

COMMISSION ON POLICE PRACTICES

EXECUTIVE STANDING COMMITTEE AGENDA

Wednesday, May 28, 2025

4:30pm

**Procopio Towers
525 B St.
17th Floor, Suite 1725
San Diego, CA 92101**

The Commission on Police Practices (Commission) meetings will be conducted pursuant to the provisions of California Government Code Section 54953 (a), as amended by Assembly Bill 2249.

The Commission business meetings will be in person and the meeting will be open for in-person testimony. Additionally, we are continuing to provide alternatives to in-person attendance for participating in our meetings. In lieu of in-person attendance, members of the public may also participate via telephone/Zoom.

The link to join the meeting by computer, tablet, or smartphone at 4:30pm is:

<https://sandiego.zoomgov.com/j/1613117027>

Meeting ID: 161 311 7027

In-Person Public Comment on an Agenda Item: If you wish to address the CPP Standing Committee on an item on today's agenda, please complete and submit a speaker slip before the Committee hears the agenda item. You will be called at the time the item is heard. Each speaker must file a speaker slip with the CPP staff at the meeting at which the speaker wishes to speak indicating which item they wish to speak on. Speaker slips may not be turned in prior to the day of the meeting or after completion of in-person testimony. In-person public comment will conclude before virtual testimony begins. Each speaker who wishes to address the Commission must state who they are representing if they represent an organization or another person.

For discussion and information items each speaker may speak up to three (3) minutes, subject to the Committee Chair's determination of the time available for meeting management purposes, in addition to any time ceded by other members of the public who are present at the meeting and have submitted a speaker slip ceding their time. These speaker slips should be submitted together at one time to the designated CPP staff. The Committee Chair may also limit organized group

presentations of five or more people to 15 minutes or less.

In-Person Public Comment on Matters Not on the Agenda: You may address the Standing Committee on any matter not listed on today's agenda. Please complete and submit a speaker slip. However, California's open meeting laws do not permit the Standing Committee to discuss or take any action on the matter at today's meeting. At its discretion, the Standing Committee may add the item to a future meeting agenda or refer the matter to the CPP. Public comments are limited to three minutes per speaker. At the discretion of the Committee Chair, if a large number of people wish to speak on the same item, comments may be limited to a set period of time per item to appropriately manage the meeting and ensure the Standing Committee has time to consider all the agenda items. A member of the public may only provide one comment per agenda item. In-person public comment on items not on the agenda will conclude before virtual testimony begins.

Virtual Platform Public Comment to a Particular Item or Matters Not on the Agenda: When the Committee Chair introduces the item you would like to comment on (or indicates it is time for Non-Agenda Public Comment), raise your hand by either tapping the "Raise Your Hand" button on your computer, tablet, or Smartphone, or by dialing *9 on your phone. You will be taken in the order in which you raised your hand. You may only speak once on a particular item. When the Committee Chair indicates it is your turn to speak, click the unmute prompt that will appear on your computer, tablet or Smartphone, or dial *6 on your phone.

Written Comment through Webform: Comment on agenda items and non-agenda public comment may also be submitted using the [webform](#). If using the webform, indicate the agenda item number you wish to submit a comment for. All webform comments are limited to 200 words. On the [webform](#), members of the public should select Commission on Police Practices (even if the public comment is for a Commission on Police Practices Committee meeting).

The public may attend a meeting when scheduled by following the attendee meeting link provided above. To view a meeting archive video, click [here](#). Video footage of each Commission meeting is posted online [here](#) within 24-48 hours of the conclusion of the meeting.

Comments received no later than 11 am the day of the meeting will be distributed to the Commission on Police Practices. Comments received after the deadline described above but before the item is called will be submitted into the written record for the relevant item.

Written Materials: You may alternatively submit via U.S. Mail to Attn: Office of the Commission on Police Practices, 525 B Street, Suite 1725, San Diego, CA 92101. Materials submitted via U.S. Mail must be received the business day prior to the meeting to be distributed to the Standing Committee.

If you attach any documents to your comment, they will be distributed to the Standing Committee in accordance with the deadlines described above.

