

COMMISSION ON POLICE PRACTICES

ONLINE MEETING AGENDA

Tuesday, November 23, 2021
Zoom Webinar

A majority of filled seats (10) on the Commission, with a minimum number of (7) Commissioners is needed to conduct business. If you cannot attend, please email the Interim Executive Director so we can plan accordingly.

~~CLOSED SESSION MEETING~~ CANCELLED

~~4:00 p.m. — 5:30 p.m.~~

Commissioners and Staff Only

- I. Call to Order
- II. Legal Opinion(s) Request & Attorney/Client Privileged Response(s) (0)
- III. San Diego Police Department Feedback on Case Specific Matters Only
- IV. Shooting Review Board Reports (0)
- V. Category II Case Audit Reports (0)
- VI. Discipline Reports (0)
- VII. Case Review Team Reports (0)
- VIII. Case-Specific Recommendations to the Mayor (0)
- IX. Referrals to other governmental agencies authorized to investigate activities of a law enforcement agency (0)

Pursuant to California Government Code Section 54957 — To discuss community complaints brought against San Diego Police Department Officers under California Penal Code Section 832.7.

OPEN/PUBLIC SESSION MEETING

6p.m. – 8p.m.

Open to the Public

This meeting is open to the public. Click [HERE](#) to join/participate in this meeting at its scheduled time. Please see the rules/procedures for submitting public comment at the bottom of the agenda.

This meeting will be posted on YouTube the day after the meeting adjourns and can be accessed by clicking [HERE](#).

- I. CALL TO ORDER/WELCOME (Chair Brandon Hilpert)
- II. PURPOSE OF THE COMMISSION ON POLICE PRACTICES (CPP)
- III. ROLL CALL (Interim Executive Director Sharmaine Moseley)

- IV. APPROVAL OF MEETING MINUTES
 - A. MINUTES FROM CPP OPEN MEETING ON OCTOBER 26, 2021

- V. NON-AGENDA PUBLIC COMMENT: (Fill out and submit comment using [webform](#). Please see instructions at the end of this agenda)

- VI. **EDUCATIONAL TOPIC: “Overview of SDPD Complaint Process, Blue Team and Documentation Used by IA” Presenters IA Lt. Shebloski & Lt. Sayasane (20 mins)**

- VII. UNFINISHED BUSINESS (DISCUSSION/ACTION) (Chair Brandon Hilpert)
 - A. Commission Meetings in December (Dates and Times)

 - B. Case Review
 - 1. Status of Discipline Cases
 - 2. Feedback on Remote Case Access (Google Drive)
 - 3. IA Office Hours/Schedule

- VIII. NEW BUSINESS (DISCUSSION/ACTION) (Chair Brandon Hilpert)
 - A. **DISCUSSION:** List of Proposed Recommendations Regarding the Implementation Ordinance & Standard Operating Procedures

ACTION: Motion to approve proposed recommendations regarding the Implementation Ordinance & Standard Operating Procedures and to submit the list of recommendations to the Public Safety & Livable Neighborhoods Committee and City Council for consideration.

- IX. COMMITTEE CHAIR REPORTS (DISCUSSION/ACTION)
 - A. Continuing Education Committee (Nancy Vaughn)
 - 1. List of Upcoming Educational Topics/Presentations
 - Restraining Orders
 - Legislative Update: Impact of New Laws on SDPD Policies and Procedures (1/25/2022 CPP Open Meeting)

 - B. Outreach Committee (Patrick Anderson)
 - 1. Past Events/Virtual Meetings/Roundtable Discussions
 - 2. Upcoming Events/Outreach Opportunities

 - C. Rules Committee (1st Vice Chair Doug Case)
 - 1. Update on Streamlined Team Reports

