



THE CITY OF SAN DIEGO

M E M O R A N D U M

Date: December 30, 2022

To: David Nisleit, Chief, San Diego Police Department

From: Doug Case, Acting Chair, Commission on Police Practices *DNC*
via Sharmaine Moseley, Interim Executive Director *SM*

Subject: **Recommendations for Revisions to SDPD Discipline Memos**

At its October 25, 2022 meeting, the Commission on Police Practices (Commission) discussed its review of SDPD's Discipline Memos and why an officer's discipline can sometimes fall outside of the SDPD Discipline Matrix – both below and above what the Matrix dictates. As such, the Commission voted 7-0-0 to kindly request that SDPD consider the below recommendation and submit its response in writing.

As part of the Commission's review of officer discipline, the Commission summarizes the case that resulted in a sustained finding, review the discipline memo drafted by the Commanding Officer, and compare the discipline imposed to the discipline matrix. The Commission will then either agree or disagree with two opinions:

1. The reported discipline is consistent with the SDPD Discipline Matrix and
2. The discipline imposed was appropriate.

Recently, there has been an increase where the Commission disagreed on both opinions to multiple discipline memos.

Based on its review of SDPD's Discipline Memos, the Commission agrees that the discipline memos fail to explain or rationalize why discipline issued is either more lenient or harsher than the Discipline Matrix dictates. There may be cases where deviation from the Matrix is necessary and appropriate, however, when the Commission is not given the rationale for such deviations, the Commission is left with no other option than to disagree that the discipline issued was consistent with the Discipline Matrix.

The Commission therefore recommends:

1. SDPD update its Discipline Manual to indicate that Discipline Memos are not optional and must be completed within 10 days of receipt of a sustained finding¹.

Disciplinary action for officers found to have sustained findings should not be optional. (Discipline Manual, Section III, D. 2. d. simply states “...the Commanding Officer may impose appropriate discipline using the guidelines outlined in Section III.E.1., Determining Appropriate Level of Discipline.”)

2. When discipline is outside the Matrix, the Commanding Officer shall include within the Discipline Memo, a detailed written explanation describing what the deviation from the Matrix was and why they chose discipline outside of what was suggested by the Matrix (either below or above).

The Commission believes these recommendations will assist the Commission in properly reviewing officer disciplinary action and help Commissioners understand the Commanding Officer’s reasoning when making their disciplinary decisions. These recommendations will possibly eliminate the requests for a Commission Team/Captain conference to discuss imposed discipline. Thank you in advance for your consideration.

Douglas Case

Doug Case, Acting Chair
Commission on Police Practices

cc: Honorable Todd Gloria, Mayor of City of San Diego
Eric Dargan, Chief Operating Officer
Paola Avila, Chief of Staff
Chida Warren-Darby, Director, Office of Boards and Commissions
Chris McGrath, Executive Assistant Chief
Anthony Dupree, Captain, Internal Affairs
Chloe Madison, Senior Policy Advisor, Office of the Mayor
Duane E. Bennett, Outside Counsel, Commission on Police Practices
Members of the Commission on Police Practices

¹ SDPD agreed to add the 10-day requirement in response to previous CPP recommendations on July 25, 2022.