of meetings, and other internal matters.
- Proposed Section 26.1108 which compels City employees to participate in investigatory proceedings, must specify that “participation” is defined to include attending and being fully responsive to questions. “Participation” cannot be vague enough to allow employees to attend but refuse to respond to questions.
- The draft provides a time period for transmitting complaints from the Commission to the SDPD. We recommend that the same time period should apply to SDPD transmitting complaints it receives to the Commission. In a June 4, 2021 memo to the Chief of Police, the Commission proposed two business days for the mutual exchange of complaints. We recommend two business days instead of five business days for complaint transmittals.
- Core to the intent of Measure B was granting the Commission subpoena power in the course of doing its business. We recommend that subpoenas not be limited to investigatory hearings but available to the Commission during the course of an investigation

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The Commission believes strongly that public input and transparency are vital to the Commission being a trusted resource in the oversight of law enforcement. The Commission kindly requests that the Public Safety & Livable Neighborhoods Committee not take any action on this draft implementation ordinance until there has been sufficient time for the community to evaluate the draft document and provide proper feedback, thereby allowing the Commission to be implemented with the public's full trust.

We look forward to working with you as the City finalizes the implementation ordinance and welcome the opportunity to meet individually with each of you discuss the draft ordinance.

If you have any questions, please do not hesitate to contact me at [BHilpert@sandiego.gov](mailto:BHilpert@sandiego.gov).



Brandon Hilpert, Chair  
Commission on Police Practices

cc: Honorable Mayor Todd Gloria  
Jay Goldstone, Chief Operating Officer  
Paola Avila, Chief of Staff  
Matt Yagyagan, Deputy Director of Policy, Mayor's Office  
Chris Cameron, Outside Counsel, Commission on Police Practices  
Joan Dawson, Senior Deputy City Attorney  
Members of the Commission on Police Practices