

**COMMISSION ON POLICE PRACTICES**

**ONLINE MEETING AGENDA**

**Tuesday, January 25, 2022**  
**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 NOVEMBER 23, 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:** “Legislative Update: Impact of New Laws on SDPD’s Policies & Procedures” Presenter SDPD Captain Jeff Jordon **(20 mins)**
- VII. UNFINISHED BUSINESS (DISCUSSION/ACTION) (Chair Brandon Hilpert)
  - A. Commission Meetings in February (Dates and Times)
  - B. Case Review
    - 1. Status of CPP Review of Disciplines
    - 2. Feedback on Remote Case Access (Google Drive)
    - 3. IA Office Hours/Schedule
- VIII. NEW BUSINESS (DISCUSSION/ACTION) (Chair Brandon Hilpert)
  - A. **DISCUSSION:** Draft memo to the City Council Regarding the Urgent Need to Appoint Commissioners to the Commission on Police Practices  
  
**ACTION:** Motion to approve the proposed draft memo to the City Council regarding the urgent need to appoint Commissioners to the Commission on Police Practices.
- IX. COMMITTEE CHAIR REPORTS (DISCUSSION/ACTION)
  - A. Continuing Education Committee (Nancy Vaughn)
    - 1. List of Upcoming Educational Topics/Presentations
      - Restraining Orders
  - B. Outreach Committee (Patrick Anderson)
    - 1. Past Events/Virtual Meetings/Roundtable Discussions
    - 2. Upcoming Events/Outreach Opportunities
  - C. Rules Committee (1<sup>st</sup> Vice Chair Doug Case)
    - 1. Update on Streamlined Team Reports
  - D. CPP Handbook Committee (1<sup>st</sup> 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 (1<sup>st</sup> Vice Chair Doug Case)
  - 1. Budget Update
  - 2. Staffing & Legal Counsel Update
  - 3. Draft Implementation Ordinance & Standard Operating Procedures Update
  - 4. Office Space Update
- X. CHAIR'S REPORT (Chair Brandon Hilpert)
  - A. Reminders for Commissioners
    - 1. 3rd Quarter (January 1<sup>st</sup> – March 31<sup>st</sup>) Volunteer Hours Report –All Commissioners log hours in for reporting purposes
    - 2. Requirement for Commissioner Committee Assignments
  - B. CPP Resignations/Vacancies
  - 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 In-Person Conference Recap
  - C. Update on Release of CPP FY2021 Statistics to Open Data Portal
  - D. Release of CPP Standardized Annual Report
  - E. 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 November 23, 2021 (DRAFT)
- Memo to City Council Regarding Appointments to the Commission (DRAFT)

- Standardized Annual Report for CPP
- Revisions to FY23 CPP Budget

**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:**

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**OPEN SESSION MEETING MINUTES**

**Tuesday, November 23, 2021  
6 p.m. – 8 p.m.  
Via Zoom Webinar**

Click [https://www.youtube.com/watch?v=nnFJvId\\_ykE](https://www.youtube.com/watch?v=nnFJvId_ykE) to view this meeting on YouTube.

**Commissioners Present:**

Brandon Hilpert, Chair  
Doug Case, 1<sup>st</sup> Vice Chair  
Maxine Clark  
Andrea Dauber-Griffin  
Diana Dent  
Poppy Fitch

Ernestine Smith  
Robin Spruce  
Nancy Vaughn  
Marty Workman

**Commissioners Absent or Excused:**

Patrick Anderson  
Joe Craver  
Kevin Herington  
Sheila Holtrop  
Steve Hsieh  
Ernestine Neely  
Chris Pink

**Staff Present:**

Sharmaine Moseley, Interim Executive Director  
Alina Conde, Executive Assistant

**San Diego Police Department (SDPD) Staff Present:**

IA Captain Dupree  
Lieutenant Sayasane  
Lieutenant Shebloski

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- I. CALL TO ORDER/WELCOME: Chair Brandon Hilpert called the meeting to order at 6:01pm.
  - 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 OCTOBER 26, 2021

**The Commissioners reviewed the minutes. Commissioner Robin Spruce moved for the Commission to approve its October 26, 2021 Open meeting minutes. Commissioner Nancy Vaughn seconded the motion. The motion passed with a vote of 8-0-2.**

