

**COMMISSION ON POLICE PRACTICES**

**Tuesday, October 1, 2024**

**4:30pm-7:30pm**

**REGULAR BUSINESS MEETING  
AGENDA**

**Live Well San Diego  
5101 Market Street  
San Diego, CA 92114**

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.

**The link to join the meeting by computer, tablet, or smartphone at 4:30pm is:**

<https://sandiego.zoomgov.com/j/1610950576>

**Meeting ID: 161 095 0576**

**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 11 am the day of the meeting will be distributed to the Commission on Police Practices. Comments received after the deadline described above but before the item is called will be submitted into the written record for the relevant item.

**Written Materials:** You may alternatively submit via U.S. Mail to Attn: Office of the Commission on Police Practices, 525 B Street, Suite 1725, 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. 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 (Chair Tran)
  - A. CPP Regular Meeting Minutes of September 4, 2024
  - B. CPP Special Meeting Minutes of September 14, 2024
- V. NON-AGENDA PUBLIC COMMENT (Executive Director Paul Parker)
- VI. CHAIR/CABINET REPORT (Chair Tran)
- VII. EXECUTIVE DIRECTOR REPORT (Executive Director Parker)
- VIII. COMMUNITY HEARINGS (Chair Tran)
  - A. Information regarding recommended timeline
  - B. Public Comment
  - C. Discussion
  - D. Action – vote to delay hearings beyond end of 2024 for topics previously voted on by the CPP: 4<sup>th</sup> Waiver, Special Operations Unit, De-escalation
- IX. COMMISSIONER COMMENTS
- X. REVIEW OF DISCRIMINATION COMPLAINTS AND PRE-TEXT STOPS (Executive Director Parker)
  - A. Presentation of Information (Outside Counsel Duane Bennett)
  - B. Public Comment
  - C. Discussion
- XI. 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](http://www.sandiego.gov/cpp).

- I. San Diego Police Department Feedback on Case Specific Matters (1)
- II. Shooting Review Board Reports (0)
- III. Officer–Involved Shooting (1)
- IV. Discipline Reports (2)
- V. In–Custody Death (0)
- VI. Case Review Group Reports (3)
- VII. Case–Specific Recommendations to the Mayor/Chief (0)
- VIII. Referrals to other governmental agencies authorized to investigate activities of a law enforcement agency (0)
- IX. Legal Opinion(s) Request & Response (0)

XII. REPORT FROM CLOSED SESSION (Outside Counsel Bennett)

XIII. ADJOURNMENT

**Materials Provided:**

- DRAFT Minutes from Regular Meeting on September 4, 2024
- DRAFT Minutes from Special Meeting on September 14, 2024
- Discrimination Complaint and Pre–Text Stop Memo

**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](mailto: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 to ensure availability. The city is committed to resolving accessibility requests swiftly.

**Commission on Police Practices**

**COMMISSION ON POLICE PRACTICES  
REGULAR BUSINESS MEETING  
Wednesday, September 4, 2024  
4:30pm-7:30pm  
Procopio Towers  
525 B Street  
San Diego, CA 92101**

Click [https://youtu.be/WoSk8rNOR\\_c](https://youtu.be/WoSk8rNOR_c) to view this meeting on YouTube.

**CPP Commissioners Present:**

Chair Gloria Tran  
1<sup>st</sup> Vice Chair Dennis Brown  
2<sup>nd</sup> Vice Chair Doug Case  
Octavio Aguilar (arrived at 4:35 pm)  
John Armantrout  
Bonnie Benitez  
Alec Beyer  
Cheryl Canson  
Stephen Chatzky  
Lupe Diaz  
Jessica Dockstader

Armando Flores (arrived at 4:48 pm)  
Christina Griffin-Jones (arrived at 4:48 pm)  
James Justus  
Daniel Mendoza  
Darlanne Mulmat  
Viviana Ortega  
Imani Robinson (arrived at 4:44 pm)  
Gonzalo Rocha-Vazquez  
Ada Rodriguez

**Excused:**

Dwayne Harvey  
Brandon Hilpert  
Clovis Honoré

**Absent:**

Dan Lawton

**CPP Staff Present:**

Paul Parker, Executive Director  
Duane Bennett, CPP Outside Counsel (attended virtually)  
Olga Golub, Chief Investigator  
Yasmeen Obeid, Community Engagement Coordinator  
Aaron Burgess, Policy Manager  
Alina Conde, Executive Assistant  
Jon'Nae McFarland, Administrative Aide

