

COMMISSION ON POLICE PRACTICES AGENDA

Wednesday, January 17, 2024

4:30pm-7:30pm

REGULAR MEETING (Hybrid)

Balboa Park Santa Fe Room

2144 Pan American W. Road

San Diego, CA 92101

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

Staff: Outside Counsel Duane Bennett, Interim Executive Director Danell Scarborough, Chief Investigator Olga Golub, Community Engagement Coordinator Yasmee 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_2RwQGvDoTty1B3jf5xXCIQ

Meeting ID: 160 749 5883

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. CALL TO ORDER/WELCOME (Chair Gloria Tran)
- II. ROLL CALL (Executive Assistant Alina Conde)
- III. CABINET REPORT (Chair Gloria Tran)
 - A. Cabinet Statement
 1. Retreat and Meeting Protocol
 2. Commissioner Comment from 1/4 Meeting
 - B. Chair Report
 1. CPP and IA Meeting Report
- IV. 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.
- V. APPROVAL OF MEETING MINUTES (Chair Gloria Tran)
 - A. CPP Regular Meeting Minutes of January 3, 2024
- VI. CLOSED SESSION
 - A. Public comment
 - B. Outside Counsel Duane Bennett – Lead CPP into Closed Session

(Not Open to the Public)

- C. 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 announced and posted on the Commission's website at www.sandiego.gov/cpp.

- 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 (1)
- 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 FROM CLOSED SESSION (Outside Counsel Duane Bennett)

VIII. NEW BUSINESS (DISCUSSION)

- A. Body Worn Camera Policy (Outside Counsel Duane Bennett)
 - 1. Public Comment
 - 2. Discussion
 - 3. Recommendations
- B. Role of Commissioners in Complaint Process (Outside Counsel Duane Bennett)
 - 1. Public Comment
 - 2. Discussion
- C. CPP Meeting Calendar
 - 1. Public Comment
 - 2. Discussion
 - 3. Action

IX. AD HOC COMMITTEE REPORTS

- A. Ad Hoc Training Committee (Co-Chair Darlanne Mulmat)
 - 1. DRAFT On-boarding Training
 - 2. Public Comment
 - 3. Discussion
 - 4. Action
- B. Ad Hoc Operating Procedures Committee (Co-Chair Doug Case)
 - 1. DRAFT Disciplinary Review Operating Procedures

2. Public Comment
 3. Discussion
 4. Action
- C. Ad Hoc Personnel Committee (Chair Dennis Brown)
1. Update on Executive Director Hiring Process

X. NON-AGENDA PUBLIC COMMENT

Fill out and submit comment using speaker form or [webform](#). Please see instructions at the beginning of this agenda.
(Community Engagement Coordinator Yasmeen Obeid)

XI. COMMISSIONER COMMENTS

XII. ADJOURNMENT

Materials Provided:

- DRAFT Minutes from Regular Meeting on January 3, 2024
- Body Worn Camera Policy
- CPP Meetings Calendar
- DRAFT Onboarding Procedures
- DRAFT Disciplinary Review Operating Procedures
- Ad Hoc Personnel Committees Update on Executive Director Hiring Process

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, January 3, 2024

4:30pm-7:30pm

**Balboa Park Santa Fe Room
2144 Pan American W. Road
San Diego, CA 92101**

Click https://youtu.be/e8yAc_OLXBE to view this meeting on YouTube.

Commissioners Present:

Chair Gloria Tran

1st Vice Chair Dennis W. Brown

2nd Vice Chair Doug Case (Virtual)

Octavio Aguilar

Laila Aziz (Arrived at 5:57pm)

Bonnie Benitez

Alec Beyer

Lupe Diaz

Christina Griffin-Jones

Dwayne Harvey (Arrived at 5:01pm)

Brandon Hilpert

Clovis Honore

James Justus

Darlanne Mulmat

Absent:

Nicole Murray-Ramirez

Jaylene Sanchez

Dalia Sherlyn Villa De La Cruz

Excused:

Cheryl Canson

Dennis Larkin

Mark Maddox

Yvania Rubio

Staff Present:

Danell Scarborough, Interim Executive Director

Duane Bennett, CPP Outside Counsel (Virtual)

Olga Golub, Chief Investigator

Alina Conde, Executive Assistant

Jon’Nae McFarland, Administrative Assistant

Yasmeen Obeid, Community Engagement Coordinator

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- I. CALL TO ORDER/WELCOME: Chair Gloria Tran called the meeting to order at 4:54pm.

 - II. ROLL CALL: Executive Assistant Alina Conde conducted the roll call.
Motion: Chair Tran moved for Commissioner Case to attend the meeting virtually. The motion passed with a vote of 11-0-0.
Yays: Chair Tran, 1st Vice Chair Brown, Aguilar, Benitez, Beyer, Diaz, Griffin-Jones, Hilpert, Honore, Justus, and Mulmat.
Nays: None

Abstained: None

Absent: Aziz, Canson, Harvey, Larkin, Murray-Ramirez, Rubio, Sanchez, and Villa De La Cruz

III. OFFICE OF THE COMMISSION ON POLICE PRACTICES:

A. Staffing Update – Introduction of new CPP Interim Executive Director Danell Scarborough (**Timestamp 3:33**)

IV. 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.

V. APPROVAL OF MEETING MINUTES

A. CPP Regular Meeting Minutes of December 12, 2023

Motion: Commissioner Brandon Hilpert moved to approve the CPP Regular Business Meeting Minutes of December 12, 2023. Commissioner Bonnie Benitez seconded the motion. The motion passed with a vote of 12-0-0.

Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Aguilar, Benitez, Beyer, Diaz, Griffin-Jones, Hilpert, Honore, Justus, and Mulmat.

Nays: None

Abstained: None

Absent: Aziz, Canson, Harvey, Larkin, Murray-Ramirez, Rubio, Sanchez, and Villa De La Cruz

VI. CLOSED SESSION (NOT OPEN TO THE PUBLIC)

A. Public Comment – None

B. Outside Counsel Mr. Duane Bennett – Lead CPP into Closed Session

C. 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.

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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 (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) |
| IX. | Disciplinary Memo Reviews – Chief Investigator Olga Golub (5 minutes) |

VII. REPORT OUT FROM CLOSED SESSION (6:15pm): Outside Counsel Duane Bennett reported that the Commission voted unanimously to agendize the Department's usage and practices regarding body-worn cameras, buffering and engagement of the cameras; and to consider policy recommendations.

VIII. NEW BUSINESS

A. Permanent Executive Director Hiring Process Update (1st Vice Chair Brown)

1. Public Comment: (**Timestamp 18:07**) Kate Yavenditti requests for the Commission to not only have qualifications for hiring the director but also for those that will be involved in the hiring, interviewing, and recruitment process. There will eventually be a discussion about involving the community in the interview process. Ms. Yavenditti recommends for the Commission to reach out to community advocate Patrick Anderson who has a wide list of contacts. Ms. Yavenditti also expressed concern regarding the requirement of a master's degree or a law degree as it is too restrictive.

2. Discussion

Commissioner Darlanne Mulmat presents the Characteristics of the Executive Director

- Extensive knowledge of and previous experience in Civilian Oversight of Law Enforcement, including (though not required) in the city of San Diego.
- A thorough understanding of and commitment to the San Diego Model of Civilian Oversight and awareness of national trends.
- A demonstrated ability to work in a cooperative, collaborative, non-adversarial environment where "win-win" is the preferred outcome.
- Previous administrative and managerial experience.
- A strong knowledge and understanding of the laws and regulations governing a police department (e.g., the San Diego Police Department).
- A high level of political acumen and ability to operate in an apolitical manner.
- A demonstrated commitment to principles of equity, inclusion, diversity, and cultural awareness.
- Experience with managing large diverse groups (including those that are, racially, religious, immigrant, LGBTQ, and gender diverse and unique) and ability to identify individual needs within those groups.

