

COMMISSION ON POLICE PRACTICES AGENDA

August 22, 2023, at 4:00 p.m.

**REGULAR MEETING (Hybrid)
Balboa Park Club (Santa Fe Room)
2144 Pan American W Road, San Diego**

Commissioners: Brandon Hilpert (Chair) Doug Case (1st Vice Chair), Kevin Herington (2nd Vice Chair), Maxine Clark, Andrea Dauber-Griffin, Diana Dent, Steve Hsieh, Chris Pink, Ernestine Smith, and Nancy Vaughn

Interim Executive Director: Sharmaine Moseley

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 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 webinar by computer, tablet, or smartphone at 4pm is:

<https://sandiego.zoomgov.com/j/160411102>

or

Phone: 1 669 254 5252 or 833 568 8864 (Toll Free)

Meeting ID: 160 411 1102

The link to join the webinar by computer, tablet, or smartphone at 6:15pm is:

<https://sandiego.zoomgov.com/j/1601545567>

or

Phone: 1 669 254 5252 or 833 568 8864 (Toll Free)

Meeting ID: 160 154 5567

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 form before the Commission hears the agenda item. You will be called at the time the item is heard.

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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 form. 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.

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 comment prompt that will appear on your computer, tablet or Smartphone, or dial 9 on your phone.

Written Comment through Webform: Comment on agenda items and non-agenda public comment may 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.

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. CALL TO ORDER/WELCOME (Chair Brandon Hilpert)

- II. ROLL CALL (Interim Executive Director Sharmaine Moseley)
- III. PURPOSE OF THE COMMISSION ON POLICE PRACTICES (CPP)
- IV. PUBLIC COMMENT: Fill out and submit comment using speaker form or [webform](#). Please see instructions at the beginning of this agenda.
- V. APPROVAL OF REGULAR MEETING MINUTES FROM APRIL 25, 2023
- VI. CLOSED SESSION (Not Open to the Public)
 - A. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Discussion & Consideration of Complaints Reports: Pursuant to Government Code Section 54.957 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 940. 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 (5)
- VI. Case-Specific Recommendations to the Mayor/Chief (1)
- 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
- VIII. NON-AGENDA PUBLIC COMMENT: Fill out and submit comment using speaker form or [webform](#). Please see instructions at the beginning of this agenda.
- IX. NEXT STEPS TRANSITION OF INTERIM COMMISSION TO NEW COMMISSION (Chair Brandon Hilpert)
- X. CLOSING REMARKS/COMMENTS
- XI. ADJOURNMENT

Materials Provided:

- Minutes from Regular Meeting on April 25, 2023 (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.

CANCELLED

COMMISSION ON POLICE PRACTICES

REGULAR MEETING MINUTES
Tuesday, April 25, 2023, at 4:00pm
Casa Del Prado (Majorca -Room 101)
1800 El Prado – Balboa Park
& Via ZOOM Webinar

Click <https://www.youtube.com/watch?v=W3p2P2Mrbu0&t=4s> to view this meeting on YouTube.

Commissioners Present:

Doug Case, Acting Chair
Kevin Herington, 2nd Vice Chair (*arrived at 4:30 pm*)
Maxine Clark
Andrea Dauber-Griffin
Diana Dent
Steve Hsieh
Ernestine Smith
Nancy Vaughn

Absent/Excused:

Brandon Hilpert, Chair (LOA)
Chris Pink

Staff Present:

Sharmaine Moseley, Interim Executive Director
Duane Bennett, CPP Outside Counsel
Yasmeen Obeid, Community Engagement Coordinator
Alina Conde, Executive Assistant

San Diego Police Department (SDPD) Staff Present:

IA Captain Anthony Dupree
Lieutenant Tristan Schmottlach
Lieutenant Dan Sayasane

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- I. CALL TO ORDER/WELCOME: Acting Chair Doug Case called the meeting to order at 4:06pm.
 - II. ROLL CALL: Interim Executive Director Sharmaine Moseley conducted the roll call.
 - III. PURPOSE OF THE COMMISSION ON POLICE PRACTICES (CPP): Acting Chair Doug Case explained that the purpose of the Commission on Police Practices (CPP) is to provide an independent investigation of officer-involved shootings, in-custody deaths, and an unbiased evaluation of all complaints against the police department and its personnel in a process that will be transparent and accountable to the community. The Commission will also evaluate the review of all SDPD policies,

practices, trainings, and protocols and represent the community in making recommendations for changes. The mission of the Commission is to hold law enforcement accountable to the community and to increase community trust in law enforcement, resulting in increased safety for both the community and law enforcement.