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- I. CALL TO ORDER/WELCOME: Chair Gloria Tran called the meeting to order at 4:30pm.
- II. ROLL CALL: Executive Assistant Alina Conde conducted the roll call for the Commission and established quorum.
- 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 August 21, 2024
    1. **Motion:** Commissioner James Justus moved for approval of the CPP Regular Meeting Minutes of August 21, 2024. Commissioner Ada Rodriguez seconded the motion. The motion passed with a vote of 14-0-0.  
 Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Armantrout, Benitez, Beyer, Chatzky, Dockstader, Justus, Mendoza, Mulmat, Ortega, Rocha-Vazquez, and Rodriguez  
 Nays: 0  
 Abstained: 0  
 Excused/Absent/Late Arrival: Aguilar, Canson, Diaz, Flores, Griffin-Jones, Hilpert, Harvey, Honoré, Lawton, and Robinson
- V. NON-AGENDA PUBLIC COMMENT:
  - Darryl Cotton (*Timestamp 4:34*) - Please see attachments below.
  - Joe Hortado (*Timestamp 7:37*) - Spoke regarding SDPD not investigating or preventing the illegal cannabis sales from license dispensary.
  - Amy Sherlock (*Timestamp 10:55*) - Please see attachments below.
  - Carl Jackson (*Timestamp 17:15*) - Spoke regarding the responsibility of holding the SDPD responsible.
  - Candice Boots ceded time to Amy Sherlock
  - June Pyhala ceded time to Amy Sherlock
  - M. Wolf Segal (*Timestamp*) - Spoke regarding SDPD willful negligence.
  - Virtual Darwin Fishman (*Timestamp 23:47*) - Spoke on the CPP recommendations that were sent to SDPD and the response from them. Fishman also spoke regarding our new Policy Manager and Policy Committee meetings.
- VI. THE PROCESS OF DECISION MAKING IN CASE REVIEW
  - A. Presentation - Professor Sharon Fairly, from the University of Chicago Law School, presented on Decision-Making in Police Misconduct Matters. (*Timestamp 27:59*)
  - B. Public Comment - None
  - C. Discussion (*Timestamp 1:57:37*)

- VII. DISCUSSION BY OUTSIDE COUNSEL REGARDING COMMISSIONERS, AND OUTREACH
- A. Presentation – Outside Counsel Duane Bennett presented regarding Brown Act violations, commissioner decorum, code of conduct, and implementation of standing committee meeting to the commissioners. . *(Timestamp 2:00:58)*
  - B. Public Comment – None
  - C. Discussion – *(Timestamp 2:23:45)*
- VIII. CHAIR/CABINET REPORT
- The CPP has officially marked its one year as of August 29<sup>th</sup>.
  - The CPP has taken the review of 3 policies that are still in progress.
  - The CPP Protest Policy Hearing will be held on September 14<sup>th</sup> at 12:30pm at the Logan Heights Library.
  - The current issue of time constraints and case review will be a topic of discussion as one of our upcoming meetings.
  - The CPP is currently looking into scheduling a team building retreat sometime in November 2024.
  - We now may have the staffing and structure to have at least three standing committees and will be discussed at the next CPP meeting.
- IX. EXECUTIVE DIRECTOR REPORT
1. Staffing
    - a. Our new Policy Manager, Aaron Burgess, Jr., started on 9/3 (bio below):  
Aaron Burgess Jr. is a dedicated policy professional with a deep commitment to public service and over a decade of experience in community-based criminal justice reform. As the former Lead Public Safety Advisor for the 3rd District of the San Diego County Board of Supervisors, Aaron played a pivotal role in shaping policies that enhance the efficiency of law enforcement agencies serving over 3.2 million residents. His expertise in strategic planning, administrative operations, and coalition building allowed him to successfully navigate the complex landscape of county departments, ensuring the implementation of intelligent policies that improve public safety outcomes. During his tenure, Aaron gained firsthand insights into the challenges within the criminal justice system, particularly in County jails. Through direct interactions with staff and inmates, he recognized the critical need for evidence-based solutions, rehabilitation programs, and holistic approaches to reform. This experience has solidified his commitment to advocating for meaningful reforms that prioritize both public safety and social justice. Aaron's career began as a community organizer for COPE, where he led the ReThink Public Safety San Bernardino County Coalition, a community-driven initiative focused on holding decision-makers accountable through stakeholder engagement and critical conversations. His passion for making a positive impact extends across a diverse range of issue areas, including public safety, mental health, and social finance. Aaron holds a Master of Science in Nonprofit Leadership (NPL) from the University of Pennsylvania, where he gained comprehensive knowledge in nonprofit management, strategic planning, public policy, and advocacy. His education, combined with his practical experience, equips him to lead social impact organizations and drive positive change in his community. Additionally, he holds a Bachelor of Arts in Political Science/Public Law from UC San Diego, further strengthening his foundation in leadership and public policy.

