

Office of the Commission on Police Practices

**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 (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

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- 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.