 - D. CPP Handbook Committee (1st Vice Chair Doug Case)
 - 1. Update – On Hold

 - E. Policy Committee (Chair Brandon Hilpert)
 - 1. Items being Considered by Committee
 - a. Wellness/Psychological review for officers involved in OIS
 - b. Use of profane language as de-escalation tactic

c. Use of political or membership affiliation under uniform policy

- F. Recruitment & Training Committee (Kevin Herington)
 - 1. Update – On Hold
- G. Citizens Advisory Board on Police Community Relations (Chair Hilpert)
 - 1. Update Past & Upcoming Meetings
- H. Ad Hoc Transition Planning Committee (1st Vice Chair Doug Case)
 - 1. Budget Update
 - 2. Staffing & Legal Counsel Update
 - 3. Draft Implementation Ordinance & Standard Operating Procedures Update
 - 4. Office Space Update
 - 5. Update on Tentative Implementation Ordinance Timeline, Version 10.3 (November 19, 2021)
- X. CHAIR’S REPORT (Chair Brandon Hilpert)
 - A. Reminders for Commissioners
 - 1. 2nd Quarter (October 1st – December 31st) Volunteer Hours Report – All Commissioners log hours in for reporting purposes
 - 2. Requirement for Commissioner Committee Assignments
 - 3. Commissioners Usage of Cameras/Video for CPP Meetings Open to the Public
 - B. Resignation of Commissioner Michael Chan
 - C. Update on Collaboration/Information Sharing with Statewide Oversight Groups
 - D. Update on CPP Joint Meeting with Citizens Advisory Board on Police Community Relations (CAB) Regarding CPE Data Study
 - E. Other Items/Reminders
- XI. EXECUTIVE DIRECTOR’S REPORT (Sharmaine Moseley)
 - A. Caseload Update & Status of Case Reports
 - B. NACOLE Virtual & In-Person Conference Update
 - C. Update on Release of CPP FY2021 Statistics to Open Data Portal
 - D. Other Items/Reminders
- XII. SAN DIEGO POLICE DEPARTMENT REPORT (EA Chief Chris McGrath)
 - A. Status on CPP Recommendations to SDPD
 - 1. 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
 - 6. Observation of Detainees in Sally Port
 - B. Updates (Staffing in IA, Training, etc.)
- XIII. COMMISSIONER RIDE-ALONG REPORTS
- XIV. COMMISSIONER ANNOUNCEMENTS/COMMENTS


XV. ADJOURNMENT

Materials Provided:

- Minutes from Open Session Meeting on October 26, 2021 (DRAFT)
- List of Proposed Recommendations for City Council PS&LN Committee Consideration Re: Implementation Ordinance and Standard Operating Procedures
- Tentative Implementation Ordinance Timeline, Version 10.3 (November 19, 2021)

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.

Joining the webinar as an attendee:

Please **click the link below** to join the webinar from a PC, Mac, iPad, iPhone or Android device:

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OPEN SESSION MEETING MINUTES

**Tuesday, October 26, 2021
6 p.m. – 8 p.m.
Via Zoom Webinar**

Click <https://www.youtube.com/watch?v=ONCAoMVom64> to view this meeting on YouTube.

Commissioners Present:

Brandon Hilpert, Chair
Doug Case, 1st Vice Chair
Andrea Dauber-Griffin
Diana Dent
Kevin Herington (Arrival at 6:46pm)
Sheila Holtrop

Steve Hsieh (Arrival at 6:15pm)
Ernestine Neely
Nancy Vaughn
Marty Workman

Commissioners Absent or Excused:

Patrick Anderson
Michael Chan
Maxine Clark
Joe Craver
Poppy Fitch
Chris Pink (Absent)
Ernestine Smith
Robin Spruce

Staff Present:

Sharmaine Moseley, Interim Executive Director
Alina Conde, Executive Assistant

San Diego Police Department (SDPD) Staff Present:

IA Captain Dupree

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- I. CALL TO ORDER/WELCOME: Chair Brandon Hilpert called the meeting to order at 6:15pm.
 - II. PURPOSE OF THE COMMISSION ON POLICE PRACTICES (CPP): Chair Brandon Hilpert explained that the purpose of the Commission on Police Practices (CPP) is to provide an independent investigation of officer-involved shootings, in-custody deaths, and an unbiased evaluation of all complaints against the police department and its personnel in a process that will be transparent and accountable to the community. The Commission will also evaluate the review of all SDPD policies, practices, trainings, 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.

III. ROLL CALL: Interim Executive Director Sharmaine Moseley conducted the roll call.

IV. APPROVAL OF MEETING MINUTES

A. MINUTES FROM CPP OPEN MEETING ON SEPTEMBER 28, 2021

The Commissioners reviewed the minutes. Commissioner Nancy Vaughn moved for the Commission to approve its September 28, 2021 Open meeting minutes. Commissioner Marty Workman seconded the motion.

The motion passed with a vote of 9-0-0.

