



# AGENDA

## Community and Police Relations Commission

Council Chambers – City Hall  
1243 National City Blvd  
National City, CA 91950

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*Michael Lesley, Chair*

*Daniel Orth, Vice-Chair*

*Darin Dorsey, Commissioner*

*Zachary Francisco-Gomez, Commissioner*

*Jacqueline Ellis, Commissioner*

*William Phillips, Commissioner*

*Andy Sanchez, Commissioner*

*Shane McClure, Police Member*

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**Meetings:** Regular Community and Police Relations Commission Meetings are held once a quarter on the third Thursday of the month at 6:00 p.m.

**Location:** Regular Community and Police Relations Commission Meetings are held in the Council Chamber located at City Hall, 1243 National City Boulevard, National City, CA 91950, the meetings are open to the public.

**Agendas and Material:** [Agendas and Agenda Packet](#) for items listed are available on the City website, and distributed to the Commissioners no less than 72 hours prior to the Community and Police Relations Commission Meeting. Sign up for [E-Notifications](#) to receive alerts when items are posted.

**Public Participation:** Members of the public may attend the Community and Police Relations Commission Meeting in person, watch the Community and Police Relations Commission Meeting via [live web stream](#), or participate remotely via [Zoom](#). [Recording of Meetings](#) are archived and available for viewing on the City's website.

**Public Comment:** Persons wishing to address the Commissioners on matters not on the agenda may do so under Public Comment. Those wishing to speak on items on the agenda may do so when the item is being considered. Please submit a Speaker's Slip to the Clerk prior to the meeting or immediately following the announcement of the item. All comments will be limited to up to three (3) minutes. The Chair shall have the authority to reduce the time allotted to accommodate for a large number of speakers. (*City Council Policy 104*)

If you wish to submit written comment via [email](#) your comment must be received 2 hours prior to the meeting.

**Disabilities Act Title II:** In compliance with the American Disabilities Act of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Title II. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's Office (619) 336-4228 at least 24 hours in advance of the meeting.



## **AGENDA**

### **COMMUNITY AND POLICE RELATIONS COMMISSION**

Thursday, August 17, 2023, 6:00 p.m.

Council Chambers – City  
Hall 1243 National City Blvd  
National City, CA 91950

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 4. APPROVAL OF MINUTES – Regular Meeting of May 18, 2023**
- 5. PUBLIC COMMENT**

In accordance with State law, an item not scheduled on the agenda may be brought forward by the general public for comment; however, the Commission will not be able to discuss or take action on any issue not included on the agenda. Speakers will have up to three (3) minutes.

- 6. APPROVAL OF EXCUSED ABSENCES**

6.1 Revoke vote of unexcused absence for Commissioner Sanchez for May 18, 2023 CPRC meeting

6.2 Acceptance of Commissioner Phillips excused absence

- 7. INTRODUCTION OF NEW CPRC MEMBERS**

7.1 Commissioner Darin Dorsey

- 8. STAFF REPORTS**

8.1 City Clerk Memo - Annual Report to the City Council

8.2 Sergeant Vincent Fernando - The Internal Affairs Process

## **9. CLOSED SESSION**

### 9.1 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code Section 54957.6 Case #1

### 9.2 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code Section 54957.6 Case #2

### 9.3 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code Section 54957.6 Case #3

### 9.4 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code Section 54957.6 Case #4

### 9.5 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code Section 54957.6 Case #5

### 9.6 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code Section 54957.6 Case #6

## **10. CITY STAFF COMMENTS**

## **11. COMMISSIONER COMMENTS**

## **12. ADJOURNMENT**

Regular Meeting of the Community and Police Relations Commission - Thursday  
– November 16, 2023 - 6:00 p.m. - Council Chambers - National City, California.



EXHIBIT 8.1

May 24, 2023

TO: Board, Commission, and Committee (BCC) Leads  
Department Directors  
Acting City Manager, Armando Vergara

FROM: Shelley Chapel, MMC, City Clerk

RE: Annual Report to the City Council

During a recent review of the National City Municipal Code (NCMC) it was noticed that Section 16.10.020 – Annual Report to City Council (referenced below) is a requirement for each BCC, and has not been the practice in the past.

The NCMC requires that the Chair of each BCC shall appear before the City Council on an annual basis to present a brief report and/or presentation on the activities and accomplishments of the BCC during the previous year they chaired.

- **16.10.020 - Annual report to city council.**

The chair of each board, commission and committee shall appear before the city council on an annual basis and present a brief report on the activities and accomplishments of the board, commission or committee that they chair during the previous year. Such report shall also include a presentation of the record of attendance of the members of the board, commission or committee that is the subject of the report.

