

COMMISSION ON POLICE PRACTICES

Wednesday, May 1, 2024

4:30pm-7:30pm

**REGULAR BUSINESS MEETING
AND AD HOC PERSONNEL COMMITTEE
JOINT MEETING AGENDA**

**Balboa Park Santa Fe Room
2144 Pan American W. Road
San Diego, CA 92101**

Commissioners: Octavio Aguilar, John Armantrout, Laila Aziz, Bonnie Benitez, Alec Beyer, Dennis W. Brown, Cheryl Canson, Doug Case, Stephen Chatzky, Armando Flores, Christina Griffin-Jones, Dwayne Harvey, Brandon Hilpert, Darlanne Mulmat, Clovis Honoré, James Justus, Dennis Larkin, Lupe Lozano-Diaz, Ada Rodriguez, Yvania Rubio, and Gloria Tran

Ad Hoc Personnel Committee: Dennis Brown, Clovis Honoré, James Justus, Darlanne Mulmat

Please be advised that the City of San Diego is presently engaged in a recruitment process to fill the position of Executive Director to the Commission on Police Practices (Commission), which is currently held by an interim director. The Commission does not have appointing authority or subject matter jurisdiction over the recruitment or appointment of the Executive Director. Under San Diego City Charter section 4.1.2, the City Council must appoint and establish the initial annual compensation for the Commission's Executive Director, who will then serve at the direction and will of the Commission following appointment. To recruit and make advisory recommendations related to the selection of an Executive Director, the City Council has established an Ad Hoc Committee that includes two Councilmembers and four members of the Commission. See San Diego Resolution R-315326 (Jan. 29, 2024). The public may find information and meeting notices related to the work of the Ad Hoc Committee at the following links:

https://docs.sandiego.gov/council_reso_ordinance/rao2024/R-315326.pdf

<https://www.sandiego.gov/council-committees/ah-cpp-recruitment-committee-public-comment-form>

The Ad Hoc Personnel Committee Meeting shall only jointly convene where all four commissioners of the committee are in attendance. If the Ad Hoc Personnel meeting is not convened, there will be no discussion or update at the meeting regarding the Executive Director selection or recruitment. No formal action may be taken by the Commission or the Personnel Committee regarding the Executive Director selection pursuant to the City Charter.

Staff: Outside Counsel Duane Bennett, Interim Executive Director Danell Scarborough, Executive Assistant Alina Conde, Administrative Assistant Jon'Nae McFarland, Community Engagement Coordinator Yasmeeen Obeid

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 4:30pm is:

<https://sandiego.zoomgov.com/j/1608940050>

Meeting ID: 160 894 0050

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 11am 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 Tran)
- II. CPP COMMISSION ROLL CALL (Executive Assistant Conde)
 - A. AD HOC Personnel Committee Roll Call

- III. 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.

- IV. APPROVAL OF MEETING MINUTES (Chair Tran)
 - A. CPP Regular Meeting Minutes of April 17, 2024

- V. NON-AGENDA PUBLIC COMMENT (Community Engagement Coordinator Yasmeen Obeid)

- VI. COMMISSIONER ABSENCES (Chair Tran)
 - A. City Ordinance and CPP By-laws
 - 1. Staff Report - Steps taken to encourage attendance (Interim Executive Director Danell Scarborough)
 - B. Public Comment
 - C. Discussion
 - D. Vote on a process to address unexcused absences of commissioners and/or implementation of a process to remove commissioners pursuant to SDMC section 26.1106(c)(5)

- VII. POLICE PURSUIT AD HOC COMMITTEE (Chair Tran and Ad Hoc Committee Chair Case)
 - A. Ad Hoc Committee Update
 - 1. Presentation
 - 2. Public Comment
 - 3. Discussion

- VIII. PERT TRAINING (Chair Tran)
 - A. Introduce Speakers
 - 1. Mark W. Marvin, Ph.D., CRF VP - PERT Division
 - 2. Wes Albers, Law Enforcement/Community Liaison
 - B. Presentation
 - C. Public Comment
 - D. Discussion

- IX. CLOSED SESSION
 - A. Public comment
 - B. Outside Counsel Duane Bennett – Lead CPP into Closed Session **(Not Open to the Public)**
 - C. 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.

- I. San Diego Police Department Feedback on Case Specific Matters (0)
- II. Shooting Review Board Reports (0)
- III. Officer–Involved Shooting (0)
- IV. Category II Case Audit Reports (2)
- V. Discipline Reports (0)
- VI. Case Review Team Reports (1)
- VII. Case–Specific Recommendations to the Mayor/Chief (0)
- VIII. Referrals to other governmental agencies authorized to investigate activities of a law enforcement agency (0)

- X. REPORT FROM CLOSED SESSION (Outside Counsel Duane Bennett)
- XI. COMMISSIONER COMMENTS (Time Permitting)
- XII. ADJOURNMENT

Materials Provided:

- DRAFT Minutes from Regular Meeting on April 17, 2024

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) 236–6296 or commissionpolicepractices@sandiego.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 to maximize accessibility.