- b. Our new Senior Management Analyst, Jaime Jacinto, started on 9/3 (bio below):  
Jaime Jacinto joins the Office of the Commission on Police Practices with over 23 years of experience in the City of San Diego. Prior to joining the Office, Jaime worked in the Office of Child and Youth Success, the Public Utilities Department (formerly the Water Department), and the Department of Finance. He brings to the Office of the Commission on Police Practices extensive experience in fiscal and budget administration, procurement, project management, rate setting, and special studies. Jaime assisted various offices manage business operations, create strategic plans and performance scorecards and dashboards, Jaime also assisted with special projects to resolve high water bills and track complaint cases, conduct workforce succession planning and business case evaluations, perform rate studies, and benchmarking studies. Jaime received a Bachelor of Arts in Public Administration with an emphasis in City Planning from San Diego State University and a Master of Business Administration from the University of Phoenix.
      - c. Job offers have been made to two investigator candidates. Both candidates are in the background process. When successfully completed, they are both scheduled to start the last week of October/first week of November.
      - d. Pending Recruitments with plans to post the openings by mid-September:  
Deputy Executive Director, General Counsel, and Performance Auditor.
    2. UPDATE: CPP Operating Procedures Package  
The HR/Labor Team returned the package (comprised of the 10 draft operating procedures as approved by the CPP) prior to the CPP meeting. Chief Investigator Olga Golub and Executive Director Paul Parker will be reviewing the numerous comments this week and next week and then meeting with the HR/Labor Team to further discuss on Friday, 9/13. Depending on the nature of the comments and/or severity of any identified concerns, they may need to be forwarded back to the Operating Procedures Ad Hoc Committee and then the full CPP for any necessary revisions. They will be presented to the City's monthly Public Safety Committee (PSC) once all drafts are ready. The earliest that will occur will be the November PSC meeting. When the drafts are approved by the PSC, then will be presented to the full City Council. When the drafts are approved by the City Council, it is only then that the meet-and-confer process can begin with the impacted union(s). It is anticipated that the meet-and-confer process will be lengthy.
    3. Meeting with Risk Management  
Executive Director met with the City's Risk Management Director Angela Colton and requested financial payout information pertaining to SDPD pursuits. Colton is compiling the information, but it is not specifically categorized as pursuit related. She will do her best to provide what she can, Executive Director Paul Parker may need to go through all SDPD payouts and try to narrow it down.
    4. UPDATE: Training  
Executive Director Paul Parker is currently working with the City's Human Resources personnel to add all new Commissioners to the City's training portal, Success Factors. Once that occurs, a few basic City-mandated trainings will be assigned to those Commissioners who have yet to complete them, the most important of which is a two-hour "Sexual Harassment" course. The "CPP Overview – Part 1" virtual presentation given twice by Duane Bennett within the past month covering the Brown Act, Confidentiality, NACOLE Code of Ethics, and Closed Session Requirements will be uploaded to the portal and assigned to the few Commissioners who have yet to take the training. Professor Fairley's "Process of Decision Making"

from the 9/4 CPP meeting will be uploaded and assigned to those Commissioners who were not present. Duane Bennett's overview, also from 9/4 CPP meeting, will be uploaded and assigned to those Commissioners who were not present.

5. Meeting with City Auditor and Staff

In preparation for hiring our Performance Auditor, Executive Director Paul Parker met with City Auditor Andy Hanau and his executive team to learn about the SDPD audits his team has conducted over the past few years.

6. Polling for CPP Retreat dates

Commissioners will be polled via email for preference of possible CPP Retreat dates in January 2025, as one topic to be discussed at the Retreat will be CPP goals for 2025. Also to be discussed will be a follow-up on Duane Bennett's discussion during the 9/4 CPP meeting, specifically focused on team-building and navigating the growing pains of a new commission.

7. UPDATE: Community Engagement

Community Engagement Coordinator Yasmeen Obeid is diligently working to get Executive Director Paul Parker into the community. Ms. Obeid has coordinated meetings with three community groups. A few other community group meetings are scheduled for the second and third weeks in September. Executive Director Paul Parker will keep the CPP in the loop regarding outreach efforts.