- I. CALL TO ORDER/WELCOME (Chair Doug Case)
- II. ROLL CALL (Executive Assistant Alina Conde)
- III. APPROVAL OF THE MINUTES OF THE April 30, 2025 EXECUTIVE COMMITTEE MEETING– Postponed until June 25 Executive Committee Meeting
- IV. NON-AGENDA PUBLIC COMMENT (Executive Assistant Alina Conde)
- V. CHAIR REPORT (Chair Doug Case) (Informational Item)
- VI. INTERIM EXECUTIVE DIRECTOR REPORT (Bart Miesfeld) (Information Item)
- VII. NEW BUSINESS
 - A. Legislative Items:
 - 1. Update on support of AB 847 (Information Item)
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB847
 - 2. Request for ACLU to support AB 1388 (Possible Action Item)
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB1388
 - B. Follow up on Jerry Threet’s Audit Recommendations– Findings Regarding SDPD Complaint Investigations System (Possible Action Item)
 - C. Conflict of Interest Policy– Recusals– (Possible Action Item)
 - D. Request by Commissioner Chatzky for CPP to Respond to SDPD’s use of Overtime (Information Item)
<https://www.kpbs.org/news/public-safety/2025/05/19/san-diegos-highest-paid-city-employees-cops-racking-up-overtime-and-earning-over-400-000>
- VIII. STANDING COMMITTEE REPORTS
 - A. Rules Committee – Commissioner Bonnie Benitez (Information Item)
 - B. Community Outreach Committee – Commissioner Alec Beyer
 - 1. Community Outreach Activities (Information Item)
 - 2. Community Outreach Budget (Possible Action Item)
 - C. Training and Continuing Education Committee – Commissioner Darlanne Mulmat (Information Item)
 - D. Policy Committee – Commissioner Imani Robinson (Information Item)
 - E. Recruitment Committee – Commissioner Armando Flores
 - 1. Development of Procedure to Recruit Potential Commissioners and Make Nominations to the City Council (Information Item)
- IX. AD HOC COMMITTEE REPORT
 - A. Operating Procedures – Chair Doug Case (Information Item)
 - B. Personnel – Commissioner Darlanne Mulmat (Information Item)
 - C. Nominating Committee– Commissioner Armando Flores (Information Item)

Item)

X. NEXT MEETING – WEDNESDAY, June 25, 2025

XI. ADJOURNMENT

Materials Provided:

- Draft of Proposed CPP Recommendations Regarding SDPD Complaint Investigation System

Access for People with Disabilities: As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the Commission at (619) 236-6296 or commissiononpolicepractices@sandiego.gov.

Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services, or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible to ensure availability. The city is committed to resolving accessibility requests swiftly.

**DRAFT OF PROPOSED COMMISSION RESPONSES TO THE
SECTION 1 FINDINGS (SDPD COMPLAINT INVESTIGATIONS SYTEM)
OF JERRY THREET’S AUDIT REPORT**

Prepared by Douglas Case, CPP Chair – May 22, 2025

Background

At the December 11, 2024 Commission meeting, outside consultant Jerry Threet presented his “Independent Civilian Audit of San Diego Police Department Complaint Investigations for the Commission on Police Practices 2020-2023.” The report made 60 findings (recommendations), most of which have been referred to the CPP Policy Committee since those findings relate to issues the committee has on its agenda and will be considered by the Commission when the Policy Committee addresses those topics. The first seventeen policies relate to Internal Affairs operations and are addressed below. This draft will be presented to the Executive Committee for discussion on May 25, then reviewed and voted upon at the June 4 Commission meeting. After the CPP provides guidance, the Chair will prepare a memorandum from the CPP to be sent to the Chief of Police with recommendations.

***FINDING 1:** The Department policy allowing civilian complaints to be designated as “informal” allows a complaint not to be fully investigated and no finding made. State law does not support this process, which could create police pressure on civilian complainants to avoid a full investigation. The clearest way to address this is to eliminate the “informal” complaint category from the Department’s complaint investigation process.*

The SDPD policy defines an “informal” complaint as one where a complainant is offered the opportunity to resolve the matter without a formal investigation and voluntarily opts for that process. Informal complaints result in a memo to file and are not referred to the CPP upon completion. The CPP implementation ordinance explicitly states that the Commission may not review and evaluate complaints when the complainant requests that it be handled without an investigation [(Municipal Code § 26.1107(a)(4)].

The Commission’s General Counsel reviewed Penal Code Sections 832.5(a)(1) and 832.7(f)(1) cited by in the audit report and concluded that the statute does not preclude a informal review, provided the Department has procedures for the handling of those complaints. The SDPD’s Internal Affairs Unit Operation Manual (<https://www.sandiego.gov/sites/default/files/internalaffairsopsjuly2020.pdf> pp. 24-25) describes how the Department handles informal complaints. As the audit report notes, however, there appears to be no policy or procedure restriction regarding what type of allegations can be processed informally.

Many complainants only want to be heard and want their concerns shared with the subject officer(s) and have no desire for a formal investigation or for the officer to be disciplined. Additionally, the informal resolution process saves substantial resources by not requiring an expensive process that the complainant does not want.