**Yays: Chair Hilpert, 1<sup>st</sup> Vice Chair Case, Clark, Dauber-Griffin, Dent, Smith, Vaughn, and Workman**

**Nays: None**

**Abstained: Fitch and Spruce**

**Absent/Excused: Anderson, Craver, Herington, Holtrop, Hsieh, Neely, and Pink.**

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

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

There are a variety of ways to submit a complaint (call the police dept, go to CPP, by email, by phone, in writing, third party, anonymous, etc.) all available on SD City website and SDPD website. Once a complaint is made it will be dispatched to a department supervisor (Sergeant or directly to Internal Affairs unit). Once the type of complaint is identified, the supervisor will prepare documentation to then forward to Blue Team and will go through their chain of command. Then it will be forwarded over to Internal Affairs unit.

When Internal Affairs receives a complaint, they will determine if the complaint is a Category 1 complaint is more serious complaints (arrest, search, discrimination) or Category 2 complaint (service, procedure, discourtesy). Category 2 complaints – the Command Staff has 60 days to investigate and then send it back to IA and then to CPP to review the investigation. Category 1 – Internal Affairs has 90 days to investigate before forwarding the case to CPP (IA speaks to all complainants, witnesses involved, officers present during incident, watch all BWC footage, surveillance footage, and video footage.

There are four possible (findings) outcomes:

1. Exoneration- When the Officer acted within policy.
2. Unfounded – When alleged did not occur.
3. Sustained – When the violation was against department policy.
4. Non-Sustained- Where there is no proof one way or another to prove if the allegation occurred.
5. Other Finding – When there is another finding that was found during the investigation of the complaint. A finding that was not in the initial complaint.

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

A. Commission Closed Meetings in December (Dates and Times) – Next closed meeting will be on Tuesday 12/7/2021.

B. Case Review

1. Status of Discipline Cases

Internal Affairs sent several discipline cases to the teams for their review. The Commissioner were told to let the Chair and Interim ED know when case are reviewed and if they have any questions for the Captain that assigned the discipline so they can schedule a meeting.

2. Feedback on Remote Case Access (Google Drive)

We are looking to try and get a CPP version of IA Pro. This is the software that Internal Affairs uses. The goal is to allow these programs to talk to each other between IA and CPP. There is also a tool on there for complainants to know what the status of their complaint is.

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.

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

A. **DISCUSSION:** List of Proposed Recommendations Regarding the Implementation Ordinance & Standard Operating Procedures

**ACTION:** 1<sup>st</sup> Vice Chair Doug Case motioned to approve the proposed recommendations with amendment to add the chart of what goes into the Implementation Ordinance, Standard Operating Procedures and the Commissions internal documents 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. **Commissioner Nancy Vaughn seconded the motion.**

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

**Yays:** Chair Hilpert, 1<sup>st</sup> Vice Chair Case, Clark, Dauber-Griffin, Dent, Fitch, Smith, Spruce, Vaughn, and Workman

**Nays:** None

**Abstained: None**

**Absent/Excused: Anderson, Craver, Herington, Holtrop, Hsieh, Neely, and Pink**

**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) – See if Tia Quick can join the presentation.
- B. Outreach Committee (Patrick Anderson)
1. Past Events/Virtual Meetings/Roundtable Discussions
  2. Upcoming Events/Outreach Opportunities  
There will be a meeting with Medical Staff and UCSD to help doctors and physicians to submit complaints. Commissioner Patrick Anderson will further discuss at the next Open Session meeting.
- C. Rules Committee (1<sup>st</sup> Vice Chair Doug Case)
1. Update on Streamlined Team Reports  
The Commission authorized a trial run of streamlined case reports with also putting full IA report in the report. The plan was for 3 commissioners to use the new streamlined version and present them to the Commission. 1<sup>st</sup> Vice Chair proposed to extend this trial for another month to refine the process prior to referring it to the CPP Rules Committee.
- D. CPP Handbook Committee (1<sup>st</sup> 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– Chair Hilpert scheduled a meeting with the Wellness Unit but the Department canceled it. Working on rescheduling. The Committee tabled this item.
    - b. Use of profane language as de-escalation tactic  
Discuss the appropriateness on using profane language. The Committee tabled this item.
    - c. Use of political or membership affiliation under uniform policy  
Waiting for this item to complete going through the process prior to discussing. The Committee tabled this item.
- 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



Chair Brandon Hilpert watched CAB's meeting online. No major updates with our Commission. Trying to work with CAB to come up with solutions. More updates to come.