- Well-developed facilitation skills to help resolve differences between Commission Members as well as between the Commission and San Diego Police Department.
- Knowledge of and ability to apply Brown Act requirements while ensuring open government and access.
- Strong quantitative analytical abilities, including a thorough understanding of common data analysis tools and programs.
- Strong interpersonal skills.
- Ability to communicate effectively, both in writing and verbally to different audiences, including elected officials, various levels of City management and members of the public.
- Ability to comprehend technical details and understand how they relate to and impact the "big picture".
- Proven track record of maintaining confidentiality.
- Previous experience in conflict resolution and mediation.
- Office management responsibilities: ability to delegate, understand individual needs of staff and supportive of team, open to receiving criticism from staff.
- Responsibility is related to commissioners: Committed to independence of Commission.
- Team player
- Problem solver
- Good communication skills
- Technology proficient (e.g., Microsoft Office products, Zoom), ability to use advanced methods.
- Several years of relevant combined education and or experience in civilian oversight of law enforcement, criminal investigation, or related fields.
- 5+ years of experience in community engagement, particularly in a leadership or position of trust in the community.
- Master's degree or professional law degree from an accredited college or university.

Commissioner Clovis Honore presents the Community Input Recommendations

- Invite community organizations in writing, by flyer, by internet communication, and verbally, to attend a centrally located CPP meeting dedicated to gaining community input about characteristics desired for the Executive Director.
- Community input on the Executive Directors position, have those willing, to discuss what they believe the focus of this commission should be. – Bullet to be deleted per vote.
- Starting in early January, ask office staff, specifically the Community Outreach Coordinator, to contact and invite representative community organizations to participate.
- Ask if there is additional help needed by this individual. Ask City Council member staffs to provide assistance with these contacts.
- Publicize this/these meetings through all community groups, (e.g., community planning groups, community-based organizations, libraries, etc.)

- Ensure that communities that are most greatly impacted by complaints of police interactions (i.e., Southeast San Diego, Barrio Logan, MidCity and Downtown) are given special opportunity to participate in these discussions by providing additional abilities to provide input.
- NACOLE sites on how other organizations are obtaining community participation. – Bullet to be deleted per vote.
- Consider having Town Hall meetings similar to how the City Council meetings interact with their communities.

3. **Motion: Commissioner Honore moved that the Commission on Police Practices accepts the Personnel Committee’s recommendations on how to generate community input toward the hiring of the Executive Director. As presented on the slides with the two exceptions (see above for the deleted bullets 2 and 6 - Community Input Recommendations) the 1st Vice Chair Brown made. Seconded by Aziz. The motion passed with a vote of 14-0-0. Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Aguilar, Aziz, Benitez, Beyer, Diaz, Griffin-Jones, Harvey, Hilpert, Honore, Justus, and Mulmat.**

Nays: None

Abstained: None

Absent: Canson, Larkin, Murray-Ramirez, Rubio, Sanchez, and Villa De La Cruz

B. Outside Investigator Update (Outside Counsel Bennett)

Mr. Bennett reported we are still waiting to work out the meet and confer regarding handing the cases to the outside investigator.

1. Public Comment – None
2. Discussion – None

C. Direct Commissioner City Emails on CPP Website (Chair Tran)

Follow up from 12/12/23 meeting.

1. Public Comment – None
2. Discussion
3. It was discussed whether to put Commissioner’s City email on the CPP website. Some Commissioners thought the CPP email was sufficient and if the public wanted to reach a specific Commissioner, they can indicate that in the email.

4. **Motion: Chair Gloria Tran moved to table this item for staff to thoroughly research best practices in oversight bodies around the country. 1st Vice Chair Dennis Brown seconded the motion. The motion passed with a vote of 14-0-0.**

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

Nays: None

Abstained: None

Absent: Canson, Larkin, Murray-Ramirez, Rubio, Sanchez, and Villa De La Cruz

IX. AD HOC COMMITTEE REPORTS

A. Training Committee – Committee Chair Brandon Hilpert stated that the committee was going to propose an Onboarding Training, but due to holidays there is no physical document prepared. He suggested to have it tabled for the

next meeting.

1. Discussion – None

2. Action – Tabled

B. Bylaws Committee Update DRAFT Bylaws – Commissioner Alec Beyer briefly stated that Committee Chair Mark Maddox is currently collating the comments of the Commission that were submitted after the last meeting in December. If there are any changes, he will present the revised draft Bylaws to the Commission.

1. Discussion – None

2. Action – Tabled

C. Operating Procedures Committee Update – Co-Chair Doug Case reported that the Committee has finalized the Discipline Review Procedures. They have received some feedback from CPP Outside Counsel Duane Bennett and will finalize that at the next Committee meeting which is going to be on January 17th at 4:30pm. The next Committee meeting will focus primarily on Investigation Procedures.

X. NON-AGENDA PUBLIC COMMENT: None

XI. COMMISSIONER COMMENTS:

(Timestamp 55:57) Commissioner Dwayne Harvey made a comment regarding an incident with SDPD. Mr. Harvey reported that during the SDPD Bus Tour for academy cadets, the cadets were told that they may encounter members of the Harvey family at police situations. Further informing them of how Mr. Harvey, his family, and Tasha Williamson participate in the community regarding police stops. This item will be addressed in a future meeting.

(Timestamp 1:02:42) Commissioner Clovis Honore wants to flag attention to and requests next steps for those Commissioners whose one-year term will be ending soon. Chair Tran said she would contact City Council and report the results.

(Timestamp 1:03:36) Commissioner James Justus informed the Commission and the community that there is a program through SDPD that will give out a voucher to someone who gets pulled over for a fix it ticket. This voucher can be used at a local auto shop to fix the issue instead of giving out a ticket.

(Timestamp 1:07:32) Commissioner Laila Aziz asked what happens if a commissioner witnesses potential misconduct and how would a commissioner go about submitting a third-party complaint. This item will be added to a future agenda for further discussion.

XII. ADJOURNMENT: The meeting adjourned at 7:31pm.

SAN DIEGO POLICE DEPARTMENT PROCEDURE

DATE: JUNE 3, 2020
NUMBER: 1.49 - ADMINISTRATION
SUBJECT: AXON BODY WORN CAMERAS
RELATED POLICY: N/A
ORIGINATING DIVISION: OPERATIONAL SUPPORT
NEW PROCEDURE:
PROCEDURAL CHANGE: **MINOR CHANGES**
SUPERSEDES: DP 1.49 03/08/2018

I. PURPOSE

This Department procedure establishes guidelines for Department members using body worn cameras and procedures for preserving the digital media in Evidence.com.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

Law enforcement's use of in-car cameras and body worn cameras has proven effective in reducing violent confrontations and complaints against officers. Cameras provide additional documentation of police/public encounters and may be an important tool for collecting evidence and maintaining public trust. There is also a learning curve that comes with using body-worn cameras. Video cannot always show the full story nor does it capture an entire scene. The use of cameras does not reduce the requirement to provide thorough written documentation. Persons reviewing recordings must also be cautious before conclusions are reached about what the video shows.

The Body Worn Camera system operates on rechargeable battery power for up to twelve hours of continuous buffering and records up to ten hours of continuous video and audio media. The user can view recordings and add metadata from monitors, computers, and smart phones by downloading a specific software application.

IV. **DEFINITIONS**

Body Worn Camera (BWC) – A camera worn on an individual officer’s person that records and stores audio and video.

Buffering Mode or Standby Mode – The BWC is on but has not been activated to record both sound and video. While in the buffering mode, the camera will continuously record only video in two minute loops.

NEW

BWC Program Administrator (Operational Support) – Police Department program administrator for Evidence.com and TASER Axon camera system with full access to user rights and sets user access and parameters.

NEW

Digital Evidence – BWC files, including photographs, audio recordings and video footage, captured by a BWC and stored digitally.

Event Mode – When the “Event” button on the BWC is activated and the camera is recording both audio and video. The buffered video (not audio) captured directly before the event will be saved and attached to the event in permanent memory. Repeated pressing of the Event button turns the recordings on and off and creates separate media segments.

NEW

Evidence.com – A digital evidence management service contracted for the city and accessed at Sdpd.evidence.com. The service stores digitally encrypted data in a highly secure environment accessible to personnel based on security clearance.

NEW

Metadata – Case numbers, Incident numbers, and other descriptors used to identify digital evidence. There are 12 searchable fields into which this metadata can be entered.

Taser’s Evidence Docking Station (EDS) – A portable multi-ported docking station installed at area commands. The EDS simultaneously recharges the BWC while uploading all digitally encrypted data from the device. The docking station then transfers the digitally encrypted data to Evidence.com.