X. PRETEXT STOPS UPDATE

- A. Update – Chair Ada Rodriguez updated the Commission that the first meeting was held on August 20<sup>th</sup> at 5:30pm via zoom. The Committee developed a rough draft with an introduction and potential recommendations to start with. The draft was reviewed and shared feedback amongst the committee. Commissioner Flores has been tasked with updated and editing the current rough draft. 2<sup>nd</sup> Vice Chair Doug Case will be scheduling meeting and request contact information. All Commissioners will need to arrive prepared with a list of ideal recommendations based on their research with a deadline of October 9<sup>th</sup>.
- B. Public Comment: None
- C. Discussion - None

XI. COMMISSIONER COMMENTS: None

XII. ADJOURNMENT: The meeting adjourned at 7:30 pm.

Amy Sherlock's Steering Document for the Commission on Police Practices Hearing of  
September 4, 2024

My name is Amy Sherlock. I'm the widow of Michael "Biker" Sherlock. Biker was a husband, father, business owner and professional athlete. He was an XGames and Gravity Games champion in downhill skateboarding and streetluge and a hometown hero.

In 2015 Biker was awarded 2 cannabis licenses and organized multiple businesses with his partners. I was blindsided and devastated when he passed away December 2, 2015. SDPD and the Medical Examiner told me he died by suicide, and I believed it for four years.

Much of what will be described here can be found in greater detail on my Justice4Amy.org website specifically in the "My Cries for Justice" document dated 09/03/2024. (<https://www.justice4amy.org/wp-content/uploads/2023/02/24-09-03-My-Cries-for-Justice-by-Amy-Sherlock-1.pdf>)

Through litigation and research, I have learned that Biker's interests were transferred to his partners through a series of forgeries. Biker's LLC's were dissolved by forgery and submitted to the CA Secretary of State weeks after he died. The partners organized new LLCs and went on to be in business, without my knowledge through the use of these forged documents.

In the fall of 2022 I hired Trent James, a private investigator and Dr. Michael Illescu an independent Medical Examiner, to analyze the police report, autopsy and crime scene photos. Both wrote reports that SDPD and the ME did a subpar investigation and pointed out multiple points of evidence determining that Biker's cause of death should be changed from suicide to at a minimum undetermined. This was done, collectively in the Armorous Report. (<https://www.justice4amy.org/wp-content/uploads/2023/02/22-11-30-Armorous-Trent-James-Investigative-Report-re-Michael-Sherlock-w-Exhibits.pdf>)

On December 2, 2022, Darryl Cotton, Joe Hurtado and I met with Sgt Joel Tien of the SDPD Cold Case unit. We described how Biker's partners had motive to eliminate him. He agreed with us that it certainly appeared that way. I gave him a copy of the report and agreed to review the materials and get back to me. I followed up with emails on December 12 and January 9.

Five months later Sgt Tien returned my call. He told me that he'd reviewed the materials and that there "is a ton of motive behind Biker's death, there is no physical evidence to support an investigation" and said he would not open an investigation. **Really?**

Determined to get justice for Biker and without the help of law enforcement, I hired Scott Roder, a world-renowned evidence analyst to do his own analysis and create a video to explain the evidence. Roder's analysis and video determined that Biker's death was 100% inconsistent with a self-inflicted gunshot wound/suicide. (See the Roder Report @ <https://www.justice4amy.org/wp-content/uploads/2023/02/23-12-28-Michael-Biker-Sherlock-Report-with-Animations.pdf>)

Within the last 12 months I have filed 5 Grand Jury Complaints citing the issues that largely stem from SDPD not being able to do background checks on undisclosed owners. (<https://www.justice4amy.org/posts/case/> at Section 12(b))

In February 2024 one of Biker's partners, Duane Alexander came forward with information that my signature was forged on a "conflict of interest waiver" and LLCs were created with the assistance of an attorney and dissolved without my knowledge and my financial interests were transferred to Bikers partners. ([See Attorney Flores Declaration, Miltner BAR Complaint @ Pg. 24](#))

Armed with this new evidence, on February 28, 2024, I offered a \$250,000 reward for information leading to the arrest and conviction of Biker's murders. ([https://www.justice4amy.org/wp-content/uploads/2023/02/24-02-28\\_REWARD.pdf](https://www.justice4amy.org/wp-content/uploads/2023/02/24-02-28_REWARD.pdf))

On March 1, 2024, I made my first call to SDPD to file a police report and get this forgery and fraud investigated. In the 187 days since that first call, just filing a police report has turned into a part time job that is the most profoundly frustrating, intellectually insulting and emotionally draining job I've ever had. I've made and received 78 calls with SDPD, Sheriffs and the CPP. I've made and received 20 calls from my hometown Prosper, Texas PD.

Since March 1, 2024, I have made dozens of calls to SDPD getting frustrating and jaw dropping results. The officer with Badge 8876 told me that I could not file my report myself, and that my local police would have to do it on my behalf and by protocol the detective must call the main line and NOT be given direct contact to an SDPD detective. **Really?**

The Texas detective was kind enough to try. He called me that afternoon and said SDPD was rude, unhelpful and he gave up after being on hold for an hour.

