

COMMISSION ON POLICE PRACTICES AGENDA

Tuesday, November 28, 2023 4:15pm-7:15pm

REGULAR MEETING (Hybrid) Valencia Park/ Malcolm X Public Library 5148 Market St. San Diego, CA 92114

Commissioners: Octavio Aguilar, Laila Aziz, Bonnie Benitez, Alec Beyer, Dennis W. Brown, Cheryl Canson, Doug Case, Christina Griffin-Jones, Dwayne Harvey, Brandon Hilpert, Darlanne 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: 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 4:15pm is: https://sandiego.zoomgov.com/webinar/register/WN_SClGjt4IQ2Cx6vm_yzY2Kw
Meeting ID: 161 684 2012

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.

*Please note that all times on the agenda are approximate.

- I. **4:15pm** CALL TO ORDER/WELCOME **(5 minutes)** (Chair Gloria Tran)
- II. **4:20pm** 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. **4:25pm** APPROVAL OF MEETING MINUTES (Chair Tran) **(5 minutes)**1. CPP Regular Meeting Minutes of November 7, 2023
- V. **4:30pm**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 Yasmeen Obeid)
- VI. **4:45pm** CLOSED SESSION (Dinner provided for Commissioners) (Not Open to the Public) (1 ½ hours)
 - 1. 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.

- 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)

2. PUBLIC EMPLOYEE APPOINTMENT

(Gov. Code section 54957(b)(1).)

Title: Executive Director

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.

VII. **6:15pm** REPORT FROM CLOSED SESSION (Counsel Bennett) **(5 minutes)**

VIII. **6:20pm** NEW BUSINESS (DISCUSSION/ACTION) **(20 minutes)**

- Discussion and Update on the Executive Director Vacancy (1st Vice Chair Brown) (10 minutes)
- 2. Commissioner Attendance, Excused Absences and Cause for Removal (Chair Tran, Counsel Bennett) (10 minutes)
 - a. San Diego Municipal Code Section 261106(c)(5)
 - b. Discussion
 - Action direct staff to send notices to any Commissioner who has 2 unexcused absences and copy Cabinet

IX. 6:40pm CABINET UPDATE (10 minutes)

NACOLE Conference

X. **6:50pm** AD HOC COMMITTEE REPORTS (15 minutes)

- Training Committee (Chair Hilpert)
 - a. Discussion
 - b. Action
- 2. Bylaws Committee Update (Chair Maddox)
- 3. Operational Committee Update (Co-Chair Rubio)

XI. 7:05pm OFFICE OF THE COMMISSION ON POLICE PRACTICES (10 min.)

- Update on Case Review/Case Stats (CPP Chief Investigator Olga Golub) (5 minutes)
- Update on Scheduled Dates for Regular Business Meeting and Update (Executive Assistant Alina Conde) (5 minutes)

XII. **7:15pm** ADJOURNMENT

Materials Provided:

- Minutes from Regular Meeting on November 7, 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.



COMMISSION ON POLICE PRACTICES REGULAR MEETING MINUTES

Tuesday, November 7, 2023
4:30pm-7:30pm
Skyline Public Library
7900 Paradise Valley Rd.
San Diego, CA 92139

Click https://www.youtube.com/watch?v=j6BDUoFZvKo to view this meeting on YouTube.

Commissioners Present:

Chair Gloria Tran

1st Vice Chair Dennis W. Brown

2nd Vice Chair Doug Case
Octavio Aguilar
Laila Aziz (arrived at 5:33pm)
Bonnie Benitez
Alec Beyer
Cheryl Canson (arrived at 4:48pm)
Lupe Diaz (arrived at 4:51pm)

Christina Griffin-Jones (arrived at 5:12pm)

Dwayne Harvey Brandon Hilpert Dennis Larkin (a

Dennis Larkin (arrived at 4:51pm)

Darlanne Mulmat Clovis Honore James Justus Yvania Rubio

Absent:

Nicole Murray-Ramirez Jaylene Sanchez Dalia Sherlyn Villa De La Cruz

Excused:

Mark Maddox

Staff Present:

Sharmaine Moseley, Interim Executive Director (virtual) Duane Bennett, CPP Outside Counsel Olga Golub, Chief Investigator Alina Conde, Executive Assistant (virtual) Jon'Nae McFarland, Administrative Assistant

- I. CALL TO ORDER/WELCOME: Chair Gloria Tran called the meeting to order at 4:36pm.
- II. ROLL CALL: Administrative Aide Jon'Nae McFarland 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 24, 2023

Motion: Commissioner James Justus moved for the Commission to approve the amended CPP Regular Meeting Minutes of October 24, 2023. Commissioner Alec Beyer seconded the motion. The motion passed with a vote of 12-0-0.

Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case; Commissioners Aguilar, Benitez, Beyer, Harvey, Hilpert, Mulmat, Honore, Justus, and Rubio

Nays: None Abstained: None

Absent/Excused: Commissioners Aziz, Canson, Diaz, Griffin-Jones, Larkin, Maddox, Murray-Ramirez, Sanchez, and Villa De La Cruz

V. NON-AGENDA PUBLIC COMMENT:

Virtual Public Comment:

Kate Yavenditti (Timestamp 9:33) — Request that the discussions and announcements regarding the hiring of the Executive Director position be made public and not just discussed in closed session. Additionally, to involve the community with the hiring process.

Andrea St. Julien (**Timestamp 10:46**) – Seconded Ms. Yavenditti's statement. She reminded the Commission that they should take initiative with the process to find an Executive Director that best fits to serve the commission.