(Ord. No. 2013-2381, § 1, 2-5-2013; Ord. No. 2017-2432, § 1, 2-21-2017)

Presently the Board of Library Trustees (BOLT) completes this requirement, as it is also required by the State no later than August each year.

I would like to assign each BCC a set month to present the Annual Report to Council. I will defer to you and your members to determine which month they would like to choose.

I would prefer one presentation to Council per month and exclude July (Legislative Recess), August (BOLT Annual Report), and December (Furlough).

The NCMC requires the Annual Report to be completed by the outgoing Chair, so depending on when the BCC completes the rotation or nomination of Chair this report should follow.

For some of the BCC's this requirement may be included in the Bylaws or Operating Procedures: CPRC Operating Procedures Section 3.04(k)

## **EXHIBIT 8.1**

I would suggest that the BCC approve the report/presentation at one of their own meetings prior to presenting to the City Council. The report/presentation should be no longer than 5 minutes and would be presented under "Presentations" at the beginning of the City Council Meeting. A PowerPoint Presentation alone would be acceptable or they can present a report or both.

If you have any questions please feel free to contact me at ext. 4225, I am happy to assist with this process.

# THE INTERNAL AFFAIRS PROCESS

**Sgt. Vincent Fernando**

**619-336-4496**

**[vfernando@nationalcityca.gov](mailto:vfernando@nationalcityca.gov)**

**EXHIBIT 8.2**



# THE **FOUR** MAIN PARTS OF THE IA PROCESS

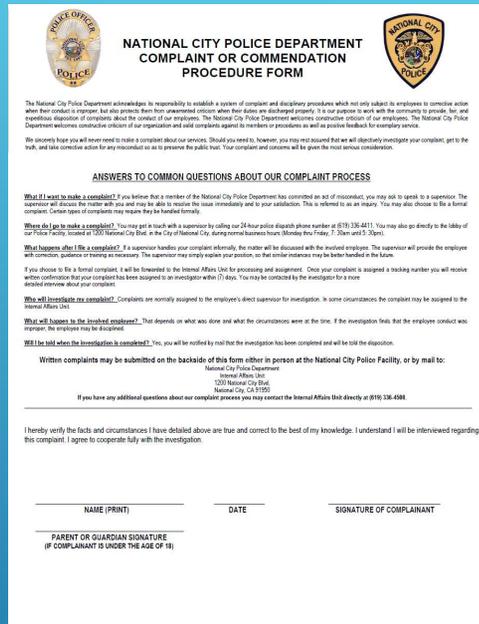
- ▶ **RECEIVING** a Complaint/Initiating an Investigation
- ▶ **TRACKING** the Complaint/Investigation
- ▶ **INVESTIGATING** the complaint
- ▶ **REVIEW PROCESS**

**EXHIBIT 8.2**

# RECEIVING A COMPLAINT

- ▶ **Citizen Complaints** are received in two basic forms;
  1. Written Complaints delivered in person or by mail/email (sometimes received by the CPRC).
  2. Verbal Complainants received in person or by telephone.
  
- ▶ Typically, the on-duty sergeant will meet with the complainant and conduct the initial interview.
  
- ▶ **Department initiated Complaints**--Other types of internal affairs investigations are department initiated (i.e. Officer Involved Shootings, traffic collisions, criminal allegations both on/off duty, poor judgement, etc).

# THE NCPD “COMPLAINT OR COMMENDATION FORM”



**NATIONAL CITY POLICE DEPARTMENT  
COMPLAINT OR COMMENDATION  
PROCEDURE FORM**

The National City Police Department acknowledges its responsibility to establish a system of complaint and disciplinary procedures which not only subject its employees to corrective action when their conduct is improper, but also protects them from unwarranted criticism when their duties are discharged properly. It is our purpose to work with the community to provide fair and expeditious disposition of complaints about the conduct of our employees. The National City Police Department welcomes constructive criticism of our employees. The National City Police Department welcomes constructive criticism of our organization and valid complaints against its members or procedures as well as positive feedback for exemplary service.

We sincerely hope you will never need to make a complaint about our services. Should you need to, however, you may rest assured that we will thoroughly investigate your complaint, get to the truth, and take corrective action for any misconduct as well as appreciate the public trust. Your complaint and concern will be given the most serious consideration.

