



The City of San Diego

M E M O R A N D U M

DATE: August 15, 2025

TO: Bart Miesfeld, Interim Executive Director, Commission on Police Practices

FROM: Scott M. Wahl, Chief of Police, San Diego Police Department

SUBJECT: SDPD Response to Recommendations to Improve the Department's Complaint Investigations System

In 2024, the Commission on Police Practices (CPP) hired an outside auditor, Attorney Jerry Threet, to review 153 cases the interim CPP was unable to review because the cases had exceeded the one-year deadline imposed by the Peace Officers Bill of Rights (POBOR). After reviewing the cases, Attorney Threet generated a report entitled, "*Independent Civilian Audit of San Diego Police Department Complaint Investigations for the Commission on Police Practices 2020-2023.*" This report made 60 recommendations for the Department's Complaint Investigations System, which were referred to the CPP Policy Committee for consideration.

The CPP discussed these recommendations at its meeting on June 2, 2025. Below, in bold print, are the first 14 recommendations approved by the CPP and formally submitted on June 16. For recommendations tied to Attorney Threet's audit report, the corresponding finding number is indicated in parentheses for reference. SDPD's response to the 14 recommendations follows in italicized print.

Please note that any potential modifications to SDPD's current processes may be influenced by ongoing meet-and-confer processes with the Police Officers Association (POA). Additionally, certain changes could require further meet-and-confer efforts before implementation.

1. **(Finding 1) The informal complaint resolution option should only be offered for Category II allegations.**

Response: SDPD agrees with this recommendation. The Department will incorporate this finding into Department Policy 1.10, which is currently being revised.

2. **(Finding 1) The Department should develop a standard script (to be reviewed by the CPP) to be used for Internal Affairs (IA) investigators to neutrally explain the difference between formal and informal processes to complainants.**

Response: The Department agrees with this recommendation and is working to develop a standard script to neutrally explain the difference between formal and informal processes to complainants. This script will be provided to the CPP for review and incorporated into Department Policy 1.10, which is currently being revised. The final approval of the language rests with SDPD.

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3. **(Finding 3) The Department's policy on intake of complaints should allow the complainant to make a choice of whether to file the complaint with a supervisor on the scene or request another supervisor to be called to take the complaint.**

Response: SDPD disagrees with this recommendation. Allowing a complainant to make such a choice could result in some complainants "supervisor shopping" and, given the Department's persistent staffing challenges, would be nearly impossible to accommodate consistently without negatively impacting operations. All supervisors are capable and trained to take a complaint from the public. The only time it would be appropriate to request a different supervisor is if the complaint is about the supervisor who first responded. In such cases, the closest available supervisor or a Field Lieutenant will be called.

4. **(Finding 4) Department Memoranda that document a document as being "frivolous" should be provided to both the complainant with a copy to CPP.**

Response: SDPD agrees with this recommendation. Per 832.7 PC, the Department will continue its current process of notifying the complainant of the findings within 30 days and providing the information to CPP (see pages 26 and 42 of the August 2023 Internal Affairs Manual).

5. **(Finding 5) The Department should provide written notification of the classification of "miscellaneous" complaints to the complainant, with a copy to CPP.**

Response: The Department agrees with this recommendation, and it is already current practice. However, SDPD is currently revising Department Policy 1.10, which SDPD anticipates will result in changes to the miscellaneous memos process.

6. **(Finding 6) IA should make every possible attempt to interview complainants, even when the investigator believes that the original complaint provides sufficient information.**

Response: SDPD agrees with this recommendation and will incorporate it into the Internal Affairs Operations Manual, which is currently being revised.

7. **(Finding 7) The Department 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.**

Response: The Department agrees with this recommendation, and it is already the current practice. SDPD will reiterate this expectation as Department Policy 1.10 is revised.