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.

Motion: Commissioner Brandon Hilpert moved for the Commission to discuss the hiring process for the permanent Executive Director for the Commission on Police Practices in public (open session). Commissioner Octavio Aguilar seconded the motion. The motion passed with a vote of 8-7-0.

Yays: Commissioners Aguilar, Beyer, Canson, Hilpert, Mulmat, Justus, Larkin, and Rubio

Nays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case; Commissioners Benitez, Diaz, Harvey, and Honore

Abstained: None

Absent: Commissioners Aziz, Griffin-Jones, Larkin, Maddox, Murray-Ramirez, Sanchez, and Villa De La Cruz

- 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. REPORT OUT FROM CLOSED SESSION (6:18pm): Outside Counsel Duane Bennett reported that the Commission will be providing findings back to the Department relative to decisions made during closed session.

PUBLIC EMPLOYEE APPOINTMENT (Gov. Code section 54957(b)(1).) Title: Executive Director (*Timestamp* 28:21)

The Ad Hoc Personnel Committee unanimously approved the process to be presented. The Ad Hoc Personnel Committee Chair Dennis Brown presented to the Commission the plan for hiring the Permanent Executive Director. The Commission will start with hiring a search firm to begin the national search. The Committee and the search firm will discuss the qualifications of the permanent Executive Director. The search firm will then develop a brochure for distribution to the City's website, GovernmentJobs.com, NACOLE, and other agencies. They will also complete an initial evaluation of candidates and provide a list. The collaboration of Commissioners and the search firm will develop interview questions to be asked to all individuals. The Commission will develop a panel of both Commissioners and Community members to conduct the first round of interviews. The search firm will provide technical support. Finalists will then be recommended to the Ad Hoc Hiring Committee of CPP consisting of Ad Hoc Personnel members and Cabinet members. The Ad Hoc Hiring Committee will conduct final interviews and will send recommended candidates to City Council for approval. This item will be added to the agenda for the next CPP Meeting on November 28th to be voted on.

VIII. CABINET UPDATE – The Cabinet met with Chief Nisleit and SDPD staff to introduce themselves. They had a robust discussion regarding the Commission. The Cabinet also met with Councilmember Marni von Wilpert, chair of the Public Safety Committee, and spoke about the process to fill the Executive Director position, the idea of working with paralegals to help with further case review, and the fiscal year budget that will require updates from the Commission in January 2024. The Cabinet also met with community leaders and are open to meeting with more from the community. The Cabinet will meet with Council President Sean Elo-Rivera tomorrow, (11/8). The Cabinet and Executive Staff will attend the National Association for Civilian Oversight of Law

Enforcement (NACOLE) conference next week (11/12-11/16) in Chicago, IL.

IX. NEW BUSINESS

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).

Motion: Commissioner Darlanne Mulmat moved for the Commission to continue with the process that was started for case review to where Commissioners assist with further case review (with the help of Chief Investigator Olga Golub and Outside Counsel Duane Bennett, and any commissioners who have reviewed cases) for the next three months. Commissioner Laila Aziz seconded the motion. The motion passed with a vote of 17-0-0.

Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case; Commissioners: Aguilar, Aziz, Benitez, Beyer, Canson, Diaz, Griffin-Jones, Harvey, Hilpert, Honore, Mulmat, Justus, Larkin, and Rubio

Nays: None Abstained: None

Absent: Commissioners: Larkin, Maddox, Murray-Ramirez, Sanchez, and Villa De

La Cruz

X. OFFICE OF THE COMMISSION ON POLICE PRACTICES

- 1. Update of Staff Resignation Executive Director, Sharmaine Moseley Tabled (Video Link Timestamp 1:45:47)
- 2. Update on Case Review/Case Stats Tabled
- 3. Update on Scheduled Dates for Regular Business Meeting Tabled

XI. AD HOC COMMITTEE REPORTS

- 1. Bylaws Committee Updates Tabled
- 2. Operational Committee Update Tabled
- 3. Training Committee Update Tabled
- 4. Personnel Committee Update Tabled
- XII. ADJOURNMENT: The meeting adjourned at 7:31pm.



Commission on Police Practices Training Academy

August 29, 2023 5:30pm - 7:30pm

September 12, 2023 4:30pm – 7:30pm

September 19, 2023 9:30am-12pm

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

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

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

Component 4

September 19, 2023

4:30pm-7:30pm

Training Schedule, Brown Act, Administrative Regulations

(Completed)

- 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

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)

October 14, 2023

10:30am - 3:30pm



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

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

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

Component 10 (Completed)

Regular Business Meeting & Training

Location

Skyline Hills Branch Library 7900 Paradise Valley Road – San Diego, CA

October 21, 2023

8:00am - 1:00pm

October 24, 2023

9:30am-12pm

November 7, 2023 4:30pm-7:30pm



Commission on Police Practices Training Academy

November 28, 2023

4:15pm-7:15pm

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)

Location

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

December 5, 2023 (Tentative)

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 (Tentative)

4:30pm-7:30pm

Component 13

Regular Business Meeting & Training

- SDPD Policies & Procedures Training Highlight several P&P that CPP will frequently come across in case review
- Better Management Impact System Tracking Commissioner Hours

Location

Carmel Mountain Ranch Library

January 3, 2024

4:30pm-7:30pm

Component 13

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



Commission on Police Practices Training Academy

Location

Santa Fe Room Balboa Park San Diego, CA

January 17, 2024 4:30pm-7:30pm

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

Santa Fe Room Balboa Park San Diego, CA