Yays: Chair Hilpert, 1st Vice Chair Case, Dauber-Griffin, Dent, Holtrop, Hsieh, Neely, Vaughn, and Workman

Nays: None

Abstained: None

Absent/Excused: Anderson, Craver, Chan, Clark, Fitch, Herington, Pink, Smith, and Spruce

V. NON-AGENDA PUBLIC COMMENT: No public comment received.

VI. UNFINISHED BUSINESS (DISCUSSION/ACTION) (Chair Brandon Hilpert)

A. Commission Closed Meetings (November Dates and Times) – Potentially 4 more closed session meetings. Doodle Poll will be sent out to all Commissioners to see availability for November meetings. Request for Commissioner's response to the doodle poll to accurately schedule the closed meetings for November.

B. Case Review

1. Status of Discipline Cases

Internal Affairs sent several discipline cases to the teams for their review. Once Commissioners have reviewed the disciplines, please let Interim Executive Director Sharmaine Moseley, Chair Brandon Hilpert, or Detective Andrea Amado know so the disciplines can be placed on a future agenda.

2. Feedback on Remote Case Access (Google Drive)

Scheduled Cabinet Meeting tomorrow with Chief of Police that will include discussing the difficulty with obtaining audio recordings. For the time being, it is suggested to burn the audio to a USB drive to hear it externally.

3. IA Office Hours/Schedule (Continuation of Saturday Hours) – Reminder that Internal Affairs has offered weekend hours for those who may need it. Commissioners should send an email and request

the time if they need to go into Internal Affairs on the weekends.

VII. NEW BUSINESS (DISCUSSION/ACTION) (Chair Brandon Hilpert)

A. Approval of Proposed Revised Template to Team Case Reports & Presentations on a Trial Basis

ACTION: Motion to approve proposed revisions to team case reports & presentations on a trial basis.

1st Vice Chair Doug Case motioned to approve proposed revisions to team case reports & presentations on a trial basis.

The motion passed with a vote of 8-0-0.

Yays: Chair Hilpert, 1st Vice Chair Case, Dauber-Griffin, Dent, Holtrop, Hsieh, Vaughn, and Workman

Nays: None

Abstained: None

Absent/Excused: Anderson, Craver, Chan, Clark, Fitch, Herington, Neely, Pink, Smith, and Spruce

B. Approval of Amendment to 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

ACTION: Motion to delete the following sentence from Section 3 of the Interim Standard Operating Procedures: "For OIS and ICD incidents that occur after the effective date of December 18, 2020 that established the Commission, no determination of whether or not an officer-related shooting or in-custody death was within policy shall be made by the Commission until an independent investigation by the Commission has been concluded."

Commissioner Andrea Dauber-Griffin motioned to delete the following sentence from Section 3 of the Interim Standard Operating Procedures: "For OIS and ICD incidents that occur after the effective date of December 18, 2020 that established the Commission, no determination of whether or not an officer-related shooting or in-custody death was within policy shall be made by the Commission until an independent investigation by the Commission has been concluded."

The motion passed with a vote of 9-0-0.

Yays: Chair Hilpert, 1st Vice Chair Case, Dauber-Griffin, Dent, Holtrop, Hsieh, Neely, Vaughn, and Workman

Nays: None

Abstained: None

Absent/Excused: Anderson, Craver, Chan, Clark, Fitch, Herington, Pink, Smith, and Spruce.

C. Approval of Policy Committee Recommendation Regarding BWC Usage

ACTION: Motion to recommend to SDPD that plain clothes (not undercover) officers and Watch Commander staff should have BWCs assigned and used. Field Lieutenant's should solicit a 2nd BWC-wearing officer assist to record when taking complaints or other enforcement activities. Any officer conducting a search must wear and utilize a BWC per standard policy.

1st Vice Chair Doug Case motioned to recommend to SDPD that plain clothes (not undercover) officers and Watch Commander staff should have BWCs assigned and used. Field Lieutenant's should solicit a 2nd BWC-wearing officer assist to record when taking complaints or other enforcement activities. Any officer conducting a search must wear and utilize a BWC per standard policy. Motion to approve with the amendment of adding verbiage that includes that the Watch Commander staff would use their BWC's when in the act of taking a complaint or interacting with a detainee.

The motion passed with a vote of 10-0-0.

