

Commission on Police Practices

Ad Hoc Transition Planning Committee Meeting

Friday, January 14, 2022
10:30 am-11:30 am
Zoom Webinar Platform

AGENDA

As an Ad Hoc Committee meeting, this meeting is not subject to the Ralph M. Brown Act; however, to promote transparency, the meeting will be available to the public via this Zoom webinar link:

<https://sandiego.zoomgov.com/j/1604304431?pwd=aDVHZEIkNTBNa25UN0hNTGV0MVJ6QT09>

The meeting will be available on the City's YouTube page after the meeting. Click [here](#) to view this meeting after its scheduled time.

- I. CALL TO ORDER/WELCOME (Committee Chair Doug Case)
- II. ROLL CALL
- III. PUBLIC COMMENT: (Fill out and submit comment using [webform](#). Please see instructions at the end of this agenda)
- IV. UPDATES
 - A. Budget Process
 - B. Staffing
 - C. Implementation Ordinance & Permanent Standard Operating Procedures
 - D. Office Space
 - E. Standing Rules
 - F. Community Outreach
 - G. Legal Counsel Contract – Status of review of RFP's for outside counsel
- V. UNFINISHED BUSINESS
 - A. Procedure to implement the requirement for the Commission to review and evaluate the Police Department's compliance with federal, state, and local reporting requirement
 - B. Request for CPP Outside Counsel to analyze the City Attorney's finding that the power of appointment (for the Executive Director and Commissioners) includes the power of selection
- VI. NEW BUSINESS
 - A. Second Draft of the Implementation Ordinance
 1. Initial reactions
 2. Scheduling of community forum
 3. Scheduling of a Transition Planning Committee meeting to develop comments on the second draft
 4. Scheduling a special Commission meeting to take official positions on the second draft

- VII. AGENDA ITEMS FOR NEXT MEETING – Dates TBA
- VIII. ADDITIONS TO THE LIST OF ITEMS FOR FUTURE AGENDAS (See below)
- IX. OTHER ITEMS AND/OR CONCERNS
- X. ADJOURN

Materials Provided:


- Meeting Notes from January 7, 2022 Meeting
- Tentative Implementation Timeline, Version 10.3 (November 19, 2021)
- City Attorney Memo dated December 28, 2021 on Implementation of CPP
- Handout on the City’s FY23 Budget Process/Timeline
- Second City Attorney’s Draft of the Implementation Ordinance (to be distributed after it is posted)

Items for Future Agendas:

- A. Transparency and Accountability Issues
- B. Quality Assurance Program
- C. Clarity of CPP Access to Training Bulletins and Special Unit Policies

In lieu of in-person attendance, members of the public may participate and provide comment via virtual attendance or using the webform, as follows:

Virtual Testimony:

Members of the public may provide comment on the comment period for Non-agenda Public Comment or Agenda Public Comment during the meeting, following the  [Public Comment Instructions](#).

Written Comment through Webform:

In lieu of in-person attendance, members of the public may submit their comments using the [webform](#). If using the webform, indicate the agenda item number you wish to submit a comment for. Instructions for word limitations and deadlines are noted on the [webform](#). 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 below. To view a meeting archive video, click [here](#).

Only comments submitted no later than 4pm the day prior to the meeting using the public comment webform will be eligible to be read into the record. If you submit more than one comment on webform per item, only one comment will be read into the record for that item. **Comments received after 4pm the day prior and before 8am the day of the meeting** will be provided to the Commission or Committee and posted online with the meeting materials. All comments are limited to 200 words. Comments received after 8am the day of the meeting, but before the item is called, will be submitted into the written record for the relevant item.