V. **PROCEDURE**

A. Officer safety and public safety take precedence over recording events.

Officers shall follow existing officer safety policies when conducting enforcement stops as outlined in Department policies and procedures. Officer safety and the safety of the public shall be the primary considerations when contacting citizens or conducting vehicle stops, not the ability to record an event.

B. **Body Worn Cameras shall be used to capture audio and visual evidence for investigations and enforcement encounters. Officers shall not provide narration or dictate their actions to the camera.** Detailed police reports are still required and are the appropriate place to document the totality of the circumstances for the incident.

C. General

1. Only authorized personnel shall use or be in possession of a BWC device.
2. All officers issued a BWC are required to wear and use their BWC while working in any uniformed assignment. This applies to overtime assignments, out of class assignments and special details (11-86).
3. BWC equipment is for official use only and shall not be utilized for personal use.
4. Officers shall not tamper with or dismantle any hardware or software component of any BWC device.
5. The use of any other personal recording device for the same purpose is not authorized without permission of the Chief of Police or designee.
6. **All digital evidence collected using the BWC is considered an investigative record for the San Diego Police Department and is for official use only.**
7. Accessing, copying, forwarding or releasing any digital evidence for other than official law enforcement use and contrary to this procedure is strictly prohibited. Public release of digital evidence is prohibited unless approved by the Chief of Police or designee.
8. Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a secondary recording device such as video camera, cell phone or other device to record or capture digital evidence from Sdpd.evidence.com is strictly prohibited.

D. Storage

When not in use, the BWC devices shall be stored in the designated EDS. Officers shall ensure the BWC is properly seated into the EDS to allow for proper downloading, charging, and updating.

E. **Pre-shift inspection**

1. **Officers shall inspect their assigned BWC devices daily to ensure there is no visual damage and the device is in working order.**
2. Visual damage shall be logged on to the officer's MCT (Mobile Computer Terminal) as a journal entry.
3. **Inoperable equipment shall be tagged and returned to Operational Support immediately. If Operational Support is closed, the equipment shall be returned by the start of the officer's next work day.**

F. **Camera Position**

Officers shall wear the BWC above the midline of their torso. Officers shall utilize their viewers to ensure the BWC is in a position where the field of view provides for effective recording. Officers shall not intentionally obscure the view of their body worn camera.

G. **Equipment Repair, Replacement, and Maintenance**

1. When a BWC malfunctions, the officer will notify his or her supervisor and Operational Support.
2. The officer will note the nature of the malfunction in his or her journal.
3. The inoperable equipment will be taken to Operational Support for repair immediately. If Operational Support is closed, the equipment shall be returned by the start of the officer's next work day.
4. If Operational Support cannot repair the unit, the manufacturer will be contacted to facilitate the repair. Repair and replacement of damaged or nonfunctional BWC equipment is coordinated through Operational Support and performed through an authorized service provider.
5. This procedure will be followed for all BWC related equipment and accessories.

H. Privacy Concerns and Advisements

1. Private Citizens do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer's official duties, even when the contact is in a private residence. When officers are lawfully present in a home (warrant, consent, or exigent circumstances) in the course of official duties, there is no reasonable expectation of privacy. Therefore, officers are not required to give notice they are recording. However, if asked, officers shall advise citizens they are being recorded.
2. Officers are not required to initiate or cease recording an event, situation or circumstance solely at the demand of a citizen.
3. Officers and supervisors involved in the investigation of a complaint against a member of the police department must inform complainants and complaint witnesses they are being recorded.

I. Mandated Recordings

1. Enforcement Related Contacts
 - a. All officers who are issued a BWC shall keep their BWC on Buffering Mode/Stand-by Mode while on duty, except during instances listed in this procedure under Prohibited Recordings. Keeping the BWC on Buffering/Stand-by Mode allows officers to capture pre-event recordings when the Event Mode is activated.
 - b. Officers shall use the Event Mode to record enforcement related contacts. The Event Mode shall be activated prior to actual contact with the citizen, or as soon as safely possible thereafter, and continue recording until the contact is concluded or the contact transitions from an enforcement contact into intelligence gathering.
 - c. Officers shall begin recording in the event mode while driving to a call that has the potential to involve an enforcement contact.
 - d. Officers are strongly encouraged to inform citizens they are being recorded in an effort to de-escalate potential conflicts.
 - e. Enforcement related contacts include the following: Traffic stops, field interviews, detentions, arrests, persons present at radio calls who are accused of crimes, and consensual encounters in which the officer is attempting to develop reasonable suspicion on the subject of the encounter.

NEW

- f. Covering another City employee or law enforcement officer during an enforcement contact, including, but not limited to, PISOs, Parking Controllers, etc.
- g. Officers responding to traffic collisions.
- h. Officers working plain clothes assignments are exempt from this policy.

2. **Arrests**

- a. **Officers may stop recording in the event mode when the arrestee is cooperative and safely secured inside a law enforcement facility. If an arrestee becomes uncooperative, or if there is some evidentiary purpose, officers should resume recording in the event mode.**
- b. If an officer resumes recording in the event mode, the camera shall remain in event mode until the officer no longer has contact with the subject.

3. **Searches**

- a. **When searching a prisoner and without sacrificing officer safety, it is advantageous to position the search so that it is captured on camera. This starts the chain of custody by allowing any contraband or weapons found to be documented on the BWC recording.**
- b. Officers should record during the execution of a search warrant, an arrest warrant, a Fourth Amendment waiver search, knock and talk, or a consent search in which the officer is looking for a suspect, evidence or contraband.
- c. During searches of commercial buildings or residential dwellings when there is a strong indication of encountering a suspect, while keeping officer safety as the primary concern, officers should activate their body worn cameras prior to making entry into the building. The recording of a suspect confrontation normally outweighs tactics potentially shown in the recording.

4. **Transporting Prisoners**

- a. **Officers equipped with BWC will record all prisoner or passenger transports, regardless of the gender of the prisoner or passenger.**

The entire transport will be recorded. Two officer units will be required to record with at least one BWC during transports.

- b. Officers equipped with a body worn camera may transport a female passenger and or prisoner without the required second officer if the body worn camera is recording during the entire transport.
- c. In addition to recording with their BWC, officers transporting female passengers and prisoners shall notify the radio dispatcher of their beginning mileage and ending mileage.

5. Suspect Interviews

- a. Officers are encouraged to fully record suspect interviews. Officers shall not stop and start the recording during a suspect interview.

The only exception to recording a suspect interview would be if the suspect declines to make a statement due to the body worn camera being activated.

- b. When recording interviews, officers shall ensure they record any admonishments prior to the start of an interview.

6. Special Events

When directed to work a special event, officers shall retrieve and use their BWCs. Officers shall comply with the provisions of this Department Procedure.

7. Deactivation of BWC

- a. Officers assigned BWCs will occasionally assist specialized investigative units and agencies in sensitive operations where confidentiality is imperative to the operation. If there is a specific reason in the interest of the investigation for officers involved in the operation to not activate their BWCs, the supervisor in charge must give his or her approval.
- b. Absent any specific reason to not activate the BWC approved by the supervisor in charge, officers shall record any instances listed in this procedure.
- c. If a supervisor orders an officer to turn off their camera during an enforcement contact, that officer will document that order on an

Arjis-9 explaining the specific reason why the BWC was not activated.

- d. Additionally, a supervisor who gives an order to an officer to turn off their BWC during an enforcement contact will also be responsible for documenting the reason on an Arjis-9.
- e. Officers will always document why the BWC was intentionally deactivated during an enforcement contact.

J. Recommended Recordings

1. Victim and Witness Interviews

NEW

- a. Victim and witness interviews will generally not be recorded, subject to the exceptions below.
- b. Domestic violence victims often recant their statements as early as the following morning after a crime. Some victims go so far as to testify that the officer fabricated their statement. Victims may also make their children unavailable for investigators or court to avoid their providing statements. For these reasons, all domestic violence victims and witnesses should be recorded. Officers should also record the statements of children of domestic violence victims who are witnesses in these types of cases.

NEW

- c. Victims of sexual assault experience psychological, emotional, and physical trauma. Some sexual assault victims are victimized while under the influence of intoxicating substances. Video evidence of victims who are under the influence can be powerful evidence used to further an investigation. Furthermore, victims of sexual assault are often first contacted while in a heightened emotional state due to the trauma of the assault. Officers responding to the initial call for service are asked to conduct thorough fact-finding interviews. As a result, video documentation of the victim's first disclosure, ensuring the investigative questions were not leading, would be invaluable. Video of the victim's and witnesses' emotional and physical state can also be powerful evidence. For these reasons, all victims and witnesses of sexual assault should be recorded.

