

COMMISSION ON POLICE PRACTICES AGENDA

Tuesday, November 7, 2023

4:30pm-7:30pm

REGULAR MEETING (Hybrid)

Skyline Hills Branch Library

7900 Paradise Valley Rd

San Diego, CA 92139

Commissioners: Octavio Aguilar, Laila Aziz, Bonnie Benitez, Alec Beyer, Dennis W. Brown, Cheryl Canson, Doug Case, Christina Griffin-Jones, Dwayne Harvey, Brandon Hilpert, Darlann Hoctor Mulmat, Clovis Honore, James Justus, Dennis Larkin, Lupe Diaz, Mark Maddox, Nicole Murray-Ramirez, Yvania Rubio, Jaylene Sanchez, Gloria Tran, and Dalia Sherlyn Villa De La Cruz

Staff: Interim Executive Director Sharmaine Moseley, Outside Counsel Duane Bennett, Chief Investigator Olga Golub, Community Engagement Coordinator Yasmeen Obeid, Executive Assistant Alina Conde, Administrative Assistant Jon’Nae McFarland

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. Please see instructions below to provide public comment.

The link to join the meeting by computer, tablet, or smartphone at 4:30pm is:

https://sandiego.zoomgov.com/webinar/register/WN_bZBpGZWcSwaeXy9FXAtrxg

Meeting ID: 161 069 5554

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 and posted online with the meeting materials. Comments received after the deadlines described above but before the item is called will be submitted into the written record for the relevant item. Please contact the Privacy Advisory Board website for further instructions.

Written Materials: Instead of submitting written materials as an attachment to the webform, you may submit via U.S. Mail to Attn: Office of the Commission on Police Practices, 1200 Third Avenue, 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. **4:30pm** CALL TO ORDER/WELCOME (**5 minutes**)
(Chair Gloria Tran)

- II. **4:35am** ROLL CALL (Executive Assistant Alina Conde) (**5 minutes**)

- 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. **4:40pm** APPROVAL OF MEETING MINUTES (Chair Tran) (**5 minutes**)
 1. CPP Regular Meeting Minutes of October 24, 2023

- V. **4:45pm** NON- AGENDA PUBLIC COMMENT (**15 minutes**)
Fill out and submit comment using speaker form or [webform](#). Please see instructions at the beginning of this agenda.
(Community Engagement Coordinator Yasmeeen Obeid)

- VI. **5:00pm** CLOSED SESSION (Dinner provided for Commissioners)
(**Not Open to the Public**) (**1.5 hours**)

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 and when the Commission reconvenes this meeting as listed on this agenda.

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|-------|---|
| I. | San Diego Police Department Feedback on Case Specific Matters |
| II. | Shooting Review Board Reports (0) |
| III. | Category II Case Audit Reports (0) |
| IV. | Discipline Reports (0) |
| V. | Case Review Team 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) |
| IX. | PUBLIC EMPLOYEE APPOINTMENT (Gov. Code section 54957(b)(1).) Title: Executive Director (30 minutes) |

- VII. **6:30pm** REPORT FROM CLOSED SESSION (Counsel Bennett) (**5 minutes**)
- VIII. **6:35pm** CABINET UPDATE (**15 minutes**)
- IX. **6:50pm** NEW BUSINESS (DISCUSSION/ACTION) (**30 minutes**)
 Temporary Strategy for Upcoming Review of Cases – Options for Consideration
1. Triage cases (do preliminary review and select which case will be reviewed keeping in mind the severity of the allegations/incident).
 2. Commissioners involvement in case review.
 3. Hiring investigative consultant(s) who will solely focus on reviewing cases for the Commission.
 4. Assign case reviews to the independent contractor investigator (This contract must be modified and will need to go through another meet and confer process).
- X. **7:20pm** OFFICE OF THE COMMISSION ON POLICE PRACTICES
1. Update on Staff Resignation (**5 minutes**)
 2. Update on Case Review/Case Stats (CPP Chief Investigator Olga Golub) (**5 minutes**)
 3. Update on Scheduled Dates for Regular Business Meeting (Community Engagement Coordinator Yasmeen Obeid) (**5 minutes**)
- XI. _____ AD HOC COMMITTEE REPORTS
1. Bylaws Committee Update

2. Operational Committee Update
3. Training Committee Update
4. Personnel Committee Update

XII. _____ COMMISSIONER ANNOUNCEMENTS/COMMENTS

XIII. _____ ADJOURNMENT

Materials Provided:

- Minutes from Regular Meeting on October 24, 2023 DRAFT
- Updated Commission Component Training Schedule DRAFT

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 in order to ensure availability. The city is committed to resolving accessibility requests swiftly in order to maximize accessibility.



