



Office of the Commission on Police Practices

COMMISSION ON POLICE PRACTICES
REGULAR MEETING MINUTES

Saturday, October 7, 2023

10:00am

Logan Heights Branch Library

567 S 28th Street

San Diego, CA 92113

Click <https://youtu.be/tsJqiqh9ENC> 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
Bonnie Benitez
Alec Beyer
Cheryl Canson
Dwayne Harvey
Brandon Hilpert
Darlanne Hoctoer-Mulmat

Clovis Honore
James Justus
Dennis Larkin
Lupe Lozano-Diaz
Mark Maddox
Yvania Rubio

Absent/Excused:

Nicole Murray-Ramirez
Jaylene Sanchez
Christina Griffin-Jones
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
Alina Conde, Executive Assistant
Jon’Nae McFarland, Administrative Assistant

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- I. CALL TO ORDER/WELCOME: Chair Gloria Tran called the meeting to order at 10:05am.
 - A. Chair Tran shared highlights from the Chair Report (attached to the minutes).

- 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 September 12, 2023
Motion: Commissioner James Justus moved for the Commission to approve the amended CPP Regular Meeting Minutes of September 12, 2023.
Commissioner Alec Beyer seconded the motion. The motion passed with a vote of 17-0-0.
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Aziz, Aguilar, Benitez, Beyer, Canson, Harvey, Hilpert, Hoctor-Mulmat, Honore, Justus, Larkin, Lozano-Diaz, Maddox, and Rubio
Nays: None
Abstained: None
Absent/Excused: Griffin-Jones, Murray-Ramirez, Sanchez, and Villa De La Cruz
- B. CPP Regular Meeting Minutes of September 19, 2023
Motion: Commissioner Bonnie Benitez moved for the Commission to approve the amended CPP Regular Meeting Minutes of September 19, 2023.
Commissioner Alec Beyer seconded the motion. The motion passed with a vote of 17-0-0.
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Aziz, Aguilar, Benitez, Beyer, Canson, Harvey, Hilpert, Hoctor-Mulmat, Honore, Justus, Larkin, Lozano-Diaz, Maddox, and Rubio
Nays: None
Abstained: None
Absent/Excused: Griffin-Jones, Murray-Ramirez, Sanchez, and Villa De La Cruz
- V. NON-AGENDA PUBLIC COMMENT: No public comment received.
- VI. NEW BUSINESS (DISCUSSION/ACTION) – None
- VII. EDUCATIONAL TOPICS
- A. Outside Counsel Duane Bennet presented an overview of the Ralph M. Brown act. **Audio was cut off due to technical issues from (Timestamp 14:37-27:30). Please see the attached PowerPoints for the presentations.* Outside Counsel Duane Bennett presented on closed sessions and the duty/requirement of confidentiality and impartiality.
In-person Public Comment: None

Virtual Public Comment:

Brandie James (Timestamp 37:11) references San Diego Police Department's policies and procedures 1.10. Requesting confirmation of CPP review of investigations.

Darwin Fishman (Timestamp 39:52) comments the history of the CRB voting in favor of IA Findings. Encourages CPP to be independent and to use the tools that are available.

- B. 2nd Vice Chair Case and Outside Counsel Duane Bennet presented on "How to Review a Case." (Timestamp 44:30) 2nd Vice Chair Doug Case presented on complaints and internal affairs process. Outside Counsel Duane Bennett presented on CPP Review of cases.

In-person Public Comment: None

Virtual Public Comment:

Francine Maxwell (Timestamp 1:06:22) would like clarification on whether the CPP will still conduct an internal investigation even if the subject officer has resigned.

Brandie James (Timestamp 1:08:02) requests clarification on whether the CPP investigates all IA complaints or only IA complaints that could lead to an appeal.

- C. Outside Counsel Duane Bennett presented on the topic of Fourth Amendment: Searches, Arrests, and Use of Force. (Timestamp 1:16:30)

In-person Public Comment: None

Virtual Public Comment:

Darwin Fishman (Timestamp 1:49:40) spoke about the CPP not taking action regarding the banning of the Carotid Restraint.

**In the Citizens' Review Board (CRB) meeting of October 30, 2018, the board made a recommendation to remove the Carotid Restraint from SDPD's Use of Force Department Procedure 1.04.*

Recommendation that SDPD remove the Carotid Restraint from SDPD's Use of Force Department Procedure 1.04 for Active Resistance Behavior and retain for Assaultive or Life-Threatening Behavior. If SDPD uses the Carotid Restraint on a person, the person must be transferred immediately to a medical facility - Chief Nisleit explained why he will not remove the carotid restraint as a tool for officers to use when someone engages in Active Resistance. He explained that when you remove a lower-level force option, the officers would have to take it up a notch using a higher-level force option. Chief Nisleit explained the difference between the chokehold and carotid restraint. The chokehold uses front neck pressure that cuts off the air supply and the carotid restraint restricts the vascular veins of the neck cutting off blood flow which renders the person unconscious fast. The City of San Diego has not had any deaths from the carotid restraint being applied since 1992. It is a two-officer technique.

<https://www.sandiego.gov/sites/default/files/crbminutes181030.pdf>

VIII. Break/Lunch

IX. 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)

- X. REPORT OUT FROM CLOSED SESSION: (3:27pm): Outside Counsel Duane Bennett reported that the Commission voted unanimously to add open agenda items for discussion. 2nd Vice Chair Doug Case explained that the agreement was to add trainings to future meetings. Additionally, to add one or more community forum(s) by June 30th, 2024, regarding SDPD's policies and practices on pretextual stops, 4th amendment waiver searches, the Special Operations Unit methodologies, and de-escalation policies and trainings. SDPD Leadership should be invited to participate. The purpose of the forums is to inform the Commission on developing recommendations for these issues.
- XI. ADJOURNMENT: The meeting was adjourned at 3:29pm.