

Commission on Police Practices

**COMMISSION ON POLICE PRACTICES
REGULAR MEETING MINUTES
Wednesday, February 7, 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=kAYh6Rc5nHc> to view this meeting on YouTube.

Commissioners Present:

Chair Gloria Tran	Lupe Diaz (Arrived at 4:37pm)
1 st Vice Chair Dennis Brown	Dwayne Harvey (Arrived at 4:38pm)
2 nd Vice Chair Doug Case	Brandon Hilpert
Octavio Aguilar (Arrived at 4:38pm)	James Justus
Laila Aziz (attended virtually)	Dennis Larkin
Bonnie Benitez	
Alec Beyer	
Cheryl Canson	

Absent:

Yvania Rubio
Christina Griffin-Jones

Excused:

Clovis Honoré
Darlanne Mulmat

Staff Present:

Danell Scarborough, Interim Executive Director
Duane Bennett, CPP Outside Counsel (attended virtually)
Olga Golub, Chief Investigator
Alina Conde, Executive Assistant
Jon’Nae McFarland, Administrative Assistant
Yasmeen Obeid, Community Engagement Coordinator

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- I. CALL TO ORDER/WELCOME: Chair Gloria Tran called the meeting to order at 4:36pm.
Motion: Commissioner Bonnier Benitez moved to allow Laila Aziz to join virtually. 1st Vice Chair Brown seconded the motion. The motion passed with a vote of 9-0-0.
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Benitez, Beyer, Canson, Hilpert, Justus, and Larkin
Nays: None
Abstained: None
Absent/Excused: Aguilar, Diaz, Honoré, Griffin-Jones, Harvey, Mulmat, Rubio
 - II. ROLL CALL: Executive Assistant Alina Conde conducted the roll call, established

quorum.

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 January 17, 2024

Motion: Commissioner James Justus moved for the approval of CPP Regular Business Meeting Minutes for January 17, 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, Aziz, Benitez, Beyer, Canson, Diaz, Hilpert, Justus, and Larkin

Nays: None.

Abstained: None

Absent/Excused: Aguilar, Honoré, Griffin-Jones, Harvey, Mulmat, Rubio

V. NON-AGENDA PUBLIC COMMENT: None

VI. CABINET REPORT

1. CPP and Mayor Todd Gloria Meeting Report – The Cabinet updated the Mayor on the CPP accomplishments, as well as informed him that the CPP is in a foundation-building period. The Cabinet reinforced the importance of choosing a police chief who is community-oriented and is open to CPP input.
2. CPP and Police Chief Nisleit Meeting Report – The Cabinet discussed the inappropriateness of mentioning Commissioner Harvey and his family to cadets during the Academy Bus Tour in December. Chief Nisleit agreed and asked IA Captain Peterson to contact Training Captain Morris to ensure that does not happen again. There were updates on the Outside Investigator who will review expired cases. CPP goal is to review cases within 9 months, rather than a year. The reason for this is to potentially affect the discipline for sustained findings against officers. IA will issue discipline no later than 10 months after a complaint was filed to ensure they do not allow a case to expire. When the CPP can review cases within 9 months, that gives a month to get CPP recommendation to IA. The new IA captain seemed positive about this goal.
3. CPP Planning Retreat – The retreat needed to be canceled due to a lack of quorum and the CPP will attempt to reschedule.
4. Update on appointment of new commissioners – The CPP is excited to welcome 4 new Commissioner Candidates that were appointed on Monday (2/5/2024):
 - Council District 6 representative: Stephen Chatzky

- Council District 9 representative: Armando Flores
- At-Large Seat: Ada Liz Rodriguez
- At-Large Seat: John Armantrout

They will need to complete background checks, take the oath of office, and sign Confidentiality Agreements prior to officially joining the CPP.

Estimated timeframe is two weeks. The nomination deadline for the Low-to-Moderate seat vacated by Nicole Murray-Ramirez was February 2. The City Council will fill that seat soon.

Commissioners Jaylene Sanchez, Dalia Villa De La Cruz, and Mark Maddox have resigned. Jaylene Sanchez and Dalia Villa De La Cruz filled Youth seats, and Mark Maddox filled a Low to moderate income seat. The CPP thanks them for their time with the Commission. The Council President's office has been notified so they can open nominations for those seats.

5. Interim Executive Director Dr. Danell Scarborough presented two special recognitions:
 - A. Congratulations and thank you to OCPP administrative assistant Jon'nae McFarland for 10 years of service to the City of San Diego.
 - B. February 6, 2024 was "Sharmaine Moseley Day in the City of San Diego"! The proclamation from the Mayor and City Council acknowledged Sharmaine's 8 years of leadership in law enforcement oversight for the City of San Diego. We thank Sharmaine Moseley for her service to San Diego!

VII. AD HOC COMMITTEE REPORTS

A. Ad Hoc Bylaws Committee

1. Due to Ad Hoc Committee Chair Mark Maddox's resignation, the CPP Chair appointed Commissioners Alec Beyer and Bonnie Benitez as co-chairs to the ad hoc committee.