- H. Ad Hoc Transition Planning Committee (1<sup>st</sup> Vice Chair Doug Case)
1. Budget Update – No current updates.
  2. Staffing & Legal Counsel Update – The Administrative Aide will start her position on December 20<sup>th</sup>. We are in the process of searching for the Deputy Executive Director. Next plan is to hire an Executive Search Firm so we are developing the specs to get bids and will move forward with that process. Legal Counsel Update: There are current bids, but we cannot know how many just yet until they meet the requirements for the RFP. The CPP's selection committee select the person who will fill the position.
  3. Draft Implementation Ordinance & Standard Operating Procedures Update  
The current plan is for PS&LN to have the Implementation Ordinance available in January 2022. Standard Operating Procedures Update: The initial plan was to have Outside Counsel help draft the investigation procedure, but it got delayed because we had to go through RFP process to get a new Outside Counsel. Once we have a permanent outside counsel, we will be able to move forward with drafting the Standard Operating Procedures.
  4. Office Space Update  
The CPP will be located on the 9<sup>th</sup> floor at the Civic Plaza Blvd building. We are currently in the plans of scheduling remodeling of the office.
  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. 2<sup>nd</sup> Quarter (October 1<sup>st</sup> – December 31<sup>st</sup>) Volunteer Hours Report – All Commissioners need to log in their hours for reporting purposes. If there are any issues or if anyone needs help with trouble shooting, please reach out to Executive Assistant Alina Conde for assistance.
  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. Resignation of Commissioner Michael Chan – The Commission is down to 17 Commissioners with Commission Chan's resignation.
- C. Update on Collaboration/Information Sharing with Statewide Oversight Groups  
Chair Brandon Hilpert had a meeting with the San Francisco Office and Los Angeles with LAPD's Office. We are trying to share best practices and what are areas we can make some changes. Introductory meeting was about two weeks ago, and we will likely meet every quarter.
- D. Update 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 on plans to host a joint meeting to present their data and come up with some solutions.

E. Other Items/Reminders – N/A

XI. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)

A. Caseload Update & Status of Case Reports – It was reported that 82 active cases were assigned to the Commission's Teams. Internal Affairs sent two of the 82 cases earlier today to be assign to the teams which will be done tomorrow.

In this fiscal year, that began on July 1<sup>st</sup>, the Commission reviewed, deliberated on and closed out 49 Cat I cases, audited 10 Cat II cases, and evaluated 13 discipline cases and 1 shooting review board report.

The statistics for the Team assignments are as follows:

Team 1- has 15 cases in their queue (12 are Category I cases- two of which have sustained findings, and 3 Category II cases). The Team has no OIS or ICD cases.

Team 2 – has 9 cases in their queue – Of the 9 cases, 7 are Category 1 cases, 2 are Category II cases and 4 of the cases have sustained findings. The Team has no OIS or ICD cases.

Team 3 – has 8 cases in their queue- Of the 7 assigned cases, all 7 are Category I cases. Two of the 7 cases have sustained findings. The Team has no OIS or ICD cases.

Team 4 –has 21 cases in their queue – Of the 21 cases, 13 are Category I cases, 6 are Category II cases and 4 cases have sustained findings. Team 4 has 1 SRB report to evaluate and 2 OIS cases- 1 of which has a sustained finding and no ICD cases to review.

Team 5 –Team 5 has 6 cases in their queue. Of the 6 cases, two of the 6 cases are Category I cases and 2 are OIS cases. The Team has no ICD cases to review. Team 5 has 1 SRB report and 1 discipline to evaluate. Team 5 has 1 case that does not have a sustained finding that is approaching the 1-year deadline.

Team 6 – has 21 cases in their queue. Of the 21 cases, 17 cases are Category I, 6 cases have sustained findings, 4 of the 21 cases are Category II cases. The Team has no ICD or OIS cases. Team 6 has 2 disciplines to evaluate.

Team 7 – Team 7 is inactive.

B. NACOLE Virtual & In-Person Conference Update – Last month, Interim Executive Director Sharmaine Moseley reported out on the NACOLE virtual conference that ended on October 7<sup>th</sup>. The in-person conference is taking place from December 12<sup>th</sup>-16<sup>th</sup> in Tucson, Arizona. She will be attending as well as Chair Hilpert, 1<sup>st</sup> Vice Chair Case and Commissioner Vaughn. Since

the Commission will not have an open meeting next month, a recap of the conference will be given at the Commission's January meeting.