**ANSWERS TO COMMON QUESTIONS ABOUT OUR COMPLAINT PROCESS**

**What if I want to make a complaint?** If you believe that a member of the National City Police Department has committed an act of misconduct, you may ask to speak to a supervisor. The supervisor will discuss the matter with you and may be able to resolve the issue immediately and to your satisfaction. This is referred to as an inquiry. You may also choose to file a formal complaint. Certain types of complaints may require that be handled formally.

**When do I go to make a complaint?** You may get in touch with a supervisor by calling our 24-hour police dispatch phone number at (619) 326-4411. You may also go directly to the lobby of our Police Station located at 1200 National City Blvd. in the City of National City, during normal business hours (Monday thru Friday, 7:30am and 5:30pm).

**What happens after I file a complaint?** If a supervisor handles your complaint informally, the matter will be discussed with the involved employees. The supervisor will provide the employee with correction, guidance or training as necessary. The supervisor may simply explain your position, or that similar instances may be better handled in the future.

If you choose to file a formal complaint, it will be forwarded to the Internal Affairs Unit for processing and assignment. Once your complaint is assigned a tracking number you will receive written confirmation that your complaint has been assigned to an investigator within 72 hours. You may be contacted by the investigator for a more detailed interview about your complaint.

**Who will investigate my complaint?** Complaints are normally assigned to the employee's direct supervisor for investigation. In some circumstances the complaint may be assigned to the Internal Affairs Unit.

**What will happen to the involved employee?** This depends on what was done and what the circumstances were at the time. If the investigation finds that the employee conduct was improper, the employee may be disciplined.

**Will I be told when the investigation is completed?** Yes, you will be notified by mail that the investigation has been completed and will be told the disposition.

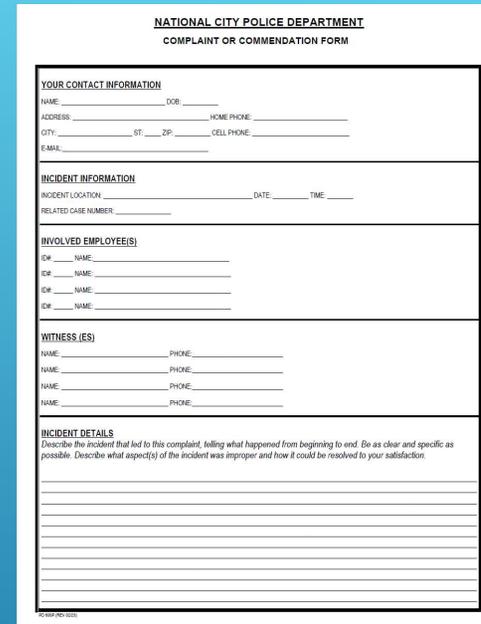
Written complaints may be submitted on the backside of this form either in person at the National City Police Facility, or by mail to:  
National City Police Department  
Internal Affairs Unit  
1200 National City Blvd.  
National City, CA 92101

If you have any additional questions about our complaint process you may contact the Internal Affairs Unit directly at (619) 326-4588.

I hereby verify the facts and circumstances I have detailed above are true and correct to the best of my knowledge. I understand I will be interviewed regarding this complaint. I agree to cooperate fully with the investigation.

NAME (PRINT) \_\_\_\_\_ DATE \_\_\_\_\_ SIGNATURE OF COMPLAINANT \_\_\_\_\_

PARENT OR GUARDIAN SIGNATURE  
(IF COMPLAINANT IS UNDER THE AGE OF 18)



**NATIONAL CITY POLICE DEPARTMENT  
COMPLAINT OR COMMENDATION FORM**

**YOUR CONTACT INFORMATION**

NAME \_\_\_\_\_ DOB \_\_\_\_\_  
ADDRESS \_\_\_\_\_ HOME PHONE \_\_\_\_\_  
CITY \_\_\_\_\_ ST \_\_\_\_\_ ZIP \_\_\_\_\_ CELL PHONE \_\_\_\_\_  
EMAIL \_\_\_\_\_

**INCIDENT INFORMATION**

INCIDENT LOCATION \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_  
RELATED CASE NUMBER \_\_\_\_\_

**INVOLVED EMPLOYEE(S)**

EMP \_\_\_\_\_ NAME \_\_\_\_\_  
EMP \_\_\_\_\_ NAME \_\_\_\_\_  
EMP \_\_\_\_\_ NAME \_\_\_\_\_  
EMP \_\_\_\_\_ NAME \_\_\_\_\_