Office of the Commission on Police Practices

**COMMISSION ON POLICE PRACTICES
REGULAR MEETING MINUTES**

Tuesday, October 24, 2023

4:30pm-7:30pm

**Skyline Public Library
7900 Paradise Valley Rd.
San Diego, CA 92139**

Click <https://youtu.be/gFSFgO2hlCo> to view this meeting on YouTube.

Commissioners Present:

Chair Gloria Tran

1st Vice Chair, Dennis W. Brown

2nd Vice Chair, Doug Case

Octavio Aguilar

Bonnie Benitez

Alec Beyer

Dwayne Harvey

Brandon Hilpert

Darlanne Mulmat

Clovis Honore

James Justus

Absent/Excused:

Laila Aziz

Cheryl Canson

Lupe Diaz

Christina Griffin-Jones

Dennis Larkin

Mark Maddox

Nicole Murray-Ramirez

Yvania Rubio

Jaylene Sanchez

Dalia Sherlyn Villa De La Cruz

Staff Present:

Sharmaine Moseley, Interim Executive Director

Duane Bennett, CPP Outside Counsel

Olga Golub, Chief Investigator

Yasmeen Obeid, Community Engagement Coordinator

Jon'Nae McFarland, Administrative Assistant

I. CALL TO ORDER/WELCOME: Chair Gloria Tran called the meeting to order at 4:35pm.

- II. ROLL CALL: Interim Executive Director Sharmaine Moseley conducted the 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
- A. CPP Regular Meeting Minutes of October 14, 2023
Motion: Commissioner James Justus moved for the Commission to approve the amended CPP Regular Meeting Minutes of October 14, 2023. Commissioner Bonnie Benitez seconded the motion. The motion passed with a vote of 11-0-0.
- Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case; Commissioners Aguilar, Benitez, Beyer, Harvey, Hilpert, Mulmat, Honore, and Justus**
- Nays: None**
- Abstained: None**
- Absent/Excused: Commissioners Aziz, Canson, Diaz, Griffin-Jones, Larkin, Maddox, Murray-Ramirez, Rubio, Sanchez, and Villa De La Cruz**
- V. NON-AGENDA PUBLIC COMMENT: No public comment received.
- VI. CLOSED SESSION (NOT OPEN TO THE PUBLIC)
- A. 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. | Shooting Review Board Reports (0) |
| III. | Category II Case Audit Reports (0) |
| IV. | Discipline Reports (0) |
| V. | Case Review Team Reports (3) |
| 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) |

VII. REPORT OUT FROM CLOSED SESSION (6:23pm): Outside Counsel Duane Bennett reported that there was no formal action to report out from the Commission's closed session.

VIII. AD HOC COMMITTEE REPORTS

1. Bylaws Committee Updates – Tabled
2. Operational Committee Update - Committee Co-Chair Doug Case informed that the Committee will be meeting tomorrow, 10/25 at 6pm to go over the investigation procedures.
3. Training Committee Update - Committee Chair Brandon Hilpert reported that they met yesterday on 10/23. Trainings will be scheduled soon with review from the Chair. The Committee will revise the training schedule looks, write up what the training components are, what is expected to be seen, and why each training will take place (to further address some already expressed concerns from the Commission).
4. Personnel Committee Update - Tabled

IX. OFFICE OF THE COMMISSION ON POLICE PRACTICES

1. Introduction/Remarks CPP Chief Investigator – CPP Chief Investigator Olga Golub reported updates on the progress of reviewing cases that expire in November/December for the motion that was adopted on 10/14. Seven commissioners have expressed interest in assisting with reviewing cases which have been split up into two groups. Each group will present on cases in a meeting in November-December. Chair Train requested that CPP Outside Counsel assist as backup to help the groups review the cases.
2. Community Engagement Coordinator Report – Tabled

X. ADJOURNMENT: The meeting adjourned at 6:33pm.

**Commission on Police Practices
Training Academy**

August 29, 2023

5:30pm - 7:30pm

Component 1 (Completed)

Introducing New Commission to Oversight of Law Enforcement, Brown Act, Case Review Process

- Brief History of CPP & Creation of OCPP
- Highlights of Ralph M. Brown Act
- Overview of Interim CPP Case Review Process

Location

**Procopio Tower
Conference Room, First Floor
525 B St – San Diego, CA 92101**

September 12, 2023

4:30pm – 7:30pm

Component 2 (Completed)

Operational Procedures, Case Review, & Deciding on Dates for Future Meetings

- Governance Operational Items -CPP Officers, Temporary Bylaws
- Reimaging CPP Case Review & Backlog of Cases
- Future Dates CPP Regular Business Meetings