NEW

- d. Child abuse victims experience psychological, emotional, and physical trauma. These victims are often incapable of articulating detailed accurate statements and resort to gesturing or pantomime to convey their thoughts. Those gestures are sometimes not adequately described in the written report, causing them to lose their meaning and power. At times, the parent(s) or guardian(s) of

the victims will not cooperate with a forensic interview, making the initial disclosure of utmost importance. Officers responding to the initial call for service are asked to conduct minimal fact-finding interviews in compliance with DP 3.13 (V) (D) (3). As a result, video documentation of the victim's first disclosure, ensuring the investigative questions were not leading, would be invaluable. Video evidence of the emotional state and reaction of the victim, witnesses, and other parties involved is an important piece of evidence. With cases involving child neglect, or dangerous living environments, video of the scene at the time of the initial contact can be critical for successful prosecution. For these reasons, all victims and witnesses of child abuse should be recorded.

- e. When necessary to obtain cooperation, officers may position the BWC so they capture only audio, and not video, of the person making the statement.
- f. Elder Abuse victims will sometimes recant or change their statements. The most common reasons are because the victims may feel embarrassed, or desire to protect the alleged abuser who is often a family member or caregiver, or may suffer from a memory-related illness which hinders the ability to recall portions of or most of what was told to officers initially. For these reasons it is highly recommended and encouraged to record all victim and witness statements whenever possible.

2. Scene Documentation

Officers occasionally respond to dynamic and chaotic crime scenes. The initial encounters with the victim, and witnesses, including their location and any spontaneous statements made, can be important to the overall investigation. Therefore, officers may use their BWCs to record these types of scenes for evidentiary purposes.

K. Prohibited Recordings

- 1. BWCs shall not be used to record non-work-related activity.
- 2. BWCs shall not be used to record in areas or activities such as pre-shift conferences, Department locker rooms, break rooms, restrooms, or other activities not related to an enforcement contact or a criminal investigation.
- 3. BWCs shall not be used during Department administrative investigations.
- 4. BWCs shall not be used during line-ups or briefings.

5. BWCs shall not be used during major crime briefings, homicide briefings, or during a homicide walk-through.
6. BWCs shall not be used during contact with confidential informants.
7. **Patient Privacy**
 - a. **Officers shall not record patients during medical or psychological evaluations by a clinician or similar professional, or during treatment. This includes during PERT clinician interviews.** Officers shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, officers shall be careful to avoid recording persons other than the suspect.
 - b. **Officers shall not record while in a facility whose primary purpose is to provide psychiatric or medical services unless responding to a radio call involving a suspect or taking a suspect statement.**
 - c. **Officers shall not regularly record while inside jail facilities.**
 - d. **However, in any setting, if confronting a violent or assaultive suspect, or in an anticipated use of force instance, officers shall, when reasonably able to do so, activate their BWCs to record the encounter.** BWC should be kept in Buffering/Stand-by Mode prior to the event.
8. **Demonstrations**
 - a. As a general policy, Department personnel should refrain from video recording or photographing peaceful demonstrations.
 - b. When there is reason to believe that a planned event has the potential for unlawful activity, Commanding Officers should make the determination whether visual recording or photographing is appropriate.
 - c. During demonstrations, officers should operate cameras in the buffering/Stand-by mode. If officers witness crimes occurring among the demonstrators and/or believe an arrest is likely, they should begin recording in the Event mode.
9. Officers shall not record informal or casual encounters with members of the public. Officers should consider that recording people in some circumstances may inhibit sharing neighborhood information or developing strong ties between members of the community and officers.

During these contacts, the BWC should be kept in Buffering/Stand-by Mode.

L. Entering Metadata

Each recorded segment requires metadata be entered, even if the segments are of the same event. All officers are required to add metadata at the conclusion of the event. The only exception is for officer safety reasons, at which time metadata should be added as soon as possible. Metadata consists of an identification field, retention category, and recording title. If an incident number exists, the complete incident number shall be input into the identification field. Absent an incident number, a citation number or field interview number may be used. Officers shall select the retention category that most accurately fits the recording. Recording titles may vary and include the location, crime type, or suspect name.

Viewing or adding metadata will not alter the video recording as it is protected with multiple layers of encryption on the aforementioned devices, the BWC itself and at Evidence.com.

M. Documentation of Recorded Events

NEW

All recordings shall be documented, such as in an ARJIS 9, citation, Field Interview, Traffic Warning, CAD incident history, or the officer's daily journal. Supervisor's reviewing and approving reports shall ensure officers properly document and record events.

1. ARJIS 2 and ARJIS 8 – Officers shall document the existence of BWC evidence as well as a short description of what the recording depicts in the narrative of the report. Additionally, “BWC Recording” shall be recorded in the Evidence section of the report.
2. ARJIS 9 – Officers shall document the existence of BWC evidence as well as a short description of what the recording depicts in the narrative of the report. Additionally, “BWC Recording” shall be recorded in the Property Tag section of the report.
3. Field Interview Slips and Traffic Warnings – “BWC Recording” shall be recorded in the narrative.
4. Traffic Citations – “BWC Recording” shall be recorded in the case number box near the top of all citations.
5. Other Reports – “BWC Recording” shall be recorded in the narrative.

6. Other Recordings – Non evidentiary recordings, such as inadvertent recordings, recordings initiated for training, or recordings with no associated report shall be documented on the officer’s journal.
 - a. Unless writing their own report, cover officers shall notate in their journal, and the CAD incident report. Additionally, they will notify the case agent of an incident that BWC evidence exists and provide a short description of what the recording depicts.

N. Impounding Procedures

After verifying the required metadata has been added to all recorded events, officers shall place the BWC into a slot on the EDS and ensure it is properly seated at the end of their shift. This will allow for the battery to recharge. The data will automatically be transferred from the BWC through the EDS to Evidence.com. The data is considered impounded at this point.

O. Retention of Digital Evidence

All recordings related to any criminal proceeding, claim filed, pending litigation, or a personnel complaint, shall be preserved until that matter is resolved and/or in accordance with the law. Officers and detectives are required to ensure that the BWC evidence is properly categorized for the necessary retention period.

P. Accessing Impounded Digital Evidence

1. All those given permission associated with Evidence.com may review digital evidence.
2. Using a Department computer, enter Sdpcd.evidence.com in the browser.
3. Enter assigned user name and password. For help with problems, contact the Department Program Administrator in Operational Support Administration.
4. Digital Evidence can be viewed and/or copied from this location.

Q. Reviewing Impounded Digital Evidence

1. Officers may review their own digital evidence. Digital evidence can provide a cue to an officer’s priming memory to recall more facts and greater detail of an incident.
2. Detectives are responsible for reviewing, updating and tracking digital evidence associated with their assigned cases.

3. Detectives and personnel assigned to investigative assignments (e.g., NRC Desk) are responsible for forwarding BWC video evidence to either the District Attorney or City Attorney's Evidence.com accounts. Digital evidence will be submitted at the same time the case file is submitted for prosecutorial review.
4. BWCs have a field of vision of either 75 degrees for the Flex or 130 degrees for the Axon. While human beings have a field of vision of 180 degrees, the human brain has a field of attention of 50-60 degrees. Under stress, this field can narrow down to a ½ degree. Stress also induces auditory exclusion and prevents the brain from analyzing and remembering all the stimuli that it takes in through the senses.

Officers make decisions based on the totality of the human senses. An officer's recollection of specific details may be different than what is captured in digital evidence since BWCs only capture audio and video.

Officers should review digital evidence prior to completing reports to assist in priming their recollection. Officers shall write their reports to what they remember and notate any discrepancies from what the recording shows. Officers shall not write their reports based solely on what they viewed from the BWC recording.

5. Officers shall review digital evidence prior to providing testimony at hearings, trial, or depositions.
6. It is NOT the intent of the Department to review digital evidence for the purpose of general performance review, for normal preparation of performance reports, or to discover policy violations.
7. Digital evidence may be viewed for administrative purposes limited to the following:
 - a. Any incident in which a member of the Department is injured or killed during the performance of their duties.
 - b. Any incident involving the use of force by a member of the Department, including canines, which results in injury or death.
 - c. Any in-custody death.
 - d. Any police pursuit.