- C. Update on Release of CPP FY2021 Statistics to Open Data Portal – Interim Executive Director Sharmaine Moseley read through and validated all information and statistics in the spreadsheet for 124 cases deliberated on and closed out by the Commission in fiscal year 2021. She forwarded the data over to the Performance and Analytics department for them to prepare the release to the city's Open Data Portal. We are hoping that the release will be completed within the next 2 weeks.
  - D. Other Items/Reminders – Earlier in the month, Interim Executive Director Sharmaine Moseley forwarded to the Commission a request from the Office of Boards & Commissions for board members and commissioners to self-report vaccination statuses by November 16<sup>th</sup>. Please know that at this time this is voluntary and not mandatory.
- XII. 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
- XIII. COMMISSIONER RIDE-ALONG REPORTS: No reports given
- XIV. COMMISSIONER ANNOUNCEMENTS/COMMENTS: No announcements/comments
- XV. ADJOURNMENT: The meeting adjourned at 7:58pm.

**ADVISORY BOARD NAME: COMMISSION ON POLICE PRACTICES****1. MISSION AND DUTIES OF THE ADVISORY BOARD**

*What are the Mission and Duties of the Advisory Board, as established by the Municipal Code?*

The purpose of the Commission on Police Practices is to provide an independent investigation of officer-involved shootings and in-custody deaths, and an unbiased evaluation of all complaints against the San Diego Police Department and its personnel, in a process that will be transparent and accountable to the community. The Commission will also evaluate and review SDPD policies, practices, training, 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.

***Per the City Charter, the Commission shall have the following mandatory duties:***

1. Independently investigate all deaths occurring while a person is in custody of the SDPD, all deaths resulting from the interaction with an officer of the SDPD, and all SDPD officer-related shootings
2. Receive, register, review and evaluate all complaints against SDPD officers, except that the Commission will not review and evaluate complaints where the complainant has requested that the matter be handled without investigation
3. Review and evaluate all factual findings and evidentiary conclusions of the SDPD arising from investigations of police misconduct and all disciplinary decisions resulting from sustained findings
4. Review and evaluate SDPD's compliance with federal, state, and local reporting laws and requirements
5. Prepare and submit semi-annual reports to the Mayor and City Council regarding the exercise of the Commission's duties and powers

***Per the City Charter, the Commission shall have the discretion to:***

1. Conduct investigatory proceedings and subpoena witnesses
2. Investigate complaints against SDPD officers (in addition to the required investigations stated above), unless the complainant has requested that the matter be handled without an investigation, provided that the Commission determines that the complaint arises from any one of the following: a. an incident involving the use of force by a SDPD officer that resulted in great bodily injury b. dishonesty by a SDPD officer including an allegation of perjury, filing false reports, and destruction, falsifying or concealing evidence c. an incident that has generated substantial public interest or concern d. an incident where the data shows a pattern of misconduct by a SDPD officer e. an incident where the data shows a pattern of inappropriate policies, procedures or practices of the SDPD or its members
3. Review, evaluate and investigate allegations of inappropriate sexual conduct, physical assault or domestic violence by SDPD officers
4. Make recommendations to the SDPD on the discipline of individual officers about whom complaints have been made or about whom the Commission has conducted an investigation
5. Review and evaluate the policies, procedures, practices and actions of the SDPD
6. Make specific recommendations to the SDPD, the Mayor and the City Council on any policies, procedures, practices, and actions of the SDPD

## 2. ACTIONS TAKEN BY THE ADVISORY BOARD

**i** Please write a brief summary of the actions taken by the Advisory Board that year.

In 2021, the Commission reviewed, deliberated on, and closed 99 Category I cases, 4 officer-involved shooting cases and 1 in-custody death case that were investigated by SDPD's Internal Affairs Unit. The Commission also audited 31 Category II cases that were investigated by SDPD Command, evaluated 61 officer disciplinary actions given to officers with sustained findings in 28 cases, and reviewed 1 shooting review board report. Additionally, the Commission made the following improvements to its operations and policy recommendations to City Officials and/or SDPD's Chief of Police