**WITNESS (S)**

NAME \_\_\_\_\_ PHONE \_\_\_\_\_  
NAME \_\_\_\_\_ PHONE \_\_\_\_\_  
NAME \_\_\_\_\_ PHONE \_\_\_\_\_  
NAME \_\_\_\_\_ PHONE \_\_\_\_\_

**INCIDENT DETAILS**

Describe the incident that led to this complaint, telling what happened from beginning to end. Be as clear and specific as possible. Describe what aspect(s) of the incident was improper and how it could be resolved to your satisfaction.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Form is available in English/Spanish
- Form is at NCPD front counter and website

## EXHIBIT 8.2

# TRACKING THE COMPLAINT

- ▶ All Internal Affairs investigations are initially routed to the IA Sergeant for logging and distribution purposes.
- ▶ The IA Sergeant logs the investigations into a separate computer databases for tracking purposes
  - ▶ We are transitioning to IA Pro and Blue Team
- ▶ The cases are assigned a specific tracking number (2023-001, 2023-002...)
- ▶ The cases are then distributed to different commands within the PD for investigation. Typically, the more serious/sensitive investigations are handled by the IA Sergeant (I.E. Serious Use of Force, OIS, etc.) whereas less serious investigations (allegations involving courtesy, traffic accidents, lost property, etc.) are handled by other supervisors throughout the department.

# NOTIFICATION LETTERS

- Notification letters are sent to the complainant
- Notification letters are issued to all known “Focus” Employees, and “Witness” Employees.

# INVESTIGATING THE COMPLAINT

- Internal Affairs Investigations are handled in similar fashion to the way crimes are investigated.
- The investigator will review all evidence associated with the case. For example;
  - research incident (obtain CAD printout, listen to radio transmissions and 911 calls, etc.)
  - review police reports,
  - review evidence (photos, audio recordings, BWC footage, surveillance video, etc.)
  - interview complainant, civilian witnesses, witness officer(s), then focus officer(s)

# FINDINGS

- The investigating supervisor will prepare an investigation and provide his/her “FINDINGS.” The FINDINGS will fall into one of **four** categories.
- **Sustained** – A true finding supported by the facts.
- **Not Sustained** – Facts revealed do not substantiate the allegation(s) and/or there is insufficient evidence available.
- **Exonerated** – Allegation is true but actions were lawful and/or justified.
- **Unfounded** – Alleged act or incident did not occur.
- **Traffic Collisions/Vehicle Damage Reports** will have (2) additional categories: Preventable or Not Preventable.
- **Close out Memos**—ex//complainant withdraws complaint after speaking further with Investigator or being shown BWC

# THE FIVE LAYERS OF REVIEW

Once an investigation is complete, the investigation goes through a review process.

1. The Lieutenant in charge of the investigating supervisor will review the investigation for accuracy and completeness.
2. The investigation then enters the “Recommendations” Phase
3. The Investigation is then forwarded to a Captain for “Adjudication.”
  - ▶ (The Investigation then goes back to the “Recommendations” LT where the investigation is reviewed with the focus officer(s). If discipline is imposed it occurs at this point.)
  - ▶ The Skelly Process --A Skelly Hearing is a pre-disciplinary hearing named after a 1975 California Supreme Court case which solidified public employees' rights when faced with disciplinary action. A Skelly Hearing is part of due process to provide public employees with the reason for disciplinary action before that action is taken.
4. The Investigation then goes to the Chief for review.
5. The CPRC reviews case.

# DISCIPLINE

- Informal Discipline
  - Certification for Retraining
  - Verbal Counseling
- Formal Discipline
  - Written Notice of Deficiency (only maintained for 2 years)
  - Written Reprimand
  - Suspension, Step-Decrease, Demotion
  - Dismissal

# FINAL DISPOSITION LETTERS

- Final disposition letters are sent to the complainant, focus and witness officers regarding the findings.
- The letter advises them that the CPRC conducts an independent review of all investigations
- The letter advises them to contact the IA Lieutenant with any questions regarding the matter.

# RECORD KEEPING

- Per the City's Records and Retention Policy – IA's are maintained for a minimum of (6) years before they can be purged. (OIS's are 25 years)
- Any imposed discipline remains in the Discipline file for (5) years before it is purged. (Exception – Written Notice of Deficiency is (2) years)

# QUESTIONS?

**Sgt. Vincent Fernando**

**619-336-4496**

**[vfernando@nationalcityca.gov](mailto:vfernando@nationalcityca.gov)**

**EXHIBIT 8.2**



## COMMUNITY AND POLICE RELATIONS COMMISSION

Minutes of the Regular Meeting of Thursday, May 18, 2023

### 1. CALL TO ORDER

Chairperson Lesley called the meeting to order at 6:07 p.m.