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

Please click the link below to join the webinar:

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://sandiego.zoomgov.com/j/1604304431?pwd=aDVHZELkNTBNa25UNohNTGV0MVJ6QT09>

Passcode: kku5UK

Or One tap mobile:

+16692545252,,1604304431#,,,,*850167# US (San Jose)

+16692161590,,1604304431#,,,,*850167# US (San Jose)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 254 5252 or +1 669 216 1590 or +1 646 828 7666 or +1 551 285 1373 or 833 568 8864 (Toll Free)

Webinar ID: 160 430 4431

Passcode: 850167

International numbers available: <https://sandiego.zoomgov.com/join/9m5hh>

Or an H.323/SIP room system:

H.323: 161.199.138.10 (US West) or 161.199.136.10 (US East)

Webinar ID: 160 430 4431

Passcode: 850167

SIP: 1604304431@sip.zoomgov.com

Passcode: 850167

Commission on Police Practices

Ad Hoc Transition Planning Committee Meeting

Friday, January 7, 2022
10:30 am-11:30 am
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NOTES

Meeting YouTube Link: <https://www.youtube.com/watch?v=LSG0-JP6I9U>

- I. CALL TO ORDER/WELCOME – Committee Chair Doug Case called to order at 9:34am.
- II. ROLL CALL
Commission
Commissioner Patrick Anderson
Committee Chair Doug Case
Commissioner Diana Dent
Chair Brandon Hilpert (10:36am)
Absent/Excused
Commissioner Joe Craver
Staff Present
Sharmaine Moseley, Interim Executive Director
Alina Conde, Executive Assistant
Robin Recendez, Administrative Aide
Present
Kate Yavenditti, Member of Women Occupy representing San Diegans for Justice (11:10am)
Henry Foster, Chief of Staff for City Council District 4
Tiffany Harrison, Committee Consultant for District 4
- III. PUBLIC COMMENT: No public comment received.
- IV. UPDATES
 - A. Budget Process – The City has begun the budgeting process for FY23.
 - B. Staffing – Administrative Aide on Board!
 - C. Implementation Ordinance & Permanent Standard Operating Procedures (Request confirmation from PS&LN when the second draft of the implementation ordinance can be posted) No updates at this time.
 - D. Office Space – No current updates.
 - E. Standing Rules – No current updates.
 - F. Community Outreach – If you are signed up for San Diegans for Justice, they have moved their meeting to the same date we have our roundtable moved. We will hold a regular zoom meeting on February 3rd from 5pm – 7pm. This meeting will be recorded and posted the next day. Commissioner Patrick Anderson will reach out to San Diegans for Justice, Women Occupy, Mid-City Can, National Lawyers

Guild, NAACP, and Pillars of the Community the option of co-hosting this roundtable with CPP.

- G. Legal Counsel Contract – Status of review if RFP’s for outside counsel. Due to confidentiality we cannot disclose too much on this item. However, it is in process. The screening panel consists of Chair Brandon Hilpert, 1st Vice Chair Doug Case, and Kristin Rizzo (Interim Executive Director Sharmaine Moseley will serve as a consultant or advisor to the group). Purchasing and Contracts will screen the applications, then the Committee will rate the proposals and select the top three, then after will begin the interview process.

V. UNFINISHED BUSINESS

- A. Procedure to implement the requirement for the Commission’s to review and evaluate the Police Department’s compliance with federal, state, and local reporting requirements
Tabled.
- B. Hiring of the Policy Analyst and Performance Auditor
Chair Brandon Hilpert, 1st Vice Chair Doug Case, and Interim Executive Director Sharmaine Moseley had a meeting earlier this week with Human Resources to discuss their process for executive searches. The City has contracted with one provider (CPS) to do executive searches citywide. We are inquiring to find out whether we can utilize them for the Executive Director search. If not, then we will proceed with original plan on getting bids. There is only a limited budget for this firm which is to do up to 10 searches in a five-year period. The Policy Analyst and Performance Auditor will probably not meet their qualifications and our plan would be to do our own bidding with a search firm for those positions.

