



**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 *BH*  
via Sharmaine Moseley, Interim Executive Director *SM*

**Subject: Urgent Need for Appointments to the Commission on Police Practices**

Upon the passage of Measure B on November 3, 2020 (with 75% 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. 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 (9-0-1) to request urgent action by the City Council to move without delay to appoint new Commissioners.

A fully seated 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 86 active cases awaiting review by the Commission. The historical average is approximately 20+. With just 13 active Commissioners, that means each volunteer Commissioner has almost 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.

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

A handwritten signature in black ink that reads "Brandon Hilpert". The signature is written in a cursive, flowing style.

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  
              Joan Dawson, Senior Deputy City Attorney  
              Chris Cameron, Outside Counsel, Commission on Police Practices  
              Members of the Commission on Police Practices