Commission on Police Practices

**COMMISSION ON POLICE PRACTICES
REGULAR MEETING REGULAR BUSINESS MEETING
AND AD HOC PERSONNEL COMMITTEE**

JOINT MEETING MINUTES

Wednesday, April 17, 2024

4:30pm-7:30pm

**Balboa Park Santa Fe Room
2144 Pan American W. Road
San Diego, CA 92101**

Click <https://www.youtube.com/watch?v=oM9UPEUmf4> to view this meeting on YouTube.

CPP Commissioners Present:

Chair Gloria Tran

1st Vice Chair Dennis Brown

2nd Vice Chair Doug Case

Octavio Aguilar

John Armantrout

Alec Beyer

Cheryl Canson (arrived at 4:46pm)

Stephen Chatzky (arrived at 4:55pm)

Lupe Diaz (arrived at 4:53pm)

Armando Flores

Dwayne Harvey

Brandon Hilpert

Clovis Honoré (arrived at 4:46pm)

James Justus

Darlanne Mulmat

Excused:

Bonnie Benitez

Ada Rodriguez

Yvania Rubio

Absent:

Laila Aziz

Dennis Larkin

Christina Griffin-Jones

Ad Hoc Personnel Committee Present:

Committee Chair, 1st Vice Chair Dennis Brown

Clovis Honoré (arrived at 4:46pm)

James Justus

Darlanne Mulmat

CPP Staff Present:

Danell Scarborough, Interim Executive Director

Duane Bennett, CPP Outside Counsel (Virtually)

Olga Golub, Chief Investigator

Yasmeen Obeid, Community Engagement Coordinator

Alina Conde, Executive Assistant

Jon'Nae McFarland, Administrative Aide

- I. CALL TO ORDER/WELCOME: Chair Gloria Tran called the meeting to order at 4:36pm, once a quorum was formed.
- II. ROLL CALL: Executive Assistant Alina Conde conducted the roll call for the Commission; established quorum.
 - A. Executive Assistant Alina Conde conducted roll call for the Ad Hoc Personnel Committee.
- III. 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.
- IV. APPROVAL OF MEETING MINUTES
 - A. CPP Regular Meeting Minutes of April 3, 2024
 1. **Motion:** Commissioner James Justus moved for approval of the CPP Regular Meeting Minutes of April 3, 2024. Commissioner Alec Beyer seconded the motion. The motion passed with a vote of 11-0-0.
 Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Aguilar, Armantrout, Flores, Harvey, Hilpert, and Mulmat
 Nays: 0
 Abstained: 0
 Absent/Excused/Arrived Late: Aziz, Benitez, Canson, Chatzky, Diaz, Griffin-Jones, Honore, Larkin, Rodriguez, Rubio
- V. NON-AGENDA PUBLIC COMMENT:

In-Person: Francine Maxwell (*Timestamp 5:39*) – Spoke regarding the CPP meeting locations.
- VI. POLICE PURSUIT AD HOC COMMITTEE
 - A. Ad Hoc Committee Update
 1. Additional Pursuits and Presentation – There have been at least 5 more pursuits with crashes within the last three weeks.
 2. Public Comment – None
 3. Discussion (*Timestamp 7:50*) – The Ad Hoc Committee received a report from IA. They are still working on the information request and hope to receive a response by the next CPP Meeting. The Ad Hoc Committee also requested the San Diego Police Department provide: 1. The form that an officer is required to fill out after a police pursuit. 2. Copies of evaluations of all pursuits.
- VII. COMMISSION LETTER TO SAN DIEGO COO AND MAYOR
 - A. Letter Presentation (*Timestamp 12:25*)
 - B. Public Comment –

In-Person: Francine Maxwell (*Timestamp 13:55*) – Spoke regarding the letter

language.

In-Person: Kate Yavenditti (*Timestamp 14:20*) – Spoke regarding the letter language and Internal Affairs invitations to meetings.

C. Discussion

D. **Motion:** Commissioner James Justus moved to accept the letter to the Mayor with the amendment of changing Community “Forum” to Community “Hearing.” The motion was seconded by Commissioner Dwayne Harvey. The motion passed with a vote of 11-0-3.