VI. NEW BUSINESS

- A. Discussion of the City Attorney’s memorandum regarding CPP implementation Memorandum was discovered on Twitter. Please see summarized answer to each question posed on the memo:
1. The council must establish by ordinance the number term length of appointing members of the Commission and include the process for removal. In addition, including the definition of the terms of misconduct and police officer misconduct. May include giving the Commission any additional duties, rules, and procedures related to the commission.
 2. Yes, the Mayor has veto power.
 3. The Commission is independent of the Mayor and the Police Department, but it is part of the City. Rules and regulations for the Commission are determined by the City Council.
 4. Yes, the Commission is subject to the Ralph M. Brown Act.
 5. The City charter (Measure B) is clear that the City Council makes the appointments and that the City Council also appoint and set the salary of the Executive Director. The Council is the appointing authority. Commission members are considered non-compensated City employees and their selection is considered an employment process.
Question of concern: The Commission noticed that the definition of appointment was expanded in this response to include “the power of selection.” There is nothing that makes it clear that the Community being involved in the process.
Patrick Anderson stated that it is agreed upon that the appointing authority is the City Council. However, it sounded like the description of selection is necessarily and legally a part of appointment which

would mean that selection cannot be delegated. Requested to see the legal framework that makes clear that appointment includes selection.

6. Yes, but the City must make factual findings to support that a rational basis exists for the limits.
 7. Yes, all City employees and Commission members would be volunteer employees of the city and be subject to background investigation. Comments: We would need to meet with the City to create a list of what would be disqualifying events. Additionally, we should have the community be involved with the creating of this list. This item has been requested to have an independent legal analysis. Commissioner
 8. Yes.
 9. Yes.
 10. The Commission is subject to all labor and employment laws.
 11. The Police Department has a definition which is what we have recommended it be included in the ordinance. This includes both on and off duty conduct. The city's definition should be considered the same as state law.
 12. Yes, they can appeal to the Civil Service Commission.
 13. Yes, with limitations. Comment: We have drafted language about time limit on complying to that we need to make sure is in there.
 14. No, under POBAR but it does note that state laws relating to confidentiality of police officers' personnel records. Comment: Regarding the acknowledgement that state laws related to confidentiality are evolving. Request to hear back from non-City attorneys a list of where they are happening right now and that we are following them as well.
- B. Preliminary additional budget requests for FY23 – financial analyst position, extension of outside counsel
Sharmaine was required to submit a preliminary budget request FY23 change. We have requested an additional staff position for a financial analyst to assist us in the budgeting process. This is an addition to a position solely for coordinating complaints. Second is regarding funding of \$180,000 for our independent legal services. Since we don't know when we will be situated to hire a permanent staff general counsel and make sure our budget includes that 180,000. To include a line item of \$200,000 for the purpose of filling investigative positions for investigative services. We want to include in next year's budget \$100,000 for executive search purposes to include contracting out these services but also transportation expenses for interviewing of top candidates and possible relocation expense.

VII. AGENDA ITEMS FOR NEXT MEETING: January 14, 2022

VIII. ADDITIONS TO THE LIST OF ITEMS FOR FUTURE AGENDAS – (Upcoming Meetings: Determining the list of reporting requirements of the police department. Possibly begin doing some groundwork on new investigation procedures.)

IX. OTHER ITEMS AND/OR CONCERNS - None

X. ADJOURN at 11:36am.

DRAFT City of San Diego Commission on Police Practices Timeline (Tentative)
November 19, 2021 – Version 10.3

Disclaimer: This timeline is for Commission planning purposes only. The timing of certain items (e.g., docketing of City Council actions, meet and confer process, etc.) are beyond the control of the Commission. Additionally, the length of time required for some processes (e.g., hiring and contracting) may take longer than originally anticipated.