**Commission Operations** - Approval of: 1) Interim Standard Operating Procedures 2) Interim Bylaws 3) Revised Template to Team Case Reports & Presentations on a Trial Basis 4) Outline of Investigation Procedures 5) Modifications to Mayor's Proposed Budget for the Commission 6) Commission Transition Timeline (Tentative) 7) FY21-FY22 Work Plan 8) Interim Executive Director Compensation and Benefits 9) Selection Process for Permanent Executive Director 10) Process for SDPD Personnel Attendance at Commission Closed Meetings

Approval of Amendments to: 1) Article V. Section 5 of the Commission's Interim Bylaws to delete the minimum vote requirement for motions 2) Article V. Section 5 of the Commission's Interim Bylaws to replace the requirement of 12 members for a quorum with a majority of filled seats on the Commission, with a minimum number of 7 Commissioners needed to conduct business 3) 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

**Commission Recommendations** - Approval of Commission recommendations in memo to Police Chief regarding 1) SDPD's new 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 and Observation of Detainees in Sally Port 6) SDPD's Use of Force Opinions 7) Officers Failing to Activate Body Worn Cameras

The Commission also approved the following: 1) List of Proposed Recommendations Regarding the Implementation Ordinance & Standard Operating Procedures and to send the list to the Public Safety & Livable Neighborhoods Committee and City Council for consideration 2) The extension of the contract with Devaney Pate Morris & Cameron (DPMC) with an amount of \$180,000 per year effective July 1, 2021 to allow the Commission to continue its work. The Commission's intent for the \$180,000 is to give the Commission flexibility to allocate \$25,000 for DPMC to continue providing legal services to the Commission and \$155,000 for its outside counsel contract if a new Request for Proposal is needed based on the possibility that the scope of work for outside counsel increases. This would allow the Commission to continually have independent legal services without any interruptions.

## 3. ADVISORY BOARD MEETINGS

**i** What were the number of Advisory Board meetings and what were the issues discussed?

In 2021, the Commission met 28 times in Closed Session and 11 times in Open Session for business with all the meetings occurring virtually on Zoom. In addition to its regularly scheduled meetings, the Commission held 2 community roundtable discussions and one special meeting. The roundtable discussions were held to update the community on the ordinance and Measure B requirements and solicit community feedback on the Commission size; composition; application and selection process; service guidelines; independent investigations; and list of recommendations. The special meeting was held for the Commission to discuss and approve a memo for the Public Safety & Livable Neighborhoods Committee regarding the Measure B Implementation Ordinance & Operating Procedures.

The Commission's Policy Committee held 1 community roundtable discussion on SDPD's new protest policy to solicit feedback for the development of a list of recommendations to the new policy. The Policy Committee also held 3 meetings to discuss and/or approve: the list of recommendations to SDPD's new protest policy; the recommendation to change SDPD procedure 1.49 to eliminate the exception of using BWCs in secure facilities; the recommendation to modify SDPD Procedure 1.06 to require officers to give a verbal warning prior to using chemical OC spray where possible; the recommendation to modify SDPD Procedure 6.01 to include a maximum time limit for an individual to be restrained in WRAP devices to be no more than 2 hours; the recommendation to modify 6.01 to also increase the requirements necessary prior to seatbelts not being used under the officer safety exemption; and the recommendation to require officers check on the status/welfare of detainees while in the sally port at a set time interval of every 15 minutes. The Policy Committee also approved that the following recommendations be sent to the full Commission for consideration and approval: to require plain clothes officers and watch command staff to have and activate BWCs and for field lieutenants to have an officer with a BWC present when dealing with issues or complaints; require someone from the training command staff and city attorney to review, approve, and sign off on all use of force opinions.

The Commission's Rules Committee held 5 meetings to discuss and/or approve the Commission's previous referenced Interim Bylaws and Standard Operating Procedures and Standing Rules.

The Commission's Ad Hoc Transition Planning Committee held 45 meetings to advise its Interim Executive Director, Cabinet, and Commission on multiple issues related to the implementation of Measure B, including but not limited to:

- 1) Development of the Commission's FY22 budget
- 2) Recommendations to PS&LN for the Implementation Ordinance
- 3) Development of investigation procedures
- 4) Securing office space
- 5) Determining technology requirements
- 6) Establishing staff positions exempt from Civil Service (Deputy Executive Director, General Counsel, Policy Analyst, Performance Auditor and Supervising Investigator), hiring of two classified employees (Executive Assistant, Administrative Aide) and initiating the search process for the Deputy Executive Director
- 7) Developing an implementation timeline (as an internal planning document)
- 8) Implementing the RFP process for Outside Counsel

The Committee invited District 4's Chief of Staff and PS&LN Committee Consultant to its meetings to facilitate communication with the PS&LN Committee on items relating to the transition of the Commission.