### 2. ROLL CALL

#### Commissioners Present

Michael Lesley, Chair  
Daniel Orth, Vice Chair  
Zachary Gomez  
William Phillips  
Jacqueline Ellis  
Shane McClure, Police Member

#### City Staff:

Ashlin Lutes, Deputy City Attorney  
Walter Amedee, Management Analyst III  
Sergeant Vincent Fernando, National City Police

#### Commissioner Absent

Commissioner Darin Dorsey  
Commissioner Andy Sanchez

### 3. PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Gomez led the Pledge of Allegiance.

### 4. PUBLIC COMMENT

There was no public comment.

### 5. APPROVAL OF EXCUSED ABSENCES

5.1 Acceptance of Commissioner Resignation – Emiliano Nuñez effective February 28, 2023: Motion by Commissioner Phillips, seconded by Vice Chair Orth to approve the resignation of Commissioner Nuñez.

Motion approved unanimously.

5.2 Acceptance of Commissioner Dorsey absence: Motion by Vice Chair Orth, seconded by Commissioner Phillips to excuse the absence of Commissioner Dorsey.

Motion approved unanimously.

5.3 Acceptance of Commissioner Sanchez unexcused absence: Motion by Vice Chair Orth, seconded by Commissioner Phillips to disapprove the absence of Commissioner Sanchez.

Motion approved unanimously.

## **6. APPROVAL OF MINUTES – Regular Meeting of November 17, 2022 & February 16, 2023**

**ACTION:** Vice Chair Orth had a correction on Chair's name. Motion by Vice Chair Orth, seconded by Commissioner Phillips to approve the meeting minutes.

Motion carried unanimously.

## **7. INTRODUCTION OF NEW CPRC MEMBERS**

7.1 Commissioner Darin Dorsey – due to absence will be placed on August 17<sup>th</sup> Agenda

7.2 Commissioner Jacqueline Ellis – introduced herself to the CPRC

## **8. CLOSED SESSION**

*Commissioners retired into Closed Session at 6:16 p.m. and returned at 7:09 p.m. with all members present in attendance: Lesley, Orth, Ellis, Gomez, Phillips, and Sanchez (NOTE: Commissioner Sanchez arrived and participated during the Closed Session. An Item will be placed on the August 17<sup>th</sup> CPRC Agenda to revoke unexcused absence vote.)*

Deputy City Attorney Ashlin Lutes reported that the Commissioners heard 6 cases in Closed Session. Case nos. 1-6 received a unanimous vote of support by those Commissioners in attendance.

### PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code Section 54957.6

Case #1

### PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code Section 54957.6

Case #2

### PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code Section 54957.6

Case #3

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
Government Code Section 54957.6  
Case #4

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
Government Code Section 54957.6  
Case #5

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
Government Code Section 54957.6  
Case #6

## 9. CITY STAFF COMMENTS

No comments

## 10. COMMISSIONER COMMENTS

Police Member McClure, Commissioner Phillips, and Commissioner Sanchez had no comments.

Commissioner Ellis thanked all CPRC members for their guidance.

Commissioner Gomez welcomed Commissioner Ellis and thanked staff for the process.

Vice Chair Orth welcomed Commissioner Ellis. Encouraged the public to participate in the CPRC process. Motioned to have Sergeant Fernando provide a presentation explaining the Internal Affairs process to better understand when a complaint comes into the Police Department at the next CPRC meeting.

**ACTION:** Motion by Vice Chair Orth, seconded by Commissioner Ellis to approve a presentation at the next CPRC meeting by Sergeant Fernando.

Motion carried unanimously.

Chair Lesley requested the Non Disclosure Agreement (NDA) process should be reviewed and updated so it can be signed only once a year versus each time to review cases. Discussed the need for a CPRC email address for the Chair instead of using personal email addresses to conduct City business to avoid issues with public record act (PRA) requests. Thanked former Commissioner Nuñez for his time served and welcomed Commissioner Ellis.

## 11. ADJOURNMENT

Motion by Commissioner Gomez, seconded by Vice Chair Orth to adjourn the meeting at 7:19 p.m.

Motion carried unanimously.

The next Regular Meeting of the CPRC is scheduled for Thursday, August 17, 2023 at 6:00 p.m.

Respectfully Submitted:

Accepted by:

\_\_\_\_\_  
Walter Amedee, Management Analyst III

\_\_\_\_\_  
Mike Lesley, Chair