Yays: 1st Vice Chair Brown, 2nd Vice Chair Case, Armantrout, Beyer, Canson, Flores, Hilpert, Mulmat, Honore

Nays: 0

Abstained: Chair Tran, Aguilar, Diaz

Absent/Excused: Aziz, Benitez, Griffin-Jones, Larkin, Rodriguez, Rubio

VIII. AD HOC COMMITTEE REPORTS

A. Ad Hoc Operating Procedures Committee

1. Investigations Procedures Final Draft

- Public Comment – None
- Discussion (*Timestamp 19:01*)
- **Motion:** Commissioner Darlann Mulmat moved to accept the Investigations Procedures with amendments. Commissioner John Armantrout seconded the motion. During the discussion, there were amendments to the originals motion.

Motion Amendment: Commissioner Alec Beyer moved to amend the motion to remove the first sentence in the Investigation Procedures under the Interview section. Commissioner James Justus seconded the motion. The motion failed with a vote of 2-13-0.

Yays: Beyer, Justus

Nays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Aguilar, Armantrout, Canson, Chatzky, Diaz, Flores, Harvey, Hilpert, Mulmat, Honore

Abstained: 0

Absent/Excused: Aziz, Benitez, Griffin-Jones, Larkin, Rodriguez, Rubio

Motion Amendment: Chair Tran moved to amend the motion and change the wording to add “recommend no more than two representatives/advisors.” 1st Vice Chair Brown seconded the motion. The motion failed 3-10-2.

Yays: 1st Vice Chair Brown, Beyer, Aguilar

Nays: Chair Tran, 2nd Vice Chair Case, Armantrout, Canson, Chatzky, Flores, Harvey, Hilpert, Mulmat, Justus

Abstained: Diaz, Honore

Absent/Excused: Aziz, Benitez, Griffin-Jones, Larkin, Rodriguez, Rubio

Original Motion: Commissioner Darlann Mulmat moved to accept the Investigations Procedures with amendments. Commissioner John

Armantrout seconded the motion, The motion passed with a vote of 14-1-0.

Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Aguilar, Canson, Chatzky, Diaz, Flores, Harvey, Hilpert, Honore, Justus

Nays: Beyer

Abstained: 0

Absent/Excused: Aziz, Benitez, Griffin-Jones, Larkin, Rodriguez, Rubio

2. Investigative Hearings Final Draft

- Public Comment – None
- Discussion (*Timestamp 1:07:40*)
- **Motion:** 2nd Vice Chair Doug Case moved to accept the final draft of the Investigative Hearings. Commissioner Brandon Hilpert seconded the motion. The motion passed with a vote of 15-0-0.

Yays: Chair Tran, 1st Vice Chair Brown, Aguilar, Armantrout, Beyer, Canson, Chatzky, Diaz, Flores, Harvey, Mulmat, Honore, Justus

Nays: 0

Abstained: 0

Absent/Excused: Aziz, Benitez, Griffin-Hones, Larkin, Rodriguez, Rubio

IX. CASES – SDPD DIVISIONS AND CASE REVIEW TIPS

A. Complaint Cases by Division

1. Presentation (*Timestamp 1:15:52*)

2. Public Comment

In-Person: Francine Maxwell (*Timestamp 1:19:39*) – Spoke regarding the complaints by division.

3. Discussion (*Timestamp 1:20:35*)

B. Case Review Tips and Closed Session Prep for Commissioners

1. Presentation (*Timestamp 1:26:10*)

2. Public Comment – None

3. Discussion (*Timestamp 1:46:15*)

X. CLOSED SESSION (NOT OPEN TO THE PUBLIC)

A. Public Comment – None

B. Outside Counsel Mr. Duane Bennett – Led CPP into Closed Session

C. 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 posted on the Commission's website at www.sandiego.gov/cpp or stated at the beginning of the Open Session meeting if the meeting is held on the same day.

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|-------|---|
| I. | San Diego Police Department Feedback on Case Specific Matters |
| II. | Officer Involved Shooting (0) |
| III. | Category II Case Audit Reports (1) |
| IV. | Discipline Reports (0) |
| V. | Category I Case Review Reports (2) |
| VI. | Case-Specific Recommendations to the Mayor/Chief (0) |
| VII. | Referrals to other governmental agencies authorized to investigate activities of a law enforcement agency (0) |
| VIII. | Legal Opinion(s) Request & Response (0) |

XI. REPORT OUT FROM CLOSED SESSION (7:13pm): Outside Counsel Duane Bennett reported that there was no reportable action.

XII. COMMISSIONER COMMENTS:

- Commissioner James Justus (*Timestamp 1:53:51*) Thanks the Commission for the card and flowers.
- Commissioner Clovis Honoré Justus (*Timestamp 1:54:09*) Requests more information regarding the caterer.
- Commissioner Brandon Hilpert (*Timestamp 1:54:35*) Proposes IA to come to a meeting to discuss requests of the Commission, to give status updates, and hold them accountable.
- Commissioner Dwayne Harvey (*Timestamp 1:55:02*) Statement regarding phone usage during meeting.

XIII. ADJOURNMENT: The meeting adjourned at 7:15pm.