## 4. MEETING CANCELTIONS

**i** *What were the number of meetings cancelled and what was the reasoning?*

The Commission schedules its regular closed session meetings for the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays monthly. In 2021, the Commission scheduled 22 regular closed session meetings and cancelled 3 of those meetings due to the lack of cases ready for Commission deliberation. The Commission scheduled 7 additional closed session meetings to address the backlog of active cases before the Commission. Out of the 7 additional closed session meetings, the Commission cancelled 1 meeting due to a lack of quorum needed to conduct business. It is important to note that this meeting was not a regularly scheduled meeting of the Commission and the Commission went above and beyond by adding additional closed session meetings to address the rise in the number of active cases before the Commission.

The Commission held 11 regularly scheduled open session meetings and did not have to cancel any of those meetings. The Commission does not schedule open or closed session meetings for the 4<sup>th</sup> Tuesday in December due to the holiday.

## 5. AVAILABLE OPPORTUNITIES

**i** *What are the number of vacant positions on the Advisory Board?*

In 2021, the Commission had approximately 6 vacancies. The Commission continues to have no representation from District 8. The City Council is unable to appoint new Commissioners to the Commission until the implementation ordinance for the Commission is finalized and approved. Once the implementation ordinance take effect, new Commissioners can be appointed to the Commission and trained.

## 6. EXPIRED MEMBERSHIP

**i** *What are the number of members serving on expired terms?*

As of December 2021, the Commission has 11 members serving on expired terms. Due to the ongoing pandemic and issues involving law enforcement nationally, the Commission has been faced with a large backlog of cases assigned to the Commission teams for case review. The 11 members who are serving on expired terms continue to serve to assist with case review, training, and ensuring that the Commission has a quorum to conduct business so that there is continuity in civilian oversight of SDPD.

## 7. CONCERNS OR SUGGESTIONS TO BRING TO THE COUNCIL

**i** *Do you have any suggestions or concerns that you would like to bring to the Council's attention?*

The Commission would like to bring 2 concerns/issues to the Council's attention. The first issue is that as of January 11, 2022, the Commission is down to 15 appointed Commissioners and 8 vacancies. Out of the 15 appointed Commissioners, 1 Commissioner is unable to review cases due to personal reasons until further notice. This Commissioner has been inactive and non-responsive to requests by staff and Commission leadership. This is problematic due to the policies approved by the Commission.

The second issue is the need for an implementation ordinance/procedure to appoint new Commissioners to the Commission. Due to the pandemic and national climate for law enforcement and community relations, the Commission has seen an increase in the number of active cases before the Commission. Additionally, some Commissioners were not as active as others for personal reasons as well as the adjustment from reviewing cases in Internal Affairs and meeting in person to reviewing cases remotely and attending meetings virtually. Although most of the Commissioners have been trying to continue providing this important service to the City, the number of Commissioners is declining and there is nothing in place for this work to continue efficiently. The Commission is in jeopardy of not being able to continue its oversight duties if new Commissioners are not appointed soon.

## 8. ASSISTANCE TO THE BOARD

**i** *Please provide an estimate of the City staff hours assisting in administering the Board.*

The number of hours for the Commission's Interim Executive Director was approximately 3,640 hours, 1,016 hours for the Executive Assistant, and 120 hours for the Administrative Aide. The Executive Assistant was hired in June 2021 and the Administrative Aide was hired in December 2021.

## 9. VOLUNTEER HOURS





**i** *Please provide an estimate of the volunteer hours by commissioners.*

Based on the number of volunteer hours reported by 10 members of the Commission on Police Practices, approximately 2,975.62 hours were logged in the Better Impact System. Of the hours reported, 70 hours were spent in training (Community Workshops, Inside SDPD, PERT, Ride-Alongs, SDPD Menu Training, Tours, Retreat); 158 hours in Conferences/Seminars; 17 hours in Community Outreach Events; 1268 hours in case review; 1159 hours in Meetings (Commission and Committee Meetings, Community Meetings, Meetings with Officials); and 305 hours in other Commission Duties (Administrative Duties, Committee Assignments, Emails and News Articles, Presentations). Please note that at the time this report was drafted not all Commissioners inputted their hours into the Better Impact System, so the number of volunteer hours is higher than provided. Final volunteer hours of the Commission will be included in a future Annual Report of the Commission.



