



THE CITY OF SAN DIEGO

M E M O R A N D U M

TO: Honorable Council Member Monica Montgomery Steppe, Chair  
Public Safety and Livable Neighborhoods Committee  
San Diego City Council

FROM: Brandon Hilpert, Chair, Community Review Board on Police Practices  
via Sharmaine Moseley, Executive Director, Community Review Board  
on Police Practices

DATE: October 28, 2020

SUBJECT: **Community Review Board on Police Practices Interim Transition to  
the Commission on Police Practices, if Measure B is Adopted by Voters**

At our October 19, 2020 meeting with you and your staff, the elected Officers of the Community Review Board on Polices Practices (CRB) made the requests outlined below. This memorandum confirming those requests was reviewed and approved by the full Board at the October 27, 2020 CRB meeting.

If Measure B is passed on November 3, the current CRB will cease to exist, and current CRB members will become the initial members of the resulting Commission on Police Practices. The new Commission, however, will be unable to conduct business until such time as an implementation ordinance is adopted by City Council. Since the process of developing the implementation ordinance will require considerable input from stakeholders, and the proposed ordinance will need to undergo a meet and confer process with the San Diego Police Officers Association, it is likely that the implementation ordinance will not be enacted until late 2022. Once enacted, it will take an additional several months to complete the Commission member selection and appointment process (to be defined in the ordinance).

As leaders of the current oversight body, we urge the City Council to consider that such a lengthy interruption of civilian oversight of the San Diego Police Department (SDPD) should be avoided by taking the following actions:

1. Appoint current CRB Executive Director, Sharmaine Moseley, as the interim Executive Director of the newly established Commission on Police Practices and authorize her to hire necessary interim staff (outlined below). Once new Commissioners are appointed, a recommendation for a permanent Executive Director can be put forth.
2. Authorize the Commission to appoint the current contracted outside counsel, Devaney Pate Morris & Cameron, LLP, as interim independent counsel. Once new Commissioners are appointed, a selection process can be undertaken to identify outside counsel through the City's RFP process.
3. Adopt an interim ordinance to allow the Commission to continue operating consistent with the CRB's current policies and procedures, to the extent permissible by the charter amendment, until the implementation ordinance is adopted. The interim ordinance should be designed to minimize the need for protracted meet and confer negotiations in order to ensure that the Commission is able to begin operations as soon as practical, with minimal interruption.

Specifically, the interim ordinance should include the following:

- Review all complaints regarding SDPD officers, except officer-involved shootings (OIS) and in-custody deaths (ICD), utilizing the CRB's current procedures.
- Define process for the Commission's review of OIS and ICD cases already under investigation when the charter amendment goes into effect. Additionally, define process to determine the handling of OIS and ICD cases that occur after the effective date of the charter amendment, but before an investigation process is approved per the implementation ordinance.
- Transmit all complaints against officers received by the SDPD to the CRB Executive Director within two business days.
- Transmit the entire unredacted case file for every Internal Affairs (IA) investigation to the CRB Executive Director within two business days of completion of case.
- Continue the current SDPD process of maintaining open status of cases until reviewed by the Board (now Commission).
- Authorize case review to be conducted outside of SDPD facilities.
- Authorize the Commission to conduct remote case review, implementing specific records confidentiality protocols.

4. Ensure that the Commission is fully staffed and has the resources to allow it to operate effectively. While procurement of office space, furniture and equipment, and budget development for the Commission will be the responsibility of the Mayor's office, support and facilitation of these operational requirements by the City Council is requested.

To accomplish this, the following are the interim operating requirements:

- Interim staff should include, at a minimum, an Executive Director, Executive Assistant, Complaint Coordinator, Independent Legal Counsel, and Community Engagement Coordinator (estimated cost is \$520,000 including benefits). The permanent Commission, as described, will require Investigators (4), a Policy Analyst and a Performance Auditor (estimate additional \$695,000 including benefits).
- A fully-equipped office (separate from the Office of Boards and Commissions) with sufficient private office space for each staff member, conference room and area for case review and collaboration. The office space must have the ability to expand to accommodate permanent staff.
- Computer equipment and software to support confidential case review (remote and onsite).
- Funding for operational and professional requirements of Commission staff, including training, professional association membership (National Association for the Civilian Oversight of Law Enforcement), meeting and special events expense, office supply, and printing and copying, etc.

Should the voters pass Measure B to establish an independent commission for the oversight of San Diego Police Department, the leadership and members of the CRB are committed to a smooth transition. Support and cooperation from you, the newly installed City Council and Mayor will be critical in this process.



Brandon Hilpert, Chair  
Community Review Board on Police Practices

cc: Honorable Mayor Kevin L. Faulconer  
Aimee Faucett, Chief Operating Officer

Andrea Tevlin, Independent Budget Analyst

Francis Barraza, Assistant Chief of Staff

Jessica Lawrence, Director of Policy & Council Affairs, Office of the Mayor

Honorable Council President Georgette Gomez

Members of the City Council

Chief David Nisleit, San Diego Police Department

Honorable City Attorney Mara Elliott, City of San Diego

Al Guaderrama, Executive Assistant Chief, San Diego Police Department

Mike Holden, Captain of Internal Affairs, San Diego Police Department

Joel Day, Director, Office of Boards and Commissions

Christina Cameron, CRB Outside Counsel

Jack Schaeffer, President, San Diego Peace Officers Association

Andrea St. Julian, Esq., San Diegans for Justice

Members of the Community Review Board on Police Practices