November 3, 2020	General Election
November 2020 – June 2021	Community Input on the Implementation Commission Ordinance via Community Roundtables
November 2020 & December 2020	Meetings with All Continuing and Newly Elected Mayor and City Councilmembers
December 3, 2020	Election Results Certified
December 10, 2020	Mayor and City Councilmembers Installed
December 18, 2020	Secretary of State Chapters Measure B, Activating the New Commission
February 10, 2021	Presentation to City Council Public Safety and Livable Neighborhoods Committee (PS&LN)
March 10, 2021	PS&LN Considers Creation of Office of the Commission on Police Practices, Appointment of Interim Executive Director and Adoption of Interim Standard Operating Procedures
March and April 2021	Discussions with Department of Finance on CPP Budget Needs
April 20, 2021	Mayor Releases Budget for Fiscal Year 22 (July 1, 2021 – June 30, 2022)
April 26, 2021	City Council Approves Creation of Office of the Commission on Police Practices, Appointment of Interim Executive Director and Adoption of Interim Standard Operating Procedures
May 11, 2021	Budget Review Hearing on FY22 Budget
June 2021	Hiring of Executive Assistant
June 6, 2021	Civil Service Commission Approves Exempt Managerial Positions
June 14, 2021	City Council Adopts Budget for FY22
June 24, 2021	PS&LN Reviews First Draft Implementation Ordinance
July – October 2021	Obtain and Equip Commission Office Space
September – December 2021	Interim Outside Counsel Contract Bidding and Selection (Original RFP rebid)
December 2021	Hiring of Administrative Aide/Complaints and Finance Coordinator (Offer Extended)
March 2022 – April 2022	Selection and Hiring of Deputy Executive Director/Director of Community Engagement
December 2021 – July 2022	Develop proposed Standard Operating Procedures for Investigations (SOPs)

January 27, 2022	Anticipated date that PS&LN Reviews Second Draft of the Implementation Ordinance
February 2022	(Depends on whether PS&LN refers the second draft of the ordinance for further revision) PS&LN approves the implementation Ordinance and sends to the full Council.
March 2022	City Council Considers the Implementation Ordinance. They May Refer Back to Counsel or Refer for Meet and Confer.
March 2022	Development of FY23 Budget Proposal
May 2022	Budget Review Hearing for FY23 Budget
March 2022 – April 2022	Selection and Hiring of Deputy Executive Director/Director of Community Engagement
May – August 2022	Meet and Confer on the Implementation Ordinance.
May – December 2022	Recruitment and Selection of Permanent Commissioners (Including Independently Conducted Background Checks)
June 2022	Hire Supervising Investigator, Policy Analyst and Performance Auditor
June 2022	City Council Approves FY23 Budget
August – December 2022	Investigation SOPs Reviewed by PS&LN, City Council and Undergo Meet and Confer
September 2022	Hiring of 3 Staff Investigators and Selection of Pool of Contract Investigators (Contingency Basis)
September 2022	Adopt Memorandum of Understanding with SDPD (Including Complaint Processing and Sharing, Sharing of Records, etc.)
September 2022	City Council Adopts Implementation Ordinance (2 Readings Required)
October 2022	Implementation Ordinance Takes Effect; Independent Investigations Initiated
January 2023	City Council Appoints Permanent Commissioners
January – June 2023	National Search and Selection of New Executive Director
August 2023	City Council Appoints Permanent Executive Director
September – November 2023	Mediation Program Procedures Established
December 2023	Hiring of Commission General Counsel
January 2024	Hiring of Mediation Coordinator, Mediation Program Commences

Department of Finance
Fiscal Year 2023 Budget Development Calendar
Fiscal Activities & Deliverables (updated 11/16/2021)