- e. When any member of the Department intentionally or unintentionally discharges a firearm at a person regardless of whether an individual is struck.
 - f. When any member of the Department not involved in training intentionally or unintentionally discharges an ERIW at a person regardless of whether an individual is struck.
 - g. When any member of the Department not involved in training intentionally or unintentionally discharges a Conductive Energy Weapon at a person, including the application of a drive stun.
 - h. Officer involved traffic collisions.
 - i. Prior to the release of recordings in response to a proper legal request (e.g., in response to a subpoena or other court order).
 - j. In preparation for a civil deposition or responding to an interrogatory where the incident arises from the employee's official duties.
 - k. When preparing to testify in a criminal, civil, or administrative proceeding arising from the employee's official duties.
 - l. For investigations undertaken by the Department, for the purpose of proving or disproving specific allegations of misconduct.
 - m. For administrative proceedings, when digital evidence is used by the Department for the purpose of proving or disproving allegations of misconduct, only digital evidence relevant to the investigative scope shall be viewed and retained by investigators. Information relevant to the recordings viewed and seized as evidence by investigators shall be documented as part of the chronological summary of any investigation undertaken by the Department.
 - n. Supervisors should review BWC recordings to assist citizen's complaints. Supervisors have discretion to show BWC recordings to a complainant when it relates to his or her complaint, to assist in clarifying the complaint, resolving the complaint, or having the complaint withdrawn.
8. In situations where there is a need to review digital evidence not covered by this procedure, a captain or higher must approve the request. Each situation will be evaluated on a case by case basis.

VI. DISCOVERY OF MISCONDUCT

Employees reviewing event recordings should remain focused on the incident or incidents in question and review only those recordings relevant to their investigative scope. If improper conduct is suspected during any review of digital evidence, the person who discovered the conduct in question shall immediately notify a supervisor. The supervisor will report the conduct to the officer's commanding officer through the chain-of-command. Nothing in this procedure prohibits addressing policy violations.

VII. COPYING AND RELEASING DIGITAL EVIDENCE

Digital evidence captured by BWC shall be treated as an investigative record and handled pursuant to existing Department policies and procedures.

VIII. USE OF DIGITAL EVIDENCE FOR TRAINING PURPOSES

Officers and supervisors may find it useful, and are encouraged, to review recordings of incidents in which they were involved when beneficial for the purpose of conducting a tactical debrief. When an incident is recorded which may be of value as a training aid for a broad section of the Department, the recording officer or that officer's supervisor should receive approval from their commanding officer to contact the Training Captain who will review the digital evidence to determine the value of the incident for training. If the Training Captain determines the incident would be an appropriate training aid, the Training Captain shall obtain approval from the Department Legal Advisor and from the Assistant Chief of Training and Employee Development.

IX. SUPERVISORS RESPONSIBILITIES

A. Sergeant's Responsibilities

1. Sergeants who have personnel assigned to them who wear a BWC are required to conduct monthly inspections. The inspections will assure that the BWC is being used to record enforcement related contacts and other incidents set forth in this procedure. Inspection results will be entered and forwarded to the respective Lieutenant of the division for review and approval.

2. Sergeants will randomly select at least two dates each month that their employees were working to inspect the proper use of the officer's BWC. The supervisor will confirm that the number of enforcement contacts match up to the number of videos submitted. If the supervisor identifies a discrepancy, they will follow-up with the officer to determine the reason the videos submitted did not match up with the officer's number of contacts. If the supervisor is satisfied with the reason then no further action is required. If the supervisor feels a violation of this procedure occurred, appropriate action will be taken.
3. Sergeants will make sure that all BWC videos were uploaded and categorized with the appropriate metadata. All videos that are uncategorized will be immediately corrected by the officer. The supervisor will then re-inspect the BWC video to confirm the corrections were made.
4. Sergeants will select one video per day inspected and verify the officer is in compliance with DP 1.49 (I) (1) (c) which states, "Officers shall begin recording in the event mode while driving to a call that has the potential to involve an enforcement contact". While viewing the video, Sergeants are reminded to use the "Post a note" function located below the video. Under the "Post a note" heading, sergeants should enter "monthly inspection".
5. If during the inspection, the Sergeant determines that the officers BWC is not functioning properly, the BWC will be immediately returned to Operational Support Administration for repair and/or replacement.

B. Lieutenant's Responsibilities

1. Lieutenants will complete a BWC Divisional Monthly Inspection. The inspection form will be completely filled out to include all of the squads who work directly for the lieutenant.
2. Lieutenants will ensure the Sergeant's inspection forms are completed correctly. If a supervisor identifies a discrepancy, the lieutenant will follow up with the supervisor to ensure the discrepancy is corrected.
3. Inspection results will be entered and forwarded to the Captain of the division for review and approval.

C. Captain's Responsibilities

1. Captains will review their divisions BWC Monthly Inspection to ensure compliance of this policy.
2. The Captain will forward the BWC Inspection to their respective Chief.

3. Captains will be responsible for making sure that personnel who return to their command from an extended absence are re-issued a BWC and attend any needed BWC training.

X. BWC PROGRAM ADMINISTRATOR RESPONSIBILITIES

BWC Program Administrators shall be sworn members assigned to Operational Support. BWC Program Administrators are responsible for performing the following duties:

- A. Maintain and troubleshoot the BWC units.
- B. Maintain a record of assigned BWC and related equipment.
- C. Be proactive and able to complete minor repairs.
- D. Arrange for the warranty and non-warranty repair of the BWC units.
- E. Repair or replace BWC components (cameras, docking stations, etc.).
- F. Maintain BWC equipment repair and maintenance records.
- G. Update software and system settings as necessary.
- H. Train officers on current policy and the proper use of BWC units.
- I. Provide official copies of any recording audit trail when properly requested.
- J. Provide official copies of digital media when properly subpoenaed.

COMMUNITY REVIEW BOARD ON POLICE PRACTICES

COMMISSION ON POLICE PRACTICES MEETINGS CALENDAR

January 17, 2024 4:30pm-7:30pm	Regular Business Meeting Balboa Park – Santa Fe Room 2144 Pan American W. Road San Diego, CA 92101
January 27, 2024 4:30pm-7:30pm	Annual Planning Retreat College -Rolando Library 6600 Montezuma Road, San Diego, CA 92115
February 6, 2024 10:00am-2:30pm	*Regular Business Meeting Mission Valley Library 2123 Fenton Parkway, San Diego, CA 92108
February 7, 2024 4:30pm-7:30pm	Regular Business Meeting Balboa Park – Santa Fe Room 2144 Pan American W. Road San Diego, CA 92101
February 21, 2024 4:30pm-7:30pm	Regular Business Meeting Balboa Park – Santa Fe Room 2144 Pan American W. Road San Diego, CA 92101
March 6, 2024 4:30pm-7:30pm	Regular Business Meeting Balboa Park – Santa Fe Room 2144 Pan American W. Road San Diego, CA 92101
March 20, 2024 4:30pm-7:30pm	Regular Business Meeting Balboa Park – Santa Fe Room 2144 Pan American W. Road San Diego, CA 92101
March 23, 2024 10:00am-2:30pm	*Regular Business Meeting Mission Valley Library 2123 Fenton Parkway, San Diego, CA 92108
April 3, 2024 4:30pm-7:30pm	Regular Business Meeting Balboa Park – Santa Fe Room 2144 Pan American W. Road San Diego, CA 92101
April 17, 2024	Regular Business Meeting