# ADVISORY BOARD ACTIVITES

Please provide 4-5 pictures of the Advisory Board Activities

PDF Files	Title of Activity	Date of Event
	Academy Training on Use of Force, BWC, Detention & More for New Commissioners	April 10, 2021
	27 <sup>th</sup> Annual NACOLE Conference in Tucson, AZ (Chair Hilpert standing at the microphone)	December 12-16, 2021
 Commission on Police Practices Outreach Committee Community Roundtable Discussion (1.30.2021)	Commission on Police Practices Outreach Committee Community Roundtable Discussion	January 30, 2021
 Commission on Police Practices Open Session Meeting on 5/25/2021	Commission on Police Practices Open Meeting	May 25, 2021





**THE CITY OF SAN DIEGO**

**M E M O R A N D U M**

Date: January 26, 2022

To: Council President Sean Elo-Rivera  
Members of the City Council

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

**Subject: Urgent Need for Commission on Police Practices' Appointments**

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Upon the passage of Measure B on November 3, 2020 (with 74.6% of the vote), which created the Commission on Police Practices (CPP or Commission), it was determined that new Commissioners could not be appointed until the City Council approved an Implementation Ordinance establishing how those Commissioners are selected and appointed.

On January 21, 2022, the Public Safety & Livable Neighborhoods Committee presented a second draft of the proposed Implementation Ordinance. **(INCLUDE ACTION ITEMS RESULTING FROM MEETING)** While the CPP is looking forward to the approval of the Implementation Ordinance, we need to raise a serious concern regarding Commissioner atrophy to your attention.

At the Commission's January 25, 2022 Open Meeting, the Commission voted unanimously **(XX-X-X)** to request urgent action by the City Council to move without delay to appoint new Commissioners.

When fully seated, the interim Commission should have 23 seats. However, due to recent resignations, there are only 15 Commissioners. The Commission also has a scheduled resignation occurring on March 31<sup>st</sup> which will lower the number of appointed Commissioners down to 14. Further, due to family commitments, another Commissioner has not been able to serve for the last several months – bringing the active Commissioners doing the work of police oversight down to just 13.

Over the last two years, complaints have increased tremendously. As a result, Internal Affairs has increased the number of investigating Sergeants within the

department to keep up with the caseload while the Commission lost seven Commissioners.

The Commission raises the concern that the Commission may soon be unable to provide the civilian oversight the community expects and demands. As it stands today, there are 91 active cases awaiting review by the Commission. The historical average is approximately 20+. With just 13 active Commissioners, that means each volunteer Commissioner has at least 7 cases they must review, write, and present in a timely manner. The workload is simply not sustainable – especially for a volunteer Commission already putting in 20-60 hours a month each.

- Under the current (and aggressive) internal working timeline, our best case scenario anticipates new Commissioners will not be appointed until January 2023. The new Commissioners will then have to be trained which will also take several months.
- To attempt to keep up, the all-volunteer Commission has gone from bi-weekly closed session meetings to weekly meetings – holding 28 meetings in 2021. However, the caseload continues to increase no matter how many more closed session meetings take place.
- Per the bylaws, the Chair and 1<sup>st</sup> Vice Chair do not typically perform case reviews due to the other time-consuming duties and responsibilities those roles hold. However, both Chairs are actively reviewing cases in an attempt to stay above water.
- The Commission reduced the quorum requirement in the bylaws, from 12 to a majority of filled seats (currently 7) so the Commission can continue to conduct business.
- Some Commissioners have expressed the desire to resign, however due to their outstanding commitment, have agreed to stay on so the Commission can continue to perform its vital role of community police oversight.
- If additional Commissioners resign, the workload for the remaining Commissioners cascades, creating an unrealistic demand upon the remaining Commissioners – at which point, more resignations are highly likely.

We propose to the City Council to utilize the draft implementation ordinance language on Commissioner appointments to establish a stand-alone ordinance that gives the City the ability to immediately begin Commissioner nominations and appointments without the delays that the full implementation ordinance will encounter. A Commissioner appointment ordinance should not need to go through meet and confer.

The Commission looks forward to continuing to work with you as the City works on the Implementation Ordinance and we welcome the opportunity to discuss our concerns further with you.