Task	Start	End
August 2021		
Fiscal Year 2022 Adopted Budget Released	8/31/2021	8/31/2021
September 2021		
Release Fiscal Year 2023 OM Position Maintenance Memorandum	9/13/2021	9/13/2021
Departments Request OM Position Modifications	9/13/2021	10/8/2021
Restructure Process Training for Departments	9/14/2021	9/14/2021
Release Budget Process Calendars	9/20/2021	9/20/2021
Restructure Review Panel Meetings	9/22/2021	9/23/2021
Release Fiscal Year 2023 Non Discretionary (ND) Budget Process Memorandum	9/23/2021	9/23/2021
Provider Departments Prepare ND Allotments	9/24/2021	10/29/2021
Notify Departments of Approved Restructures	9/30/2021	9/30/2021
October 2021		
ND Budget Process Training for ND Provider Departments	10/5/2021	10/5/2021
Deadline to Submit Restructures Forms	10/8/2021	10/8/2021
Deadline for Departments to Request OM Position Modifications	10/8/2021	10/8/2021
Release One-Time Memos	10/14/2021	10/14/2021
November 2021		
Extract Human Capital Management (HCM) Data to Public Budget Formulation System (PBF)	11/1/2021	11/1/2021
Release Fiscal Year 2023 Budget Development Process Memorandum	11/8/2021	11/8/2021
Release Fiscal Year 2023 HCM Extract PEP Projection	11/8/2021	11/8/2021
Post Preliminary ND Allotments	11/17/2021	11/19/2021
Base Budget Process Training	11/18/2021	11/18/2021
Provider Departments Enter Preliminary ND Allotments into PBF	11/19/2021	11/24/2021
Departments Review Baseline PEP Projection	11/22/2021	11/26/2021
Fiscal Year 2023 Budget Development Process Training	11/22/2021	11/22/2021
Departments Review and Redistribute Base Budget	11/22/2021	11/26/2021
Departments Review and Request Adjustments to Preliminary ND Allotments via ND Provider Departments	11/22/2021	12/5/2021

Department of Finance
Fiscal Year 2023 Budget Development Calendar
Fiscal Activities & Deliverables (updated 11/16/2021)

Task	Start	End
December 2021		
Budget Adjustment Process Training	12/6/2021	12/6/2021
Provider Departments Submit Updated ND Allotments to DoF	12/6/2021	12/7/2021
ND Budget Process Training	12/8/2021	12/8/2021
Post Updated ND Allotments	12/9/2021	12/9/2021
Departments Distribute ND Allotments in PBF	12/13/2021	12/20/2021
Departments Enter Budget Adjustments in PBF	12/13/2021	1/7/2022
January 2022		
Deadline to submit information for the KPI section.	1/20/2021	1/20/2021
February 2022		
Deadline to Submit Budget Narratives & KPI's	2/2/2022	2/2/2022
Departments Participate in Executive Budget Review Meetings (5 Days)	2/9/2022	2/16/2022
March 2022		
April 2022		
Release Budget Review Committee (BRC) Presentation Process Memorandum	4/8/2022	4/8/2022
Departments Submit BRC Presentation Introductory Slides	4/12/2022	4/13/2022
Release the Proposed Budget	4/15/2022	4/15/2022
Release the Mayor's May Revision Budget Process Memo	4/15/2022	4/15/2022
Departments Enter May Revision Budget Adjustments in PBF	4/15/2022	4/20/2022
Mayor Presents the Fiscal Year 2023 Proposed Budget at City Council	4/18/2022	4/18/2022
May 2022		
DoF, Departments, and Agencies Participate in the BRC Meetings on the Proposed Budget	5/4/2022	5/10/2022
Release the Mayor's May Revision to the Proposed Budget	5/17/2022	5/17/2022
Present the Mayor's May Revision at BRC	5/19/2022	5/19/2022
Release Appropriation Ordinance (AO) Memorandum	5/19/2022	5/19/2022

Department of Finance
Fiscal Year 2023 Budget Development Calendar
Fiscal Activities & Deliverables (updated 11/16/2021)

Task	Start	End
June 2022		
City Council Approves Final Modifications to the Budget	6/13/2022	6/14/2022
Release the Appropriation Ordinance - (Text Only)	6/15/2022	6/15/2022
Mayor's Veto Period	6/15/2022	6/21/2022
City Council Veto Period	6/21/2022	6/27/2022
Present the Appropriation Ordinance (Text Only) at Budget and Government Efficiency Committee	6/22/2022	6/22/2022
Present the Fiscal Year 2023 Appropriation Ordinance Introduction & Adoption at City Council	6/28/2022	6/28/2022
Load the Fiscal Year 2023 Adopted Budget to SAP	6/29/2022	6/29/2022
July 2022		
August 2022		
Release the Fiscal Year 2023 Adopted Budget	8/26/2022	8/26/2022