4:30pm-7:30pm	Balboa Park – Santa Fe Room 2144 Pan American W. Road San Diego, CA 92101
April 20, 2024 10:00am-2:30pm	*Regular Business Meeting Mission Valley Library 2123 Fenton Parkway, San Diego, CA 92108
May 1, 2024 4:30pm-7:30pm	Regular Business Meeting Balboa Park – Santa Fe Room 2144 Pan American W. Road San Diego, CA 92101
May 15, 2024 4:30pm-7:30pm	Regular Business Meeting Balboa Park – Santa Fe Room 2144 Pan American W. Road San Diego, CA 92101
May 18, 2024 10:00am-2:30pm	*Regular Business Meeting Mission Valley Library 2123 Fenton Parkway, San Diego, CA 92108
June 5, 2024 4:30pm-7:30pm	Regular Business Meeting Balboa Park – Santa Fe Room 2144 Pan American W. Road San Diego, CA 92101
June 19, 2024 4:30pm-7:30pm	Regular Business Meeting Balboa Park – Santa Fe Room 2144 Pan American W. Road San Diego, CA 92101
June 22, 2024 10:00am-2:30pm	*Regular Business Meeting Mission Valley Library 2123 Fenton Parkway, San Diego, CA 92108
July 3, 2024 4:30pm-7:30pm	Regular Business Meeting Balboa Park – Santa Fe Room 2144 Pan American W. Road San Diego, CA 92101
July 20, 2024 10:00am-2:30pm	*Regular Business Meeting Mission Valley Library 2123 Fenton Parkway, San Diego, CA 92108
August 17, 2024 10:00am-2:30pm	*Regular Business Meeting Mission Valley Library 2123 Fenton Parkway, San Diego, CA 92108
August 21, 2024 4:30pm-7:30pm	Regular Business Meeting Balboa Park – Santa Fe Room

2144 Pan American W. Road San Diego, CA 92101

September 4, 2024
4:30pm-7:30pm

Regular Business Meeting
Balboa Park – Santa Fe Room
2144 Pan American W. Road San Diego, CA 92101

September 18, 2024
4:30pm-7:30pm

Regular Business Meeting
Balboa Park – Santa Fe Room
2144 Pan American W. Road San Diego, CA 92101

September 21, 2024
10:00am-2:30pm

***Regular Business Meeting**
Mission Valley Library
2123 Fenton Parkway, San Diego, CA 92108

October 2, 2024
4:30pm-7:30pm

Regular Business Meeting
Balboa Park – Santa Fe Room
2144 Pan American W. Road San Diego, CA 92101

October 5, 2024
10:00am-2:30pm

***Regular Business Meeting**
Mission Valley Library
2123 Fenton Parkway, San Diego, CA 92108

October 16, 2024
4:30pm-7:30pm

Regular Business Meeting
Balboa Park – Santa Fe Room
2144 Pan American W. Road San Diego, CA 92101

November 6, 2024
4:30pm-7:30pm

Regular Business Meeting
Balboa Park – Santa Fe Room
2144 Pan American W. Road San Diego, CA 92101

November 20, 2024
4:30pm-7:30pm

Regular Business Meeting
Balboa Park – Santa Fe Room
2144 Pan American W. Road San Diego, CA 92101

November 30, 2024
10:00am-2:30pm

***Regular Business Meeting**
Mission Valley Library
2123 Fenton Parkway, San Diego, CA 92108

December 4, 2024
4:30pm-7:30pm

Regular Business Meeting
Balboa Park – Santa Fe Room
2144 Pan American W. Road San Diego, CA 92101

December 7, 2024
10:00am-2:30pm

***Regular Business Meeting**
Mission Valley Library
2123 Fenton Parkway, San Diego, CA 92108

December 11, 2024
4:30pm-7:30pm

Regular Business Meeting
Balboa Park – Santa Fe Room
2144 Pan American W. Road San Diego, CA 92101

**Saturday meetings will be held only as needed.*

Commission on Police Practices (CPP) Training Academy - Onboarding

Component	Topic	Presentator(s)
1	Oath of Office & logistics (individual photos/bios; group photo; organization chart; CPP & OCPP rosters; policies/rules around communications social media, talking with media; orientation/onboarding manual)	City Clerk and CPP staff
	<i>OCPP Requirement</i>	
	Objective: Take the oath of office as required prior to conducting any official duties and handle logistical issues.	
	Purpose: Commissioners begin official business, including voting.	
2	Confidentiality requirements	CPP Legal Counsel
	<i>OCPP Requirement</i>	
	Objective: For Commissioners to learn the expectations of them to maintain confidentiality of cases, the complainant, witnesses, and officers outside of properly noticed closed session meetings.	
	Purpose: Commissioners are granted access to a host of confidential documents, reports, evidence etc. it is vital Commissioners understand the importance of keeping confidential details secret.	
3	Distribution of laptops and instructions for use	CPP staff
	<i>OCPP Requirement</i>	
	Objective: Teach Commissioners how to use City issued laptops, utilize email and calendar, and access relevant files.	
	Purpose: Provide Commissioners secure and confidential access to City email and calendar as required by the public records act, as well as Google Drive.	
4	Better Management Impact System-Tracking Commission Hours	OCPP Executive Assistant
	<i>OCPP Requirement</i>	
	Objective: For Commissioners to learn how to track their volunteer time.	
	Purpose: The CPP has historically been one of the most labor-intensive volunteer boards/commissions; as such, it is important for Commissioners to log their hours so we can show the amount of work that our volunteers provide to the city, and the amount of time and effort that goes into successful community oversight of law enforcement.	
5	Ralph M. Brown Act (public meeting laws)	CPP Legal Counsel
	<i>Requirement Related to Complaints</i>	
	Objective: For Commissioners to learn the requirements of California's Open Meetings legislation.	
	Purpose: Commissioners must understand the Brown Act and its requirements to ensure that the public has access to information about meetings, discussions and the thought-making process that the Commission engages in.	

Commission on Police Practices (CPP) Training Academy - Onboarding

Component	Topic	Presentator(s)
6	Parliamentary Procedure (public meeting laws)	CPP Parliamentarian
	<i>OCPD Requirement</i>	
	Objective: To assist in running a smooth meeting ensuring all commissioners have the ability to speak, raise questions, debate topics and make motions where the Commission can take formal action.	
	Purpose: To understand the rules of order (Robert's Rules) in running Commission meetings.	
7	Success Factors Training and Mandatory Trainings for City of San Diego staff/volunteers (i.e., Sexual Harassment Prevention, Cybersecurity in the Workplace, Public Records Act Compliance, and Administrative Regulations)	Success Factors
	Objective: To understand City of San Diego policies regarding sexual harassment prevention, cyber security, and public records compliance.	
	Purpose: Compliance with City of San Diego training requirements for all staff including volunteers.	
8	NACOLE Code of Ethics, Decorum City of San Diego Ethics Training through Success Factors Form 700	NACOLE Video and Success Factors
	<i>OCPD Requirement</i>	
	Objective: For Commissioners to learn the expectations of them with respect to personal integrity, independent and thorough oversight, transparency and confidentiality, respectful and unbiased treatment, outreach and relationship with stakeholders, agency self-examination and commitment to policy review, and primary obligation to the community, as well as conflicts of interest and how to use Success Factors, the system used by the City of San Diego to facilitate mandated training paid and volunteer personnel.	
	Purpose: Commissioners acting ethically as directed by NACOLE and the City of San Diego.	
9	City of San Diego Administrative Rules, Regulations & Requirements	CPP Legal Counsel
	<i>OCPD Requirement</i>	
	Objective: For Commissioners to learn and follow the City of San Diego's administrative rule, regulations, and requirements.	
	Purpose: Commissioners complying with the administrative rules, regulations and requirements of the City of San Diego, particularly with respect to equipment, email, servers, IT etc.	

Commission on Police Practices (CPP) Training Academy - Onboarding

Component	Topic	Presentator(s)
10	Overview of Community Oversight of Law Enforcement and Principles of Civilian Oversight of Law Enforcement	NACOLE Rep present Oversight 101 and record it
	<i>Requirement Related to Complaints</i>	
	<p>Objective: For Commissioners to learn about the evolution of civilian oversight nationally, including different models.</p> <p>Purpose: To provide background on how the San Diego Commission compares with similar organizations across the nation.</p>	
11	History of Oversight SDPD in the City of San Diego (including CPP and OCPP)	Panel with staff and community members (e.g., Women Occupy, Mid-City CAN, San Diegans for Justice)
	<i>Requirement Related to Complaints</i>	
	<p>Objective: For Commissioners to learn the background, origination (e.g., what things weren't working from the community's perspective), and purpose of civilian oversight of local police department activities, policies, and procedures.</p> <p>Purpose: To educate commissioners on how police oversight began in San Diego (including the community's perspective), what it has achieved since inception (e.g., inclusion of youth voices on the Commission) and what obstacles it has encountered locally.</p>	
12	CPP Implementation Ordinance and Charter (local government expectations of CPP), Implementation Timeline	CPP Staff
	<i>OCPP Requirement</i>	
	<p>Objective: For Commissioners to understand the foundation of the Commission, upon which the bylaws and procedures are based and government expectations.</p> <p>Purpose: Provide information about how the Commission fits within the City of San Diego.</p>	
13	CPP Bylaws	Chair of CPP Bylaws committee
	<i>OCPP Requirement</i>	
	<p>Objective: For Commissioners to understand the bylaws governing the Commission.</p> <p>Purpose: Commission functions smoothly due to a common understanding of how it is governed.</p>	