Yays: Chair Hilpert, 1st Vice Chair Case, Dauber-Griffin, Dent, Herington Holtrop, Hsieh, Neely, Vaughn, and Workman

Nays: None

Abstained: None

Absent/Excused: Anderson, Craver, Chan, Clark, Fitch, Pink, Smith, and Spruce

VIII. COMMITTEE CHAIR REPORTS (DISCUSSION/ACTION)

- A. Continuing Education Committee (Nancy Vaughn)**
 - 1. List of Upcoming Educational Topics/Presentations**
 - Restraining Orders
 - Overview of SDPD Complaint Process, Blue Team and Documentation Used by IA (11/23 Open Meeting)
- B. Outreach Committee (Patrick Anderson)**
 - 1. Past Events/Virtual Meetings/Roundtable Discussions – No update**
 - 2. Upcoming Events/Outreach Opportunities – No update**
- C. Rules Committee (1st Vice Chair Doug Case)**
 - 1. Update on Streamlined Team Reports – This item was discussed and passed earlier in the meeting.**

- D. CPP Handbook Committee (1st Vice Chair Doug Case)
 - 1. Update – On Hold

- E. Policy Committee (Chair Brandon Hilpert)
 - 1. Status of 10/21 Committee Meeting and Items being Considered by Committee
 - a. Psychological review for officers involved in OIS- Meeting scheduled last Friday with Wellness Unit at Police Headquarters and it was canceled. Working on rescheduling. Tabled.
 - b. Use of profane language as de-escalation tactic - Want to discuss appropriateness on using profane language which can be used by officers as a command.
 - c. Use of political or membership affiliation under uniform policy
Waiting for this complaint to go through the process and will discuss further after.

- F. Recruitment & Training Committee (Kevin Herington)
 - 1. Update – On hold until Council creates the implementation ordinance.

- G. Citizens Advisory Board on Police Community Relations (Chair Hilpert)
 - 1. Update Past & Upcoming Meetings
Meetings have been canceled due to quorum issues.

- H. Ad Hoc Transition Planning Committee (1st Vice Chair Doug Case)
 - 1. Budget Update – No current update
 - 2. Staffing & Legal Counsel Update – Completed the process of selecting the Administrative Aide position who is a current City employee and is currently on medical leave (to start position in end of November). Currently looking into the process of utilizing an Executive Search Firm to hire a Deputy Executive Director and we are waiting on input for next steps. We are unable to rollover our current contract with legal counsel due to budgeting. The remaining budget amount of \$135,000 went out to bid and no one bid on it within the 30-day period. We then resubmitted the bid that the RFP request our proposal and we are now in the 30 – day process for that. We would like to have a community representative on our selection committee and we learned that Commissioners can be considered City employees to sit on the committee. Chair Brandon Hilpert, 1st Vice Chair Doug Case, and a proposed attorney who was a member of the Human Relations Commission to serve as the 3rd person on the committee.
 - 3. Draft Implementation Ordinance & Standard Operating Procedures Update
The City Attorney’s Office has hired their own outside counsel who will be working with District 4 to come up with the second draft of the Implementation Ordinance. The transition committee is continuing to review the draft as well as the one proposed by San

Diegans for Justice. We are making a series of recommendations to be considered. We are anticipating having a memorandum listing those recommendations for the Commission to consider at our November meeting.

4. Office Space Update

The previous space at the Symphony Towers is no longer feasible since there is currently no IT infrastructure for the City. The current suite being used at Civic Plaza Blvd building is available and seems more promising. Chair Brandon Hilpert, 1st Vice Chair Doug Case, and Interim Executive Director Sharmaine Moseley will have a meeting with a space planner to see how we can convert that space and go over space needs.

IX. CHAIR'S REPORT (Chair Brandon Hilpert)

A. Reminders for Commissioners

1. 1st Quarter (October 1st – December 31st) Volunteer Hours Report – All Commissioners need to log in their hours for reporting purposes.
2. Requirement for Commissioner Committee Assignments
All Commissioners need to be on at least one Committee. They need to select what Committee they want to be on.
3. Requirement for Cameras/Video on for CPP Meetings Open to the Public

B. Update on Collaboration/Information Sharing with Statewide Oversight Groups

Chair Brandon Hilpert had a conversation with LAPD's Office of Inspector General for Police related stuff and they have a regional meeting for their oversight group. They will send an invitation for Chair Hilpert to attend (and open it to Commissioners to attend) and will come back with updates. San Francisco Department of Police Accountability has a California Civilian Oversight Agency meeting next month. More updates to come.