8. **(Finding 8) The Department should always conduct all investigative interviews using neutral (i.e. not leading), open-ended questioning of interview subjects, designed to elicit all relevant information known to the interviewee. The IA 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,**

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communicated multiple times to IA, including with former Community Review Board on Police Practices, and appears to be a training issue. All IA investigators should be required to attend a course periodically on effective interview techniques. New investigators should attend the course before being assigned cases. Retraining should be required if inadequate or inappropriate interviews are identified.

Response: SDPD agrees with comment. While initial questioning should be neutral and open-ended in an effort to gather all relevant information without bias, leading questions may sometimes be appropriate and necessary in certain circumstances such as following up on previous answers to gather specific details, addressing evasive or conflicting information, challenging the veracity of previously made statements, or confirming already established facts. These techniques are generally used after an initial open-ended phase and are applied carefully.

All Internal Affairs investigators will be required to attend the POST 40-hour Internal Affairs school as soon as possible after being assigned to Internal Affairs. The Department will continue to encourage all investigators to further their expertise by attending any training that will be beneficial in their role as IA investigators.

- 9. (Finding 9) The Department 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 IA investigator should conduct a credibility analysis to help resolve those inconsistencies objectively.**

Response: The Department agrees with the recommendation that detective sergeants should be clarifying discrepancies within a witness's statement as well as between a witness statement and other evidence collected by the investigator. Additionally, investigators are trained to consider factors commonly associated with credibility analyses, such as the strength or weakness of the person's recollection, whether there could be any bias or motive for their statement, and an individual's demeanor and presentation. While credibility analyses can involve subjective elements, such as interpreting body language, investigators focus on applying these considerations objectively and in context. Ultimately, any conclusion is based on the preponderance of the evidence, which is the established legal standard for Internal Affairs investigations.

- 10. (Finding 10) All IA Investigators should be trained on techniques for effectively interviewing complainants who exhibit mental health issues. Retraining should be required if deficiencies in handling complainants with potential mental health issues are identified.**

Response: The Department disagrees with this recommendation. Officers currently receive significant training on mental health matters. During the police academy, officers complete 15 hours of classes specifically focused on mental illness.

Additionally, sworn officers participate in Advanced Officer's Training (AOT), which cycles every 18 months. Updated mental illness training is provided in every other cycle.

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- 11. (Finding 11) The Department 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.**

Response: SDPD agrees with comment. Internal Affairs already has a practice in place where any case involving a potential conflict of interest is reviewed by the Assistant Chief of Planning and Intelligence to determine the appropriate course of action, including whether the case should be referred to another City Department or outside agency for investigation.

This practice is consistent with Department Procedure 9.32, which states: "A Department member who, in his or her official capacity, becomes involved in any incident or investigation where a potential conflict of interest exists shall immediately inform his or her supervisor of such involvement. The decision as to whether the member may continue to be involved with the incident or investigation will be at the discretion of the member's supervisor or another ranking member of the Department."

Regarding EEO investigations, SDPD Department Policy 5.03 section VIII subsection A specifies that any EEO case involving a potential conflict will be evaluated by the EEO Manager to determine whether the IA unit, City EEIO, or an outside agency will conduct the investigation.

- 12. (Finding 13) The Department 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. Corrective actions should be taken as needed.**

Response: The Department agrees with comment. A system was implemented in January 2025 to ensure Internal Affairs investigators and commands are meeting their timelines.

- 13. (Finding 14) During the conclusion of every complainant interview, the IA 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. The Department should periodically conduct a systemic audit of its complaint investigations to ensure all relevant issues are identified and investigated to the greatest possible extent.**

Response: The Department agrees in part. SDPD agrees the IA investigator should verbally confirm all allegations. Regarding a systemic audit, every investigation already goes through an extensive review process to make sure it is thorough and accurate. This process includes a Peer Review, a Lieutenant's Review, a Captain's Review, Legal Review, and a review by the CPP. Throughout this process, the case may be sent back to the investigator for edits or additional investigation, if necessary, before the final product is served to the officer. Given this multi-level review process, the Department does not believe a separate systemic audit is necessary.