Commission on Police Practices (CPP) Training Academy - Onboarding

Component	Topic	Presentator(s)
14	<p>CPP Standard Operating Procedures (Intake Procedures, Investigative Procedures/Practices, Hearings/Meetings, Case Review, Communications, Policy Recommendations)</p> <p><i>OCPD Requirement</i></p> <p>Objective: For Commissioners to understand how the Commission functions operationally. Purpose: Commission operates smoothly due to a common understanding of procedures.</p>	<p>Chair of CPP Operating Procedures Committee</p>
15	<p>Police Officers Bill of Rights (POBAR)</p> <p>State Legislation (disclosure law)</p> <p><i>Requirement Related to Complaints</i></p> <p>Objective: For Commissioners to learn about the requirements dictated by the Police Officers Bill of Rights and the requirements that the Commission must adhere to under California law. Purpose: To know what the Commission can and cannot do under POBAR.</p>	<p>CPP Legal Counsel</p>

COMMISSION ON POLICE PRACTICES

Disciplinary Review Procedures

DRAFT

COMMISSION ON POLICE PRACTICES DISCIPLINARY REVIEW PROCEDURES

Departmental discipline that stems from complaints pertaining to alleged misconduct must be reviewed and evaluated by the Commission where there are sustained findings. Similarly, internal investigations into police misconduct resulting in sustained findings must be reviewed and evaluated by the Commission. Commission review into internal disciplinary matters is required regardless of whether a complaint has been filed.

In either situation, the Commission may exercise discretion in providing advisory recommendations or findings on discipline to the Chief of Police. Although the Commission must review and evaluate the discipline in these matters, the Commission is not required to make recommendations nor findings regarding disciplinary actions.

The Commission also has discretion whether to review or evaluate discipline of police officers arising from other matters not involving alleged misconduct. Such instances would not normally involve complaints, but might relate to performance related matters such as attention to duty, etc. In these situations, there is no requirement for the Commission to review the discipline, nor make recommendations or findings in the matters.

The Commission may establish a Discipline Review Panel, to be composed of Commission members and/or staff, to make recommendations to be considered by the full Commission.

I. Mandatory Review of Disciplinary Actions

- A. The Commission *must* review and evaluate *all* factual findings and evidentiary conclusions of the Police Department arising from Police Department investigations of alleged misconduct by police officers, including internal investigations not resulting from a complaint, and all disciplinary decisions proposed by the Chief of Police or designee following sustained findings of police officer misconduct.
- B. In order to fulfill this duty on a timely basis, within ten (10) calendar days after disciplinary decision by the Chief of Police or designee, the Department shall notify the Executive Director of the Commission and provide all supporting documentation including but not limited to the discipline imposed, a record of discipline for all previous offenses of the same misconduct type (as specified in the Department's Discipline Matrix) and documentation of any mitigating or aggravating circumstances considered by the Department. The Department will thoroughly explain and document any deviations from the Department's guidelines, as specified in the Department's Discipline Matrix (see Appendix A).
- C. The Commission's Discipline Review Panel shall evaluate the documentation provided by the Department and make a recommendation to the full Commission. The evaluation shall include, *but is not limited to*, a determination of whether the Commission concurs

with the discipline imposed by the Department.

- D. Within ten (10) calendar days after the Commission votes on the recommendation from the Discipline Review Panel, the Executive Director shall notify the Chief of Police of the Commission's actions.
- E. All Commission action shall be completed within the one year statute of limitations under the California Public Safety Officers Procedural Bill of Rights Act ("POBOR"; Reference Government Code §3304(d)).

II. Discretionary Advisory Recommendations Regarding Discipline for Sustained Findings of Officer Misconduct

- A. The Commission may, but is not required to, provide advisory recommendations or findings on discipline for sustained findings of officer misconduct to the Chief of Police, but must act promptly and in accordance with applicable laws, including the one year statute of limitations under the California Public Safety Officers Procedural Bill of Rights Act ("POBOR"; Reference Government Code §3304(d)).
- B. In providing advisory recommendations on the discipline of officers to the Chief of Police, the Commission may consider all information, agreements, and documents of prior discipline imposed, including agreements for reduced discipline or last chance agreements, and prior sustained findings of misconduct against the police officer, including prior sustained findings of misconduct made by the Commission or the Police Department, in a manner consistent with state law and the City's established disciplinary process.
- C. In order to fulfill this authority on a timely basis, the Department must notify the Executive Director within ten (10) calendar days that the Department has concluded an investigation resulting in one or more sustained findings against a police officer and provide the investigation report and related documents
- D. The Commission's Discipline Review Panel will review the finding(s) and determine whether the Commission should consider making an advisory disciplinary recommendation to the Chief of Police. If so, the Executive Director will submit a written request that the Department provide all relevant records described in II. B. above.
- E. Within ten (10) calendar days after a written request from the Commission, the Chief of Police must provide the Commission with unredacted records requested or a written explanation, setting forth the specific records or reasonably segregable portions of the records being withheld, the reason for the withholding or redactions, and the legal justification supporting the withholding or redactions. If the Commission disagrees with the Police Chief's decision, it may seek disclosure of the records through its subpoena power.

- F. The Commission's Discipline Review Panel shall evaluate the documentation provided by the Department and determine whether to make a recommendation to the full Commission. If the Discipline Review Panel determines to make a recommendation, it will present the recommendation to the entire Commission to vote on.
- G. Within ten (10) calendar days after the Commission votes on the recommendation from the Discipline Review Panel, the Executive Director shall notify the Chief of Police of the Commission's actions.
- H. The Chief of Police must provide a written substantive response within thirty (30) days after receiving the advisory disciplinary recommendation.
- I. When the Commission conducts its own independent investigation of a case, per San Diego Municipal Code §26.1107 (a) (2&3), and makes a determination of sustained findings of misconduct by an officer, the Commission may also make an advisory disciplinary recommendation. The Chief of Police is not obligated to respond to the advisory disciplinary recommendation unless the Department concurs with the sustained finding(s).

III. Discretionary Review of Discipline for Actions Not Involving Misconduct

- A. The Commission may, but is not required to, review and evaluate the Police Department's administration of discipline of police officers arising from matters not involving misconduct, i.e. job related or performance based issues.
- B. The Commission may provide advisory recommendations or findings on discipline consistent with POBOR and the aforementioned time limitations.
- C. If the Commission's Discipline Review Panel decides to evaluate a matter involving performance-based discipline, the Executive Director will submit a written request that the Department provide all relevant records.
- D. Within ten (10) calendar days after a written request from the Commission, the Chief of Police must provide the Commission with the records per the procedure indicated in II. E. above.
- E. The Commission's Discipline Review Panel shall evaluate the documentation provided by the Department and make a recommendation to the full Commission.
- F. Within ten (10) calendar days after the Commission votes on the recommendation from the Discipline Review Panel, the Executive Director shall notify the Chief of Police of the Commission's actions.
- G. The Chief of Police must provide a written substantive response within thirty (30) days after receiving a recommendation.

IV. Confidentiality of Commission Records Related to Discipline

- A. Any records obtained by the Commission are subject to strict confidentiality under the POBOR (Government Code §§3300 et seq.), Penal Code §§832.5-832.8, Evidence Code §§1040, 1043-1047 and related state and federal laws; and shall not be saved, stored, retained or maintained by Commissioners in any form, or on any personal computer, cellphone or other electronic device of any Commission member. Any disclosure of personnel records to the Commission by any City department must be in accordance with all applicable federal and state laws and regulations, including all laws and regulations pertaining to confidential medical information and personnel records.