C. Status on Upcoming CPP Joint Meeting with Citizens Advisory Board on Police Community Relations (CAB) Regarding CPE Data Study

CPP Leadership had conversations with the Police Department and the Chief to host a joint meeting to present their data and come up with some solutions. Previously were told that CPE revisions can take up to 30-45 days which should be around this time. Chair Brandon Hilpert will reach out to the department.

D. Other Items/Reminders - None

X. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)

- A. Caseload Update & Status of Case Reports – It was reported that the Commission did not a closed meeting last week and this afternoon. The Commission started off with 73 active cases and received 3 new cases to assign to the Teams. Those cases were assigned to the Teams yesterday, so the Commission now has 76 active cases. Any cases that have to be heard at the Commission's next Closed Meeting, would have to be on the agenda and sent over to IA by Thursday morning.

In this fiscal year, that began on July 1st, the Commission reviewed, deliberated on and closed out 42 Cat I cases, audited 8 Cat II cases, and evaluated 11 disciplines.

The statistics for the Team assignments are as follows:

Team 1- assigned 16 cases (12 are Cat I cases- two of which have sustained findings, 4 are Cat II cases). The Team has no OIS or ICD cases.

Team 2 – assigned 8 cases – Of the 8 cases, 3 are Category II cases and 3 of the cases has sustained findings. The Team has no OIS or ICD cases.

Team 3 – assigned 7 cases- Of the 7 assigned cases, 6 are Category I cases. The Team has 1 OIS case that has a sustained finding and no ICD cases.

Team 4 –assigned 19 cases. Of the 19 cases, 12 are Category I cases, 5 are Category II cases and 3 cases have sustained findings. Team 4 has 1 SRB report to evaluate, 2 OIS cases- 1 of which has a sustained finding and no ICD cases to review.

Team 5 –Team 5 has 5 assigned cases. Of the 5 cases, 1 is a case that was heard at the 10/12 Closed Meeting. The Team need to fill out the resource table. Two of the 5 assigned cases are Category I cases and 2 are OIS cases. The Team has no OIS cases to review. Team 5 has 1 SRB report and 1 discipline to evaluate.

Team 6 – assigned 21 cases. Of the 21 cases, 17 cases are Category I, 7 cases have sustained findings, 4 of the 21 cases are Category II cases. The Team has no ICD or OIS cases. Team 6 has 4 disciplines to evaluate.

Team 7 – Team 7 is inactive.

A. NACOLE Virtual Conference Update – NACOLE wrapped up a productive and successful Virtual Conference on October 7th with over 300 attendees for each session. NACOLE held 32 sessions that focused from a range diversity/equity inclusion movement, community policing, legislative updates & best practices, white supremacy groups, oversight in corrections, alternatives to incarceration, arbitration, selection of members/commissioners, transparency during COVID, data collection, and more. NACOLE is now planning for the in-person conference that will take place from December 12th-16th in Tucson, Arizona.

B. Other Items/Reminders – None

XI. SAN DIEGO POLICE DEPARTMENT REPORT (EA Chief Chris McGrath)

A. Status on CPP Recommendations to SDPD – No current updates

1. 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

6. Observation of Detainees in Sally Port

B. Updates (Staffing in IA, Training, etc.) - No current updates.

XII. COMMISSIONER RIDE-ALONG REPORTS: Process is very easy to schedule. All Commission is highly encouraged to schedule ride-along and/or sit-along (both emergency and non-emergency).

XIII. COMMISSIONER ANNOUNCEMENTS/COMMENTS: None

XIV. ADJOURNMENT: The meeting adjourned at 7:30pm.

DRAFT

DRAFT (November 19, 2021)
List of Recommendations to the City Council PS&LN Committee
Regarding the Implementation Ordinance and Standard Operating Procedures
(Cumulative List from the Ad Hoc Transition Planning Committee)