B. Ad Hoc Training Committee

1. The DRAFT On-Boarding Training for Case Review was presented (*Timestamp 18:38*)
 2. **In person Public Comment** (*Timestamp 28:44*) - Kate Yavenditti made two comments regarding this item. Ms. Yavenditti requests the CPP to get outside criminal defense attorneys as part of the criminal law, search, and seizure training sessions. Ms. Yavenditti also strongly objected to use ADL in any context. *Written Comment by Kate Yavenditti: "6 community members spoke against the Training Committee proposal to use ADL as a trainer. The reasons stated are that ADL is a Zionist organization that defines anti-semitism as any criticism of Israel and any support of Palestinians. They are active nationally and locally in campaigns to suppress speech and actions that support Palestine, including an attempt to have the Museum of Art cancel a showing of a film about a Palestinian theater group and an attempt to have the Peace Resource Center cancel a teach-in sponsored by Jewish Voices for Peace. The CPP should not allow ADL which promotes hate to give a training on anything, certainly not "cultural sensitive and cultural awareness." Alternatives were presented such as antisemitismcurriculum.org."*
- Virtual Public Comment** (*Timestamp 32:13*) - Layla O. strongly opposes any training conducted with

the ADL.

(*Timestamp 34:02*) – Kristen Kelley also echoes the sentiments about the concern of the participation of the ADL.

(*Timestamp 35:49*) – Richard Satz does not endorse or support a training led by the ADL on hates crimes.

(*Timestamp 37:37*) – Sophie Blake echoes all speakers who have voiced their concerns on working with the ADL.

(*Timestamp 39:24*) – Ethel Sweed comments that the CPP should not invite the ADL to participate in a training session on hate crimes and antisemitism.

3. Discussion
4. Action: No action taken.

C. Ad Hoc Operating Procedures Committee

1. Update – 2nd Vice Chair Doug Case shared that the Ad Hoc Committee is currently working on the Investigations Procedure. It may take up to two more meetings before completing the document.

D. Ad Hoc Personnel Committee

1. Update on Executive Director Hiring Process – 1st Vice Chair Dennis Brown reported that the CPP Ad Hoc Personnel Committee submitted a proposal for recruitment and selection of the Executive Director to the City Council. Legal counsel advised that according to procedures, City Council retains purview over the final hiring decision. The Ad Hoc Personnel Committee will sit with City Council and help develop a process for how the City Council will move forward. The CPP Ad Hoc Personnel Committee will be part of the process.

VIII. NEW BUSINESS

A. Commissioner Emails

1. Presentation of best practices for use of Commissioner’s City email
 - A. Add “Email” under every Commissioner’s name
 - B. Link “Email” to the Commissioner’s CPP email and copy CPP general email.
 - C. CPP staff recommends that the Commissioners reply to emails sent to them if the email is specific to the Commissioner’s role. If the Commissioner does not reply within five business days, staff will reply.
 - D. Media Inquiries: Staff will direct to Chair
 - E. Official CPP Representation/Invitation: Staff will direct to Chair, CC Community Engagement Coordinator
 - F. Presentation and Training Requests: Staff will direct to Community Engagement Coordinator
 - G. OCPP Business: Staff will directly respond
 - H. Note: Staff will always copy IED and the Commissioner who received the original email
2. Public Comment: None
3. Discussion (*Timestamp 58:24*)
4. Motion: Commissioner Brandon Hilpert moved to approve the staff recommendations of Commissioner’s City email procedures with guidance from Outside Legal Counsel Mr. Bennett. Commissioner Bonnie Benitez

seconded the motion. The motion passed with a vote of 11-0-1.
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Aguilar, Aziz, Canson, Diaz, Harvey, and Justus
Nays: None
Abstained: Beyer
Absent: Honoré, Griffin-Jones, Rubio

B. Removal of Commissioners with Excessive Unexcused Absences – Item Removed

C. Review of Expired Cases (2020-2023)

1. Themes to be reviewed by Outside Investigator

Chief Investigator Olga Golub updated the Commission regarding the progress of engaging the contract investigator to conduct a review of expired cases, as voted by the Commission. All San Diego Police Officer Association (POA)-related matters regarding the investigator contact have been resolved. The next step is finalizing the investigator's contract, which includes scope of work. The Cabinet and IED Scarborough are finalizing the scope, with input from the Chief Investigator. The investigator's review will include both expired Category I and II cases. The investigator will capture some general trends such as demographics, police division in which incidents took place, types of allegations, as well as conduct a deeper dive in select substantive issues like Body Worn Camera (BWC) policy compliance, timeliness, and thoroughness of IA investigations, and possibly other issues. The investigator will not provide recommendations on individual cases, nor will he focus on actions of individual officers. The idea is to provide a high-level yet meaningful audit of the expired cases that will allow the Commission to elicit substantive data about trends. The next step is for IED Scarborough to finalize the scope of the contract and work with the City on final steps to initiate the contact. Chief Investigator Olga Golub will work with IA to ensure that the investigator has access to these case files in a timely manner.

2. Public Comment – None

3. Discussion (*Timestamp 1:06:07*)

IX. 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.

- I. San Diego Police Department Feedback on Case Specific Matters
- II. Officer Involved Shooting (1)
- III. Category II Case Audit Reports (1)
- IV. Discipline Reports (0)
- V. Category I Case Review Reports (1)
- 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)

- X. REPORT OUT FROM CLOSED SESSION (7:08pm): Outside Counsel Duane Bennett reported that there was no reportable action.
- XI. COMMISSIONER COMMENTS:
(*Timestamp 1:20:54*) Commissioner Alec Beyer requested confirmation of dates for future meetings.
(*Timestamp 1:21:42*) Commissioner James Justus congratulated Olga Golub on her birthday.
- XII. ADJOURNMENT: The meeting adjourned at 7:11pm.