V. Factors to Consider in Evaluating Discipline

- A. In rendering disciplinary findings, the Commission must consider the Police Department's general orders, standards of conduct and the Discipline Matrix included in Appendix A below. Including and in addition to the above factors, the Commission may also consider:
- Prior discipline imposed;
 - Agreements for reduced discipline and last chance agreements;
 - The seriousness of the offense;
 - Recency and frequency of prior poor conduct, misbehavior or poor performance, which is similar in nature;
 - Whether the behavior or performance was deliberate or negligent;
 - The effect of the behavior on the public, other employees or the Department;
 - Whether the behavior caused danger to the officer, other officers or the public;
 - Whether the officer's ability to perform their duties was affected;
 - Whether other officers were involved;
 - How the discipline compared to the discipline imposed against others involved;
 - Legal considerations/MOU provisions;
 - Post-incident rehabilitation efforts;
 - Nexus of officer conduct to employment;
 - Prior sustained findings of misconduct against the police officer, including prior sustained findings of misconduct made by the Commission or the Police Department, in a manner consistent with state law and the City's established disciplinary process.

Appendix A SDPD Discipline Matrix

The following guidelines are generally followed by the Department. Commanding Officers are instructed to consider mitigating or aggravating circumstances of any given case and previous discipline, in determining whether a lower or higher level of discipline is more appropriate than that called for in these guidelines (isolated one time incident versus multiple violations). The Department instructs that deviations from the guidelines must be thoroughly documented and approved by the Assistant Chief of the command. These guidelines are subject to change.

The Matrix below is from the June 2019 SDPD Discipline Manual. The Commission must ensure that it is utilizing the most up-to-date publicly available version of the matrix by referring to the current version SDPD Discipline Manual.

Misconduct Type	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense
Tardiness Minor Grooming Violations Minor Uniform Violations Failure to Answer Radio Lacking All Equipment Discourteous Remarks (Not profanity or violation of EEO) Minor Traffic Infractions	Verbal Counseling (With no pattern or history of misconduct)	Note of Counseling	Written Warning	
Minor Policy Violation (With Previous Verbal Counseling or Note of Counseling) Misuse of Department Equipment (Including Non-EEO MCT/CAD messages) Unintentional Discharge of a Taser (No injury) Improper Impounds Discourtesy Unauthorized Outside Employment	Written Warning	Reprimand		
Missed Court	Written Warning	Reprimand (IF within two (2) years of first missed Court)	Suspension (IF within three (3) years of first missed Court)	
Missed Department Proficiency and/or Training Shoot (Missed Dept. Qualification Shoot must be made up)	Written Warning	Reprimand (IF within two (2) years of first missed Shoot)	Suspension (IF within three (3) years of first missed Shoot)	
Police Equipment Collisions (See DP 1.14 & AR 75.12 for definitions of Collision categories and time frames for progressive discipline. Discipline at right is for CATEGORY 1 PREVENTABLE Collisions only)	Written Warning OR Two (2) hour Driver Training Class through Fleet Safety Sergeant	Reprimand OR Written Warning (IF attended two (2) hour Driver Training Class for first Collision)	Suspension OR Reprimand (IF attended two (2) hour Driver Training Class)	Termination OR Suspension (IF attended two (2) hour Driver Training)

			for first Collision)	Class for first Collision)
Unintentional Discharge of a Firearm, including less lethal Munitions (On or Off-Duty)	Two (2) Day Suspension	Four (4) Day Suspension	Termination (IF within three (3) years of the first offense)	
Driving While Under the Influence (DUI – Alcohol/Prescription Medications)	Termination OR Four (4) Day Suspension with a Last Chance Agreement for five (5) years Any aggravating circumstances (DUI in a City vehicle, resistive behavior during arrest, collision with injuries, etc., may result in a more severe response) *Valid CDL required to return to work	Termination (However, possible mitigating factor if the 1 st Offense was more than ten (10) years prior to the 2 nd Offense) *Valid CDL required to return to work	Termination	
Accessing Criminal History for Personal Use (Criminal Conduct)	Reprimand, Up to Termination	Suspension, Up to Termination	Termination	
Violation of AXON Body Worn Camera Procedures (DP 1.49)	Written Warning, Up to Termination	Reprimand, Up to Termination	Suspension, Up to Termination	Termination
Violating Established Informant Procedures	Reprimand, Up to Termination	Suspension, Up to Termination	Termination	
Sustained Excessive Force (Low Level/Non-Injury to Suspect)	Reprimand, Up to Termination	Suspension, Up to Termination	Termination	
Violation of Search and Seizure Procedures	Reprimand, Up to Termination	Suspension, Up to Termination	Termination	
Threats in the Workplace Violation (AR 97.10)	Written Warning, Up to Termination	Suspension, Up to Termination	Termination	
Violation of EEO Procedures	Written Warning, Up to Termination	Suspension, Up to Termination	Termination	
Criminal Conviction of Offenses Involving Moral Turpitude, Theft, Aggravated Assault, etc.	Suspension, Up to Termination	Termination		

Misconduct Type	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense
Unbecoming Conduct Policy (DP 9.06) which may also include Obedience to Laws Policy (DP 9.03) (e.g.: Minor Offenses Involving Parking Violations, Traffic Infractions, etc.)	Verbal Warning, Up to Suspension	Reprimand, Up to Termination		
Unbecoming Conduct Policy (DP 9.06) and Obedience to Laws Policy (DP 9.03) (e.g.: Offenses Involving Moral Turpitude, Theft, Aggravated Assault, etc.)	Suspension, Up to Termination	Termination		
Loss of Ability to Perform Functions of an Employee's Position Through Misconduct	Termination			

(e.g.: Right to Possess Firearm, Government Code 1031 , etc.)				
*Untruthfulness (e.g.: Falsification of Termination any Official Document or Report)	Termination			
Unjustifiable Missed Random Drug Test (RDT)	Reprimand & Scheduled for RDT on their next working day after the missed test	Termination (IF within two (2) years of 1 st missed test. AFTER two (2) years of 1 st missed test, Reprimand)	Termination	
Illegal Drug Use (Including Positive RDT for Non- Prescribed Medication)	Reprimand, Up to Termination	Termination		
RDT Alcohol Result of 0.02% or Above	Termination OR Reprimand, Mandatory (FOCUS) Referral & Last Chance Agreement for five (5) years	Termination		
Refusal to Comply with RDT Termination	Termination			

DRAFT

COMMISSION ON POLICE PRACTICES

AD HOC PERSONNEL COMMITTEE MINUTES

Friday, January 5, 2023

8:30 am

Via Zoom

Committee Commissioners Present

- Dennis Brown, Committee Chair
- Darlann Hocht Mulmat
- James Justus

Staff Present

- Yasmeen Obeid, Community Outreach Coordinator

Staff Update on Community Forums

Timeline

- The goal is to “hire” an executive director by March 31st. The candidate will be selected, but placement will happen after the background check, etc. have been completed.
- We will attempt to hold community forums by the end of February.

Quantity

- CPP Staff resources can support two within the timeline. If the timeline for hiring is extended, additional forums could potentially be added.
- Coordinate with city council members to request that they hold additional forums in their districts, attended by the Community Engagement Coordinator. Yasmeen will talk to Danell about this idea.
- Even though the City Council position is vacant in District 4, effort will be made to have a forum(s) in the district.
- Our goal is to have at least four forums. With support from every city council district office, there could be nine.

Locations

- To reach the communities impacted the most by policing (i.e., communities south of the 8 freeway), the following locations are suggested as potential locations.
 - Downtown Community: Balboa Park club
 - Barrio Logan: Sherman Heights Community Center
 - Mid-City: Price Philanthropies (potentially Mid-City CAN facilitates reservation)
 - Southeast San Diego: Jacobs Center
- Every effort will be made to mitigate any costs associated with reserving private locations.

Publicity

- Publicize to everyone, especially in areas most impacted by policing.
 - Patrick Anderson list
 - Reach out to get story in U-T and on local news broadcasts.
 - CPP distribution list
 - Community planning groups
 - Staff will make one-on-one phone calls inviting people to forums.
 - Yasmeen will ask Commissioners for contacts, as well as help with one-on-one phone calls.

Next Steps

- Yasmeen will work with staff to make progress in identifying locations and available dates by the committees next meeting on Friday, January 12.
- Yasmeen will connect with Danell to coordinate with City Council for additional forums coordinated by their offices and supported by Yasmeen (i.e., attendance).

Outstanding issues from prior meetings

- Doug Case to send topics for committee consideration in future meetings.
- Staff to send the committee job descriptions for all Commission positions that have already been drafted to facilitate future committee work.