- While the City Council appoints Commissioners the selection process for the independent commission be non-political and community driven. The implementation ordinance should specifically recognize the ability of the Commission to make nominations to the City Council. We recommend that Commission's bylaws (adopted once new Commissioners are appointed) include a Nominations Committee to make such recommendations. The Nominations Committee should be composed of 9 persons with 3 current or former Commission members and 6 community members to be chosen by the Commission (2 academic professionals who specialize in policing, criminal justice, and/or civil rights law and 4 from community nonprofit organizations or those in various fields including specific seats for experts in racial and identity profiling). None of the Nominations Committee members should be associated with law enforcement.
- As previously expressed, the rigid geographical restrictions for the Commission seats inhibits the ability to maintain other types of diversity and would make filling vacancies extremely challenging. We recommend that only 11 of the 25 seats be designated seats – 2 youth seats and one each from the 9 City Council districts. When vacancies on the Commission arise for the 14 non-designated seats, priority should be given to (1) individuals residing in areas (police beats) of the City with higher numbers of complaints of excessive use of force, complaints of discrimination, and/or warrantless stops and searches, (2) individuals and/or family members of individuals who have had prior adverse interactions with law enforcement, and/or (3) individuals with experience or expertise in addiction treatment unhoused community services, immigration/migrant services, mental health, criminal justice, and/or social work.
- While the City Council is the appointing authority for the Commission's Executive Director, since the Executive Director serves at the direction and will of the Commission, and to ensure independence, we believe that it is essential that the Commission leadership be intimately involved in the selection process, to be spelled out in the implementation ordinance.
- The implementation ordinance should restate the provision of the City Charter that it shall select and appoint its own legal counsel, independent of the City Attorney.
- The implementation ordinance should reference the Standard Operating Procedures (the "rules and procedures" which the City Charter specifies that the City Council may establish) and also authorize the Commission to establish its own bylaws and internal policies.
- Many of the Standard Operating Procedures will relate to the investigatory process for the Commission. We have mapped out our recommendations (attached) which map out which elements should be included in the implementation ordinance, the Standard Operating Procedures, and the Commission's internal policies and procedures. Once we have completed the selection process for our outside counsel, we will submit recommendations for Standard Operating Procedures.
- The section of the implementation ordinance which compels City employees to participate in investigatory proceedings should require them to attend

proceedings and be fully responsive. Employees should testify under oath and be held accountable if they are intentionally untruthful or fail to be fully responsive. Since Measure B explicitly affords *subpoena* power to the commission, failure to appear pursuant to a legally issued subpoena and/or dishonesty under oath shall result in referral of the case to a Superior Court judge for adjudication.

- The Definitions section of the ordinance should include a definition of “records.” The Records section of the ordinance should apply to all City departments, not just the Police Department, should state that records are to be unredacted unless required by state or federal law. The section should specifically state that disciplinary records of police officers shall be available to the Commission, unless prohibited by state or federal law.
- The implementation ordinance should authorize the Commission’s investigators to participate in the initial scene walk-through by SDPD or other investigatory agencies for officer involved shootings.
- When conducting its investigations of complaints, the Commission’s investigators should be authorized to add other findings when the investigation reveals violations of SDPD policies and procedures not specifically mentioned by the complainant (similar to how Internal Affairs adds other findings).
- The Commission concurs with the definitions of “investigations” and “investigative proceedings” proposed by San Diegans for Justice.
- The Police Chief should be required to respond to make a written, substantive response to discipline recommendations within 14 days and a written, substantive response to policy and procedure recommendations within 60 days.
- The Commission would like to see a “whistle blower” sections similar to that proposed by San Diegans for Justice.
- The implementation ordinance should authorize the Commission to make recommendations to the City Council and/or Mayor regarding taking a position on local, state and federal legislation and local and state ballot measures on topics related to matters within the purview of the Commission.
- To ensure independence, background checks for potential Commissioners should be conducted by an entity outside of the Police Department.
- The Subpoena section of the implementation ordinance should make it clear that the Commission may subpoena records related to any of its powers and authorities including reviewing policies, procedures, practices and actions of SDPD and making discipline recommendations.
- SDPD should be required to transmit all complaints to the Commission within two business days after receipt and all other investigations of misconduct within two business days after the investigation is opened. Written updates on all investigations should be submitted monthly to the Commission. Since POBAR requires that discipline for sustained findings be imposed within one year, it is essential that the Commission be given ample time to review all SDPD findings. Accordingly, we recommend that if SDPD has not completed an investigation within six months, the Department should be required to provide a written explanation to the Commission with status reports to be submitted every two weeks thereafter.

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