Location

**Valencia Park/Malcolm X Branch Library
5148 Market Street – San Diego, CA 92114**

September 19, 2023

9:30am-12pm

Component 3 Cohort 1 (Completed)

Understanding the functions of various departments within SDPD Headquarters (Communications/Sally Port/Forensics)

- SDPD Headquarters Tour
- Name Badges & Parking Placard for Commissioners
- Meeting with SDPD Leadership & IA Staff

Location

**San Diego Police Headquarters, Room 213
1401 Broadway – San Diego, CA**

Commission on Police Practices Training Academy

September 19, 2023

4:30pm-7:30pm

Component 4 (Completed)

Training Schedule, Brown Act, Administrative Regulations

- Recommended CPP Training Schedule
- Overview of the Ralph M. Brown Act (Part1)
- Confidentiality Requirement

Location

Skyline Hills Branch Library

7900 Paradise Valley Road – San Diego, CA

September 23, 2023

8:30am - 3:00pm

Component 5 (Cohort 1 - 7 Commissioners) (Completed)

SDPD Use of Force, Detention, Laws of Arrest Procedures, Simulators

Location

Police Plaza

4020 Murphy Canyon Rd – San Diego, CA

October 7, 2023

11am – 3:30pm

Component 6 (Completed)

Focusing on Brown Act, Steps in Case Review, 4th Amendment & Search and Seizure

- Overview of the Ralph M. Brown Act (Part2)
- How to Review a Case
- 4th Amendment, Waiver & Search and Seizure
- Deliberation of Cases

Location

Logan Heights Branch Library

567 South 28th Street – San Diego, CA

October 14, 2023

10:30am – 3:30pm

Component 7 (Completed)

Presentation by ACLU, Distribution of Laptops to Commissions with Instructions on Usage, City Administrative Regulations & Case Deliberation

- Deliberation of Cases
- Racial Profiling & Law Enforcement in San Diego (ACLU San Diego)

Commission on Police Practices Training Academy

- Distribution of Laptops & Instructions for Usage
- City Administrative Regulations

Location

**Mira Mesa Branch Library
8405 New Salem Street– San Diego, CA**

October 21, 2023

8:00am – 1:00pm

Component 8 (Cohort 2-10 Commissioners) (Completed)

Commissioners who have not already taken this training should sign up with staff asap. SDPD Use of Force, Detention, Laws of Arrest Procedures, Simulators

Location

**Police Plaza
4020 Murphy Canyon Rd – San Diego, CA**

October 24, 2023

9:30am-12pm

Component 9 (Cohort 2-10 Commissioners) (Completed)

Commissioners who have not already taken this training should sign up with staff asap. Understanding the functions of various departments within SDPD Headquarters (Communications/Sally Port/Forensics)

- SDPD Headquarters Tour
- Name Badges & Parking Placard for Commissioners
- Meeting with SDPD Leadership & IA Staff

Location

**San Diego Police Headquarters, Room 213
1401 Broadway – San Diego, CA**

November 7, 2023

4:30pm-7:30pm

Component 10

Regular Business Meeting & Training

- SDPD Policies & Procedures Training – Highlight several P&P that CPP will frequently come across in case review

Location

**Commission on Police Practices
Training Academy**

November 28, 2023

4:30pm – 7:30pm

Skyline Hills Branch Library

7900 Paradise Valley Road – San Diego, CA

Component 11

Regular Business Meeting & Training
NACOLE Experience/Best Practices of Civilian
Oversight of Law Enforcement & OCPP
Administrative

- Shared Information Learned from NACOLE Annual Conference (CPP Cabinet & Staff)
- Better Management Impact System – Tracking Commissioner Hours

Location

Valencia Park/Malcolm X Branch Library

5148 Market Street – San Diego, CA 92114

December 5, 2023

4:30pm-7:30pm

Component 12

Regular Business Meeting & Training
Overview of Peace Officer Bill of Rights

- Overview of POBOR (CPP Outside Counsel Duane Bennett)

Location

Valencia Park/Malcolm X Branch Library

5148 Market Street – San Diego, CA 92114

December 12, 2023

4:30 – 7:30pm

Component 13

Internal Affairs Complaint Process, Ride-Alongs (*IA Captain*)

Location

TBD

**Commission on Police Practices
Training Academy**

January 2023

Component 14

CPP Policies & Procedures – Bylaws,
Standard Operating Procedures,
Implementation Ordinance

Panel Presentations on Civil or Human Rights,
Criminal Justice, Youth, Mental Health,
Impacted Individuals

Community Perspective & Experiences and
Training Required by the Implementation
Ordinance

Rebuilding Community-Government
Relationships (Tasha Williamson)

Diversity, Sensitivity & Implicit Bias Training

PERT

Location: TBD