Although recordings of complainant interviews reviewed by the CPP as part of the case review process show that while the investigating officer normally makes it clear that the choice of

whether to handle a complaint formally or informally is at the sole discretion of the complainant, some describe the formal process ominously which can indirectly pressure complainants to choose the informal option.

Recommendations:

- (1) The informal resolution option should only be offered for Category II allegations.
- (2) The Department should develop a standard script (reviewed by the CPP) to be used for investigators to neutrally explain the difference between formal and informal processes to complainants.
- (3) When the CPP Performance Auditor is hired, the Auditor should periodically review Department records (including recording of complainants) to ensure that the decision of proceeding with a formal or informal process was properly explained to complainants in an unbiased fashion.

FINDING 2: *The warnings and instructions to complainants about possible consequences of filing a false complaint on the Department's complaint forms make the complaint process less than welcoming and suggest negative consequences could follow from filing a complaint. The Department could greatly lessen this deterrent effect by eliminating these warnings and instructions from the complaint forms.*

The CPP General Counsel agrees with our former Outside Counsel that the Department is required by recent case law [*Los Angeles Police Protective League v. City of Los Angeles*, 78 Cal.App.5th 1081 (2022, Second Appellate District)], to include the verbatim statement specified in Penal Code § 148.6 (2):

A law enforcement agency accepting an allegation of misconduct against a peace officer shall require the complainant to read and sign the following advisory, all in boldface type:
YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CIVILIANS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CIVILIAN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.
IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

I have read and understand the above statement.

Because all complaints filed with the CPP must be transmitted to the SDPD, the CPP uses the same required statement. A bill introduced in the California Assembly in 2023 to modify (soften) the required language failed to pass.

Recommendation: Do not request a change in the SDPD complaint form.

FINDING 3: *The Department's policy on intake of complaints is unclear as to whether supervisors on the scene of an incident should handle a citizen complaint or call another supervisor to handle the intake of the complaint. Clarifying this policy could eliminate confusion by complainants seen in some investigations.*

Recommendation: The policy should allow the complainant to make a choice of whether to file the complaint with a supervisor on the scene or request or with another supervisor to be called to take the complaint.

FINDING 4: *The Department's policy on civilian complaints allows SDPD to conduct a preliminary analysis of the allegations and evidence and determine that the complaint is "frivolous" and therefore need not be fully investigated. Such complaints result in no investigation report and no formal findings and are not referred to the CPP for review. This provision of SDPD's policy is not consistent with the requirements of state law. The Department could comply with state law by requiring all complaint allegations to be fully investigated as long as sufficient evidence exists.*

CPP General Counsel advises that classifying a complaint as "frivolous" is permissible provided that there is a written procedure. The SDPD Internal Affairs Unit Operation Manual (pp. 23-24) does have detailed criteria and procedures for classifying a complaint as "frivolous," which must be documented in a memorandum to the file.

Recommendation: Memoranda for frivolous complaints should be provided to the CPP.

FINDING 5: *The Department does not provide complainants with official findings on complaints when it designates the complaint as "informal" or "miscellaneous," despite state law requiring a finding for every complaint allegation lodged. SDPD should provide complainants with a written notice of findings for any complaint filed.*

"Miscellaneous" complaints include those that are determined to be frivolous or where a specific SDPD officer cannot be identified. The SDPD Internal Affairs Unit Operation Manual does require that a memorandum be sent to complainants who desire that their complaint be handled informally to confirm their choice. The Manual requires that a memorandum to the file be prepared for miscellaneous complaints, but there is no reference of written notification to the complainant.

Recommendation: The Department should send written notifications to the complainant for all miscellaneous complaints, with a copy provided to the CPP.

FINDING 6: *While the Department's policy requires complaint investigators to make repeated efforts to contact and interview complainants throughout the investigation, this is not always done in practice. The Department should consider whether its training is sufficient to ensure that an investigator makes every reasonable effort to interview every complainant. Doing so will help ensure that the investigator fully understands the nature of the complaint and the complainant's view of the available evidence and convey to the complainant that the agency takes all complaints of employee misconduct seriously.*

Recommendation: The Department should require that the investigator make every possible attempt to interview complainants, even when the investigator believes that original complaint provides sufficient information.

FINDING 7: *The Department's complaint investigators do not always obtain and preserve all evidence that may be material to an investigation. SDPD should promptly secure and analyze all evidence material for a complaint investigation, including interviews of all material witnesses to a complaint, as well as all records of any kind that could affect the outcome of the investigation.*

Unfortunately report did not give specific examples, presumably because the scope of work required that individual cases not be referenced.