- 14. (Finding 15) The Department should audit complaints that have been closed out with a memo and not fully investigated due to insufficient evidence identifying a subject**

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officer to assess whether the initial investigation to identify the officer was sufficient and whether the investigation was appropriately closed.

Response: The Department disagrees with comment. SDPD already has extensive processes in place to identify an officer accused of misconduct. These processes include reviewing body-worn camera footage, officers' daily journals, Automated Vehicle Locator (AVL) data, patrol schedules, and email records, among other steps. In cases where SDPD has difficulty contacting the complainant, the Department will send a letter through certified mail asking them to contact us within five days. SDPD continues to investigate even when the complainant does not respond, if investigators have enough information to proceed. All leads are pursued and exhausted before a case is closed due to insufficient information to identify an officer. Given these measures, the Department does not believe an additional audit is necessary.

The following eight recommendations in bold print stem from CPP's analysis of the SDPD complaint portal. SDPD's response follows in italics:

- 1. The mobile upload icon is partially off-screen. Most residents file from their phone; if they can't tap the paper-clip icon, they can't attach evidence at all. Repair the mobile UI so the attachment icon stays in view on all phone sizes.**

Response: The updated mobile upload icon (UI) is now scrollable. All fields are accessible to users. The attachment button is now updated, and it allows users to attach files from their cell phone or computer.

- 2. There is a limit of three attachments (250 MB each). Raise the cap (e.g., 10 files or 2 GB total) and allow ZIP archives or cloud-links.**

Response: The maximum file attachment size of 250 MB each is a City of San Diego website standard. Furthermore, attaching files larger than 250 MB will impact performance and throughput. There is a new option checkbox within the complaint form that allows users to check a box if additional file attachments are needed. Someone from the Police Department will contact the user to assist with uploading additional files.

- 3. Send an automatic follow-up link in the confirmation email so complainants can upload additional media later.**

Response: A new email confirmation feature has been added. The user receives a confirmation email after the complaint has been submitted successfully.

- 4. PDF forms are untagged and printer-dependent; no large-print/Easy-Read versions. Individuals who are blind, low-vision, or without a printer face an immediate barrier. Bring the page to WCAG 2.1AA: add alt-text, high-contrast colors, keyboard focus, and fully tagged, large-print/Easy-Read forms.**

Response: The new web form is now WCAG 2.1 AA compliant.

- 5. There is a lack of visible ADA/TTY/VRS information and non-Spanish translations. Deaf/HoH or non-English speakers may abandon the process before**

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it begins. Post a clear ADA and language-assistance banner (email, voice/TTY number, 24/7 VRS, and top-five language options). Complaint forms should be available in multiple languages, including Spanish, Tagalog, Vietnamese, Chinese, Korean and Arabic.

Response: The new web form is now compatible with multiple language translations.

- 6. The Complaint Form narrative has a 1500 Character (roughly 250 words). This is insufficient to fully explain complex incidents and should be substantially increased.**

Response: The character limitation has been removed. Users can now enter an unlimited amount of text.

- 7. Provide a simple status-tracking email or dashboard mirroring the City's "Get it Done" model—to keep complainants engaged.**

Response: In the confirmation email received by the user, it contains a link to view the submission. Under the link <https://www.sandiego.gov/police/contact/complaint-faq>, additional reporting options were added. The Department also provided an explanation as to how long the investigation will typically last.

- 8. Designate and publicly identify a Language Access Liaison Officer, as required by Department Procedure 1.47, and provide the CPP with all past and future quarterly and biannual reports on language-access reports.**

Response: The department is in the process of updating Department Procedure 1.47 to reflect its current policy. The department currently uses the Language Line interpreter services to facilitate communication with individuals who have limited English proficiency (LEP). In 2024, the Language Line was used 1333 times by the San Diego Police Department.