



THE CITY OF SAN DIEGO

M E M O R A N D U M

Date: January 20, 2022

To: Councilmember Monica Montgomery Steppe, Chair,
Public Safety & Livable Neighborhoods Committee
Councilmember Vivian Moreno, Vice Chair
Councilmember Raul Campillo
Councilmember Marni von Wilpert

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

Subject: **Commission on Police Practices' Recommendations on the January 11, 2022 Draft Implementation Ordinance**

At the January 20, 2022 Commission on Police Practices (Commission) special meeting, the Commission voted unanimously (12-0-0) to share its recommendations regarding the January 11, 2022 draft implementation ordinance that will establish the Commission with the Public Safety and Livable Neighborhoods (PS&LN) Committee, and then forward to the City Council for consideration.

We appreciate that several of our prior recommendations, as outlined in our December 1, 2021 memorandum to the PS&LN Committee, were incorporated in the January 11, 2022 draft of the ordinance; however, we still have serious concerns.

The list of recommendations below were compiled based on feedback from community outreach meetings, nationwide best practices on police oversight, and from the Commission's 46 public Ad Hoc Transition Planning Committee meetings.

Please note that a revised draft of the ordinance was emailed to the Commission's Ad Hoc Transition Planning Committee members after the Commission's special meeting, so some of the Commission's concerns may be reflected in the updated January 20, 2022 draft. The following recommendations for the January 11, 2022 draft ordinance were discussed and approved by the full Commission.

Geographical Restrictions

- The ordinance sets forth rigid geographical restrictions for the Commission seats that will inhibit 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, special consideration 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. [Section 26.1103 (d)]

Operational Procedures

- The definition of “investigations” should be expanded to make it clear that the Commission can independently investigate (may gather information from original sources), rather than simply review existing reports or documents. [Section 26.1102]
- The ordinance should state that the Commission “shall prepare an operating procedure for its nomination process that includes community input in the interviewing and selection of nominees for membership to the Commission.” [Section 26.1105 (a)]
- The ordinance should state that the Commission’s investigators shall have full access to crime scenes on first walk-throughs. [Section 26.1107 (a)(1)]
- The ordinance should require that all complaints, findings, decisions, and recommendations by the Commission be made public to the fullest extent permitted by law, as soon as practicable. [Section 26.1114]

Criminal Convictions

- Revise Section 26.113 (g) so that past criminal convictions should not automatically remove an applicant from eligibility to serve on the Commission. [Section 26.113 (g)]

Records and Documents

- Clarify that the Commission can request records from all City departments, not just the Police Department, and those records shall be unredacted unless required by state or federal law. This section should specifically state that disciplinary records shall be available to the Commission. It is also essential that the Commission have access to all data maintained by the City, regardless of whether it is compiled in a report or document. [Section 26.1109]
- Delete the phrase “are considered personnel records” from the second sentence in Section 26.1109 (c).

Collective Bargaining

- Review the implications of the references to collective bargaining to ensure SDPD and POA would not have influence over the Commission’s practices and procedures. [Sections 26.1107 (a) (1 and 12) and 26.1109 (c)]

Lastly, in the December 1, 2021 recommendations to PS&LN, the Commission noted that while the City Council is the appointing authority for the Commission’s Executive Director, the Executive Director serves at the direction and will of the Commission, and to ensure independence, it is critical that the Commission leadership be intimately involved in the selection process for the Executive Director. We have been advised that the appropriate way to accomplish this would be through an amendment to the new Municipal Code Section 22.5601 – The Office of the Commission on Police Practices, which refers to the appointment and duties of the Executive Director. In the near future, we will bring forward a proposal on this matter for your consideration.

We hope that you will give our recommendations serious consideration as we look forward to continuing to work with you as the City drafts the implementation ordinance.

If you have any questions, please do not hesitate to contact me at BHilpert@sandiego.gov or Sharmaine Moseley, our Interim Executive Director at SMoseley@sandiego.gov.



Brandon Hilpert, Chair
Commission on Police Practices

cc: Honorable Mayor Todd Gloria
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