Recommendation: This finding should be forwarded to the SDPD.

FINDING 8: *The Department's complaint investigators do not always use neutral, open-ended questioning of witnesses, nor fully explore the witness' knowledge and perceptions of the incident being investigated. SDPD should conduct all investigative interviews using neutral, open-ended questioning of interview subjects, designed to elicit all relevant information known to the interviewee. The investigator should encourage the witness to remember and provide all of the information they may be aware of.*

This has been an ongoing issue for many years, communicated multiple times to Internal Affairs, including with the former CRB, and appears to be a training issue.

Recommendation: All new IA investigators should be required to attend a course on effective interview techniques before being assigned cases.

FINDING 9: *The Department's complaint investigators seldom conduct explicit credibility analyses of witness statements, including when there are internal discrepancies within those statements and with other conflicting evidence. SDPD should use investigative interviews to clarify discrepancies within a witness's statements and between the witness's statement and other evidence collected by the investigator. Where there are such conflicts, the investigator should conduct a credibility analysis to help resolve those inconsistencies objectively.*

Recommendation: All new IA investigators should be trained on credibility analysis of witness statements.

FINDING 10: *The Department's complaint investigators sometimes do not fully explore the allegations of a complainant who exhibits mental health issues. Where a complainant exhibits potential mental health issues, the investigator should endeavor to broadly interpret the allegations of their complaint so that potentially valid issues are not missed due to the misperceptions of the complainant.*

Recommendation: All new IA investigators should be trained on techniques for effectively interviewing complainants who exhibit mental health issues.

FINDING 11: *The Department's complaint investigation system in practice allows Department officials to investigate an incident in which they may have a personal, familial, or professional*

interest. SDPD should ensure that its policies, practices, and training specific to complaint investigations prohibit any officer or Department official from acting in an investigative or decision-making role for any complaint investigation that may implicate their personal, familial, or professional interests.

Recommendation: The CPP should request that the Department implement this proposed policy.

FINDING 12: *SDPD should consider outsourcing complaint investigations to a trained and experienced civilian investigator in circumstances of Department conflicts of interest, in order to provide neutrality, eliminate actual and perceived conflicts of interest, and to provide the public greater confidence that such investigations are objectively conducted.*

Recommendation: Allegations involving members of the SDPD command staff, IA staff, or members of their immediate families, should be investigated by the City Attorney's Office. The City Attorney's Office could at its discretion utilize an outside investigator (Note: The CPP Policy Manager is researching how other the police departments in other California cities handle such conflicts of interest, and this recommendation may change accordingly.)

FINDING 13: *The Department typically misses its internal deadlines for completing complaint investigations set out in policy. SDPD should develop a realistic work plan to meet the Department's written internal deadlines to complete an investigation and periodically conduct a systemic audit of investigations for deviations from those deadlines.*

Failure to meet these deadlines can result in the CPP not having sufficient time to review and evaluate the IA investigation.

Recommendation: This finding should be forwarded to the Department for implementation.

FINDING 14: *The Department's complaint investigators sometimes do not fully identify and review all issues relevant to the incident. SDPD should periodically conduct a systemic audit of its complaint investigations to ensure that all relevant issues are identified and investigated to the greatest possible extent.*

This has also been an ongoing issue brought to the attention of IA by the CPP and CRB many times. Often, investigators try to put allegations into convenient "boxes" and/or fail to include allegations the investigator does not feel are relevant or significant.

Recommendation: At the conclusion of every complainant interview, the investigator should be required to list all of the allegations, verbatim as they will be included in the investigation report. The investigator should have the complainant explicitly confirm that the list of allegations is both accurate and complete.

FINDING 15: *The Department's complaint investigation system allows investigators to close an investigation with a memo and no findings where the investigator concluded there was insufficient evidence to identify a subject officer. The Department should consider auditing complaints that have been closed out with a memo and not fully investigated due to insufficient*

evidence identifying a subject officer to assess whether the initial investigation to identify the officer was sufficient and whether the investigation was appropriately closed.

Recommendation: Forward this finding to the Department for consideration.

FINDING 16: *The CPP should consider auditing SDPD investigations periodically to help ensure that all relevant issues are identified and investigated to a reasonable extent.*

Recommendation: The CPP Case Reviewers should be expected to do this for each misconduct investigation conducted by the Department that they review. Perhaps there should be a separate section of the CPP case review report for this purpose.

FINDING 17: *The CPP should consider a focused audit of SDPD investigations to determine the circumstances under which allegations may be excluded from full investigation and analysis by the Department and whether this was appropriate.*

Recommendation: This may be an appropriate project for the CPP Performance Auditor once hired.

