

COMMISSION ON POLICE PRACTICES

Wednesday, April 16, 2025

5:00pm-8:00pm

**REGULAR BUSINESS MEETING
AGENDA**

**Southeastern Live Well San Diego
5101 Market St.
San Diego, CA 92114**

PURPOSE OF THE COMMISSION ON POLICE PRACTICES

The purpose of the Commission on Police Practices (CPP or Commission) is to provide independent community oversight of SDPD, directed at increasing community trust in SDPD & increasing safety for community and officers. The purpose of the Commission is also to perform independent investigations of officer-involved shootings, in-custody deaths and other significant incidents, and an unbiased evaluation of all complaints against members of SDPD and its personnel in a process that will be transparent and accountable to the community. Lastly, the Commission also evaluates the review of all SDPD policies, practices, trainings, and protocols and represents the community in making recommendations for changes.

The Commission on Police Practices (Commission) meetings will be conducted pursuant to the provisions of California Government Code Section 54953 (a), as amended by Assembly Bill 2249.

The Commission business meetings will be in person and the meeting will be open for in-person testimony. Additionally, we are continuing to provide alternatives to in-person attendance for participating in our meetings. In lieu of in-person attendance, members of the public may also participate via telephone/Zoom.

The link to join the meeting by computer, tablet, or smartphone at 5:00pm is:

<https://sandiego.zoomgov.com/j/1610950576>

Meeting ID: 161 095 0576

In-Person Public Comment on an Agenda Item: If you wish to address the Commission on an item on today's agenda, please complete and submit a speaker slip before the Commission hears the agenda item. You will be called at the time the item is heard. Each speaker must file a speaker slip with the Executive Director at the meeting at which the speaker wishes to speak indicating which item they

wish to speak on. Speaker slips may not be turned in prior to the day of the meeting or after completion of in-person testimony. In-person public comment will conclude before virtual testimony begins. Each speaker who wishes to address the Commission must state who they are representing if they represent an organization or another person.

For discussion and information items each speaker may speak up to three (3) minutes, subject to the Chair's determination of the time available for meeting management purposes, in addition to any time ceded by other members of the public who are present at the meeting and have submitted a speaker slip ceding their time. These speaker slips should be submitted together at one time to the Executive Director. The Chair may also limit organized group presentations of five or more people to 15 minutes or less.

In-Person Public Comment on Matters Not on the Agenda: You may address the Commission on any matter not listed on today's agenda. Please complete and submit a speaker slip. However, California's open meeting laws do not permit the Commission to discuss or take any action on the matter at today's meeting. At its discretion, the Commission may add the item to a future meeting agenda or refer the matter to staff or committee. Public comments are limited to three minutes per speaker. At the discretion of the Chair, if a large number of people wish to speak on the same item, comments may be limited to a set period of time per item to appropriately manage the meeting and ensure the Commission has time to consider all the agenda items. A member of the public may only provide one comment per agenda item. In-person public comment on items not on the agenda will conclude before virtual testimony begins.

Virtual Platform Public Comment to a Particular Item or Matters Not on the Agenda: When the Chair introduces the item you would like to comment on (or indicates it is time for Non-Agenda Public Comment), raise your hand by either tapping the "Raise Your Hand" button on your computer, tablet, or Smartphone, or by dialing *9 on your phone. You will be taken in the order in which you raised your hand. You may only speak once on a particular item. When the Chair indicates it is your turn to speak, click the unmute prompt that will appear on your computer, tablet or Smartphone, or dial *6 on your phone. The virtual queue will close when the last virtual speaker finishes speaking or 5 minutes after in-person testimony ends, whichever happens first.

Written Comment through Webform: Comment on agenda items and non-agenda public comment may also be submitted using the [webform](#). If using the webform, indicate the agenda item number you wish to submit a comment for. All webform comments are limited to 200 words. 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 above. To view a meeting archive video, click [here](#). Video footage of each Commission meeting is posted online [here](#) within 24-48 hours of the conclusion of the meeting.

Comments received no later than 11 am the day of the meeting will be distributed to the Commission on Police Practices. Comments received after the deadline described above but before the item is called will be submitted into the written record for the relevant item.

Written Materials: You may alternatively submit via U.S. Mail to Attn: Office of the Commission on Police Practices, 525 B Street, Suite 1725, San Diego, CA 92101. Materials submitted via U.S. Mail must be received the business day prior to the meeting to be distributed to the Commission on Police Practices.

If you attach any documents to your comment, they will be distributed to the Commission or Committee in accordance with the deadlines described above.