If you have any questions, please do not hesitate to contact me at [BHilpert@sanidiego.gov](mailto:BHilpert@sanidiego.gov) or Sharmaine Moseley, our Interim Executive Director at [SMoseley@sanidiego.gov](mailto:SMoseley@sanidiego.gov).

Brandon Hilpert, Chair  
Commission on Police Practices

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

Base Budget Form Detail

Last Refreshed: 02:52 PM 01/20/2022

Fiscal Year: 2023

Fund: 100000 - General Fund

Business Area / Division: 1216 - Commission on Police Practices

Form ID: 50945 - 100000\_1216\_Base Budget

Current Stage: 121 - Department Request

Expenditures

Cmmt Item Number	Commitment Item	Current Year Adopted Budget	One-Time Removal	Annualization	Base Adjustment	Initial Base Budget	Redistribution	Revised Base Budget
500199	Adjust Budget To Approved Levels	\$70,212				\$70,212		\$70,212
511010	Office Supplies	\$6,279				\$6,279		\$6,279
511011	Postage/Mailing	\$337				\$337		\$337
511039	Food Products	\$2,009				\$2,009		\$2,009
511058	Other Misc Supplies	\$1,200				\$1,200		\$1,200
512028	Consulting Services	\$30,000				\$30,000		\$30,000
512042	Fees-Legal	\$180,000	(\$155,000)			\$25,000		\$25,000
512043	Fees-Membership	\$733				\$733		\$733
512059	Miscellaneous Professional/ Technical Ser	\$26,896				\$26,896		\$26,896
512070	Training-In Town	\$20,000				\$20,000		\$20,000
512072	Travel-Non Training	\$17,500				\$17,500		\$17,500
512073	Travel-Training	\$7,500				\$7,500		\$7,500
512077	Photocopy Services	\$2,763				\$2,763		\$2,763
512080	Print Shop Services	\$2,668				\$2,668		\$2,668
512088	In-House Bindery Services	\$33				\$33		\$33
512117	Undistributed Budget	\$178,640				\$178,640		\$178,640
512142	Other Non-Personnel Expense	\$5,000				\$5,000		\$5,000
512237	Meetings	\$2,324				\$2,324		\$2,324
513006	Professional IT Services	\$15,000				\$15,000		\$15,000
514009	Cellular Phone Operating Cost	\$5,000				\$5,000		\$5,000
516015	Transportation Allowance	\$2,500				\$2,500		\$2,500
Total		\$576,594	(\$155,000)	\$0		\$421,594	\$0	\$421,594

## Budget Inquiry Position

Last Refreshed: 02:55 PM 01/20/2022

Fiscal Year: 2023

Projection ID: 3432

Fund: 100000 - General Fund

Business Area / Division: 1216 - Commission on Police Practices

Position Number	Reporting Job Number	Reporting Job Class Number	Reporting Job	Job Number	Job Class Number	Job	Full-Time Equivalent	Personnel Expenditures
31005781	20001220	2268	Executive Director	20001220	2268	Executive Director	1.00	\$234,235
31019350	20000024	1107	Administrative Aide 2	20000024	1107	Administrative Aide 2	1.00	\$58,569
31019375	20000924	1876	Executive Assistant	20000924	1876	Executive Assistant	1.00	\$78,723
31019925	20001222	2270	Program Manager	20001222	2270	Program Manager	1.00	\$139,070
31019926	20001222	2270	Program Manager	20001222	2270	Program Manager	1.00	\$139,070
31019927	20001222	2270	Program Manager	20001222	2270	Program Manager	1.00	\$139,070
31019928	20001234	2282	Program Coordinator	20001234	2282	Program Coordinator	1.00	\$103,881
31019929	20001153	2197	General Counsel	20001153	2197	General Counsel	0.50	\$70,229
70041064	20001222	2270	Program Manager	20001222	2270	Program Manager	1.00	\$132,810
70041065	20001234	2282	Program Coordinator	20001234	2282	Program Coordinator	1.00	\$99,297
70041066	20000015	1106	Senior Management Analyst	20000015	1106	Senior Management Analyst	1.00	\$78,631
80000006	20001234	2282	Program Coordinator	20001234	2282	Program Coordinator	1.00	\$103,881
Total							11.50	\$1,377,466

Report: Budget Inquiry Position

DRAFT

Report Tab: No Fixed Fringe-By Position-Job