

Community Review Board on Police Practices

Outreach Committee Roundtable Discussion on the Development of the Commission on Police Practices

Monday, November 30, 2020
4 p.m. – 6 p.m.
via Zoom Platform

Agenda

This meeting will be available live and online via YouTube. Click [here](#) to view this meeting at its scheduled time.

- I. Call to Order/Welcome and Introductions (10 mins) – Committee Chair Patrick Anderson and Andrea St. Julian, Esq.
- II. Roll Call
- III. Roundtable Ground Rules, Process, and Goals (5 mins) – Committee Chair Patrick Anderson
- IV. Presentation of Documents Developed by the CRB Ad Hoc Transition Contingency Committee (5 mins) – Committee Chairs Patrick Anderson and Doug Case
- V. Community Questions and Comments (90 mins)
- VI. Summary, Next Steps, and Concluding Remarks (10 mins) – Committee Chair Patrick Anderson and Andrea St. Julian, Esq.
- VII. Adjourn

Materials Provided:

- City of San Diego Commission on Police Practices Timeline (Draft)
- Interim Ordinance Proposed Elements (Draft)
- Implementation Ordinance & Standard Operating Procedures: Proposed Elements (Draft)

Comment on Agenda Items must be submitted to email address CPPOutreachCommittee@gmail.com before and during this event. All comments received through 6:00pm on November 30, 2020 will be submitted into the written record for the meeting.

DRAFT City of San Diego Commission on Police Practices Timeline (Tentative)
November 22, 2020 – Version 6

November 3, 2020	General Election
December 3, 2020	Election Results Certified
December 10, 2020	Mayor and City Councilmembers Installed
December 15, 2020	Last Regular City Council Meeting Before Holiday Break: Instruct City Attorney to Draft an Interim Ordinance, Install Interim Executive Director for the Commission
Late December 2020 – Early/Mid January 2021	Secretary of State Chapters Measure B, Activating the New Commission
January 4, 2021	Council Reconvenes and Adopts the Interim Ordinance
Mid-February 2021	Interim Ordinance Takes Effect
January – February 2021	Commission Office Space Identified; Mayor’s Office Develops Interim Commission Budget
March 2021	City Council Approves Interim Commission Budget
March – May 2021	Interim Commission Staff Recruited and Hired; Contract with Interim Independent Counsel
April 2021	Mayor Proposed City Budget for 2021-22 Fiscal Year, Including Funding for Permanent Commission
June 2021	City Council Adopts Budget for Fiscal Year 2021-22
January – June 2021	Community Input on the Implementation Commission Ordinance
July 2021	City Attorney Drafts Implementation Ordinance, per Council Direction; Phase 1 Does Not Require Meet and Confer with the Peace Officers Association (POA) and Phase 2 Will Require a Meet and Confer
August - September 2021	City Council Adopts Phase 1 of the Implementation Ordinance (Requires 2 Readings)
August 2021	City Council Authorizes Meet and Confer with Police Officers Association (POA) for Phase 2 of the Implementation Ordinance
October 2021	Phase 1 of the Implementation Ordinance Takes Effect
October – November 2021	Recruitment and Selection Process for New Commissioners
December 2021	New Commissioners Approved and Sworn In
August – December 2021	Meet and Confer Negotiations (length of time is estimated and depend on how many issues are raised)
January 2022	First and Second Reading of Phase 2 of the Implementation Ordinance
February 2022	Phase 2 of the Implementation Ordinance Takes Effect
January – March 2022	New Commission Selects and City Council Appoints the Permanent Executive Director
April – June 2022	Permanent Commission Staff Hired; Contract for Independent Counsel

Interim Ordinance: Proposed Elements

(Allows the Commission to Operate Until an Implementation Ordinance is Adopted)

- Review procedures mirror current CRB procedures for Category 1 and 2 complaints. This includes current meeting schedule and locations.
- Defines how officer-involved shooting and in-custody death cases that occurred prior to the creation of the Commission but not reviewed by the CRB will be handled
- Defines how officer-involved shooting and in-custody death cases occurring after the Commission is established but before the implementation ordinance is adopted will be handled
- Requires that complaints received by the SDPD be transmitted to the Commission within 2 business days
- Requires that unredacted case files be transmitted to the Commission within 24 hours after IA completes each case
- Stipulates that cases will not be closed by IA until the Commission completes its review
- Authorizes the Commission to conduct its review outside of SDPD facilities
- Authorizes remote case review by Commissioners
- Create procedure for handling disagreements with Internal Affairs

Note: It is proposed that Executive Director of the CRB continue as the Executive Director for the Commission during the interim period and that the CRB's outside counsel be continued during the interim period. Additionally, a proposed interim budget will provide funding for an Executive Assistant, Complaints Coordinator, and Community Engagement Coordinator.

Implementation Ordinance and Standard Operating Procedures: Proposed Elements

Note: It is recommended that only the essential items below be included in an ordinance in the Municipal Code. The other items should be included in Standard Operating Procedures, which can be more easily revised by the City Council by resolution as the new Commission evolves. This is similar to the process used for the implementation ordinance for the previous Measure G which modified the current Board. Depending on how long the process takes, the City Council may consider adopting the implementation ordinance in phases, with the first phase including components, such as composition of the Commission, that do not require a meet and confer with the POA.

Commission Membership

- Number and qualification of Commission members (including proposed youth seats)
- Selection and appointment process for Commission members
- Terms of office
- Filling vacancies; resignations
- Duties of Commissioners and code of ethics
- Removal for cause of Commissioners

Commission Operations

- Commission bylaws, meetings, etc.
- Attendance at Commission closed sessions (where cases are discussed)
- Semi-annual reports to the City Council
- Publication of redacted public case summaries
- Records retention
- Annual evaluation of Commission effectiveness involving all stakeholders
- Confidentiality agreements

Commission Staffing

- Duties and authority of staff, including Executive Director, Investigators, Policy Analyst, Performance Auditor, Community Engagement Coordinator, Complaints Coordinator, Mediation Coordinator
- Role of independent counsel
- Selection of independent counsel
- Annual performance evaluation of Executive Director

Handling of Complaints Against SDPD Officers

- Procedure for filing complaints (and receiving complaints from SDPD)
- Complaint categorization (Category 1 or 2, Formal or Informal)
- Transmission of unredacted case files for investigations completed by Internal Affairs
- Procedures for reviewing Internal Affairs investigations
- Procedure for the Commission to recommend additional findings
- Procedures for handling disagreements with Internal Affairs findings
- Stipulation that Internal Affairs will not close a case until it is reviewed by the Commission
- Mediation procedures

Reviews of Non-Complaint-Based Incidents

- Definition of police misconduct and review process for internal investigations
- Procedures for reviewing allegations of inappropriate sexual conduct, physical assault and domestic violence by SDPD officers

Independent Investigations

- Investigation process for officer-involved shootings and in-custody deaths
- Procedure for determining whether to conduct a discretionary investigation on an incident
- Procedures for conducting discretionary investigations
- Procedure for review or participating in Shooting Review Board recommendations
- Process for issuing subpoenas and remedies for failure to comply or for providing false testimony

Discipline

- Procedure for discipline recommendations
- Define appeals process for sustained findings and discipline

Policy and Practice Recommendations

- Procedure for making policy and practice recommendations to the SDPD and required SDPD response to those recommendations
- Access to SDPD records to conduct performance audits
- Procedure for performance audits and required SDPD response to those audits

Note: The permanent Commission will have additional staff, in addition to the interim staff listed above, including 3-4 Investigators, a Policy Analyst, a Performance Auditor, and a Mediation Coordinator.