- I. CALL TO ORDER/WELCOME (Chair Doug Case)
- II. ROLL CALL (Executive Assistant Alina Conde)
- III. NON-AGENDA PUBLIC COMMENT (Policy Manager Aaron Burgess)
- IV. CHAIR REPORT (Chair Doug Case)
- V. STAFF REPORT
- VI. PROPOSED CHANGES TO THE CPP OPERATING PROCEDURES (ACTION ITEM)
- VII. COMMISSIONER COMMENTS
- VIII. CLOSED SESSION
 - A. Public comment
 - B. General Counsel Bart Miesfeld – Lead CPP into Closed Session
(Not Open to the Public)
 - C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of California Government Code Section 54956.9: (one case)
 - D. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Discussion & Consideration of Complaints & Reports: Pursuant to Government Code Section 54957 to discuss complaints, charges, investigations, and discipline (unless the employee requests an open public session) involving San Diego Police Department employees, and information deemed confidential under Penal Code Sections 832.5–832.8 and Evidence Code Section 1040. Reportable actions for the Closed Session items on the agenda will be announced and posted on the Commission’s website at www.sandiego.gov/cpp.
 1. SDPD Feedback on Case-Specific Matters
 - a. Case 2024-0264 (CAT I)
 2. Review of Internal Affairs Investigations
 - a. Case 2024-0344 (CAT I)
 - b. Case 2024-0398 (CAT I)
 - c. Case 2024-0207 (CAT I)

- d. Case 2024-0295 (CAT I)
- e. Case 2024-0314 (CAT II)
- f. Case 2024-0352 (CAT I)
- 3. Review of SDPD Discipline
 - a. Case 2024-0165 (CAT I)

II. REPORT FROM CLOSED SESSION (General Counsel Bart Miesfeld)

III. ADJOURNMENT

Materials Provided: Proposed Changes to Operating Procedures

Access for People with Disabilities: As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the Commission at (619) 533-5304 or commissiononpolicepractices@saniego.gov.

Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services, or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible to ensure availability. The city is committed to resolving accessibility requests swiftly.

CHAPTER TWO

REQUIRED REVIEW OF INTERNAL AFFAIRS INVESTIGATIONS OF POLICE OFFICER MISCONDUCT AND EVALUATION OF OFFICER-INVOLVED SHOOTINGS

Commission Case Review

The Commission's Executive Director and Chief Investigator will review the IA case file and advise members of the Cabinet whether a matter merits an independent investigation instead of a review. The Cabinet will have the authority to initiate an investigation after consultation with the Executive Director and Chief Investigator. The Commission will be provided a list of received complaints and complaints selected for investigation by the Cabinet and may provide feedback to the Cabinet.

The Executive Director will assign each case to be reviewed to (1) a group of Commissioners, (2) Commission staff, or (3) a combination of Commission staff and one or more Commissioners, hereinafter referred to as "Reviewers." The Reviewers will review and analyze the IA case file and prepare a report with recommendations for consideration by the Commission. All final determinations will be made by a vote of the entire Commission.

The Reviewers are responsible for reviewing the Investigator's Report and all related materials (reports, body worn camera and other videos, audio recordings of interviews, etc.). The Reviewers shall have access to all materials used by IA in the course of their investigation.

If during the course of their review, the Reviewers determine that an independent Commission investigation of one or more of the allegations that the Commission has discretion to investigate (in accordance with the City of San Diego Municipal Code section 26.1107) may be warranted, a recommendation for an independent investigation be sent to the Executive Director and Chief Investigator. If the Cabinet Commission, in consultation with the Executive Director and Chief Investigator, determines that an independent investigation is not warranted or that there is insufficient time to complete an investigation within the time restrictions specified in the California Peace Officers' Bill of Rights, the case will be returned to the Reviewers for findings.

CHAPTER FOUR

INVESTIGATIONS

Type Two Incidents

The Commission may, but is not required to, investigate a complaint against a police officer that does not involve an in-custody death, a death resulting from an interaction with a police officer, or a police officer-involved shooting (Type One incidents).

The Chief Investigator and Executive Director will advise members of the Cabinet Commission whether a matter merits an investigation, and the Commission by majority vote can authorize an investigation,. The Cabinet will have the authority to initiate an investigation after consultation with the Executive Director and Chief Investigator. The Commission will be provided a list of received complaints and complaints selected for investigation by the Cabinet and may provide feedback to the Cabinet.

In exercising its discretionary power to investigate a complaint, the Commission must determine that a complaint involves any of the following:

1. an incident in which the use of force by a police officer against a person resulted in great bodily injury;
2. dishonesty by a police officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting or investigation of misconduct by another police officer, peace officer, or custodial officer, including an allegation of perjury, making a false statement, filing a false report, or destroying, falsifying, or concealing evidence;
3. an incident that has generated substantial public interest or concern;
4. an incident where data shows a pattern of misconduct by a police officer; or
5. an incident where data shows a pattern of inappropriate policies, procedures, or practices of the Police Department or its members.

In deciding whether to investigate or consider such discretionary cases, the Commission shall consider such factors to include, but not limited to : a) the nature of the case and public interest; b) resource allocation; c) the number of pending cases/investigations; d) any foreseeable delays in processing ongoing cases and investigations; e) the time commitments required of investigators and Commissioners; f) availability of evidence; g) cooperation of complainants/impacted parties/witnesses, among other factors.