- IV. PUBLIC COMMENT: No public comment received.
- V. APPROVAL OF REGULAR MEETING MINUTES FROM MARCH 28, 2023
- A. CPP Regular Meeting Minutes from March 28, 2023 (DRAFT)
- Motion:** Commissioner Nancy Vaughn moved for the Commission to approve the CPP Regular Meeting Minutes of March 28, 2023. Commissioner Diana Dent seconded the motion. The motion passed with a vote of 7-0-0.
- Yays:** Acting Chair Case, Commissioner Clark, Commissioner Hauber-Griffin, Commissioner Dent, Commissioner Hsieh, Commissioner Smith, and Commissioner Vaughn
- Nays:** None
- Abstained:** None
- Absent/Excused:** Chair Brandon Hilbert, 2nd Vice Chair Kevin Herington, and Commissioner Pink
- VI. UNFINISHED BUSINESS (DISCUSSION/ACTION) – None
- VII. NEW BUSINESS (DISCUSSION/ACTION) – None
- VIII. SAN DIEGO POLICE DEPARTMENT REPORT (EA Chief Chris McGrath)
- A. Status Updates on SDPD Written Response to CPP Recommendations – No report or current updates provided. Executive Assistant Chief Chris McGrath was absent from this meeting.
1. CPD Cabinet Meeting with SDPD Training Captain Regarding Use of Force & Show of Force Reporting
 2. CPP Recommendation Memo Dated 8.29.2022 – Reconsideration of CPP recommendations regarding SDPD policies, procedures, & discipline matrix & manual
 3. CPP Recommendation Memo Dated 10.26.2022 –Complaints that involve K9 bites
 4. CPP Recommendation Memo Dated 12.30.2022 – Update discipline manual to indicate that discipline memos are not optional & must be completed within 10 days of receipt of a sustained finding and require that when discipline is outside the discipline matrix, Command include a detailed written explanation describing what and why the decision was made to deviate from the matrix.
 5. Categorization of “Untruthfulness” Memo Dated 3.28.2023
- B. Updates (Staffing in IA, Training, etc.) – No current updates.
- IX. COMMUNITY ENGAGEMENT COORDINATOR’S REPORT (CEC Yasmeen Obeid)
- A. Updates
1. Community Meetings – Community Engagement Coordinator Yasmeen Obeid reported out that she attended community meetings and other Commission and Board meetings that included the Community Assistance

Support Team (CAST), Citizen Advisory Board on Police-Community Relations (CAB), and Commission on Gang Prevention Intervention. The CAST meeting focused primarily on a highly successful event that had the participation of 2000 community members. CEC Yasmeen Obeid plans to also attend more community organizational events in the future.

2. Newsletter - The Commission on Police Practices first newsletter launched in March. The April newsletter will be sent out very soon.
3. Strategic Plan - CEC Yasmeen Obeid is in the process of creating a community circle to help aide the Commission with providing feedback and aligning the Commission's goals with the preferences of the community. The goal of the community circle is to provide a platform for collaboration and empowerment, enabling community members to actively contribute to the commission's objectives.
4. CPP Interns - The CPP will be hiring four interns to provide support during the upcoming summer and the following year. The Employ and Empower program provides young people with an opportunity to gain knowledge and make a positive impact on their community.

X. CHAIR'S REPORT (Acting Chair Doug Case)

A. Reminders for Commissioners

1. 4th Quarter (April 1st - June 30th) Volunteer Hours Report - All Commissioners log hours in our reporting purposes. If there are any issues or if anyone needs help with a double shooting, please reach out to Executive Assistant Alina Conde for assistance.
2. Status of Appointment of New Commissioners - No current updates.
3. Commission Staffing & Legal Counsel Update - As the process of selecting a Supervising Investigator continues, selected candidates will be interviewed by a community panel. Acting Chair Douglas Case anticipates that the selection process may take longer than originally expected. As part of the Legal Counsel plan, the General Counsel position will be budgeted for FY24.
4. Office Space Update - A walk-through of the new space was scheduled and attended last week by OCPP staff to assess department needs. The relocation process is planned to begin after the start of the fiscal year.

B. Other Items/Reminders - None

XI. EXECUTIVE DIRECTOR'S REPORT (Interim ED Sharmaine Moseley)

- A. Caseload Update & Status of Case Reports - It was reported that as of today, the Commission on Police Practices started out with 151 total cases assigned to the Teams. 51 of those cases are Category II cases. The audits of these Category II cases were suspended by the Commission since March of last year due to the backlog of cases. The backlog of cases can be attributed to the pandemic shutdowns, transitioning to remote case review, decrease in number of appointed Commissioners due to resignations, and delay in appointing new Commissioners. Subtracting the number of Category II cases (51) from the number of total cases (151), leaves the Commission with 100 active cases assigned to the Teams.

For fiscal year 2023 that began on July 1, 2022, the Commission reviewed, deliberated on and closed out a total of 56 Category 1 cases, 6 officer-involved

shooting cases, and audited 2 Category II cases. The 56 Category cases had a total of 281 allegations and 20 other findings. The Commission also evaluated 40 disciplines and 3 shooting review board reports. The Commission has no officer-involved shootings or in-custody death cases.

Team 1 has 6 active cases in their queue. All are Category I cases and 3 have one or more sustained findings. The Team also has 10 Category II cases which are on hold.

Team 2 is inactive.

Team 3 has 18 active cases in their queue. All 18 cases are Category I cases. Four have sustained findings. The team also has 5 Category II cases on hold.

Team 4 has 28 active cases in their queue. All are Category I cases. Of the 28 cases, seven have sustained findings. The Team also has 17 Category II cases which are on hold.

Team 5 has 24 active cases in their queue. All 24 cases are Category I cases. Seven of the Category I cases has one or more sustained findings. The Team also has 10 Category II cases which are on hold.

Team 6 has 24 active cases in their queue. All of which are Category I cases. Five of the 24 cases have one or more sustained findings. The Team also has 9 Category II cases which are on hold.

Team 7 is inactive.

- B. Planning for CPP Former Member Appreciation/Acknowledgements – This event is on hold until after OCPEP relocates its office suite to 525 B. Street.
- C. Budget Update – FY24 Council Budget Review Hearings (May 3rd – May 9th) Last week, Mayor Gloria presented the FY2024 proposed budget to Council. On Friday, the independent budget analyst will release its review of the proposed budget. Budget Review Committee hearings for all city departments will take place from May 3rd-10th 9th. The Office of the Commission on Police Practices presentation is scheduled for May 9th from 2pm-5pm. Interim Executive Director Sharmaine Moseley plans to give her presentation in person within Council Chambers.

In FY2023, the Commission's budget was \$2,550,352 and the proposed budget for FY2024 is \$2,203,115. The proposed budget includes an additional \$110,831 for Personnel Expenditures and a reduction of \$458,068 (which was for one-time funding of outside counsel, rent for office space, and Executive Search firm services). The proposed budget for the Commission is reduced by \$347,237. This includes an increase for the General Counsel position so that the Commission has (1) FTE position budgeted in FY2024 instead of .50 FTE which was in the adopted budget for FY2023.

- D. Other Items/Reminders – None

XII. COMMISSIONER ANNOUNCEMENTS/COMMENTS – None

XIII. CLOSED SESSION (Not Open to the Public)

- A. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
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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 (2)
- III. Category II Case Audit Reports (0)
- IV. Discipline Reports (14)
- V. Case Review Team Reports (5)
- 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)

- XIV. REPORT OUT FROM CLOSED SESSION (7:25pm) Acting Chair Doug Case reported that the interim Commission recommended that the Policy Committee of the new Commission look at the issue of how third-party complaints are handled.
- XV. NON-AGENDA PUBLIC COMMENT: none
- XVI. ADJOURNMENT: The meeting was adjourned at 7:30pm.