I've left six detailed messages on the financial crimes unit voicemail between March 1 and May 2, 2024, I never received a single response.

On June 6, 2024, I made a formal complaint to Internal Affairs. Having received no reply, I filed a complaint with CPP on July 1.

Receiving no active assistance and having to continually follow up on my July 1 complaint, I've spoken to and emailed McFarland multiple times but she's either confused, unwilling or unable to open a CPP investigation or assist in getting my case filed. McFarland provided the phone number to the financial crimes Unit, where, in my complaint, I stated "I already left six messages over the last four months!" McFarland further insulted my intelligence implying I must be dumb enough to be calling the wrong number and somehow the voicemail identifying it as the financial crimes, really wasn't. **Really?**

Since filing my complaint it's been a web of confusion, reassignment, delay and zero communication. My case has been reassigned at least three times to Nielson, Lopez and Pahita. Officer Boris Martinez told me SDPD doesn't have email, **[Really?]** and I needed to send my report by mail. When I rebuffed this ridiculous and untrue statement, I asked him to call the departments to coordinate the email. He said SDPD doesn't have an internal phone system that allows them to call between departments. **[Really?]** Lopez told me "they needed to determine

jurisdiction." The phone number he gave me was/is Serano's. Serano told me Pahita has been assigned. After multiple messages I finally spoke to Pahita who is a narcotics detective on August 27. He had no idea why he had my case. Neither do I? Are you confused yet? Why is a forgery case at narcotics? What is going on? **Really?**

Since my CPP complaint on July 1, I have not been given a CPP case number, assigned a category, spoken to a CPP investigator or an Internal Affairs detective. My police report that SDPD and Ms. McFarland have managed to **not** get filed or investigated, 65 days later, still has not been assigned to a financial crimes' detective. **Really?**

To all appearances SDPD has intentionally prevented an investigation into a crime against me. That crime is connected to my husband's murder. The why, how and who is involved is within this commission's authority and responsibility to investigate. On behalf of myself and our children I am begging this commission for justice.

The obvious path to justice is a special task force [Category I] to investigate the financial crimes against my family, Biker's death and to demand that our laws are enforced. Cannabis industry ownership, as required by law, must be accurately and fully disclosed for the public safety.

To that end we're requesting written verification from SDPD that unless ownership information has been provided to them, there is no way of SDPD doing that legally required background check, thus the owner cannot engage in commercial cannabis activity. To date, no one in SDPD has been willing to provide us with that verification. We seek this Commissions assistance in seeing that statement be issued.

I may be contacted at [REDACTED] and by email at [REDACTED]

Should you have any questions I am happy to answer them.

Thank you.

# My Cries for Justice

*What it's been like to be ignored by virtually everyone!*

By Amy Sherlock

September 3, 2024

The following account will detail all the law enforcement and regulatory agencies I reached to in order to have my claims investigated that my deceased husband, Michael "Biker" Sherlock ran afoul of criminals who, with his murder, stole his life and his dreams of owning and operating an adult-use licensed dispensary in the city and county of San Diego away from him and his family.

Perhaps it's because this is a cannabis related enterprise that while new, in terms of main street public acceptance, his death was just chalked up to the cost of doing business in this nascent industry. But that is EXACTLY why I want law enforcement and those agencies that regulate this industry to take this matter very, very, seriously. Yes, I lost a husband and my boys have had to grow up without a father, but the State of California and the local governments made a pact with its citizens that deciding to pursue licensing in this industry would not be a death sentence. Sadly, in the case of Biker that is exactly the price he ended up paying.

Over the last 5 years, I've steadfastly attempted to bring the information I have to these agencies. It has not come at great expense in terms of the time, money, and my parents and relatives ridicule for not just "letting go" of Biker's death and accept the official ruling of suicide. As can be seen here there are 3<sup>rd</sup> party forensic experts who have reviewed all the crime scene and forensic data compiled by the San Diego Police Department and the San Diego County Medical Examiner who have the opinion that his death was 100% not a suicide or at minimum should have been ruled undetermined.

The following list will show, by section and year/month/date my experience with local, state and federal law enforcement and a variety of public and elected officials at the city, county and state levels as well as those media outlets I have reached out to in an attempt to get any type of coverage on this that might spur some reaction and response. Sadly, as you will see, that has not been the case.

SECTION 1.0: City of San Diego FOIA Requests

SECTION 1.1: San Diego Development Services Department

SECTION 1.2: San Diego Planning Commission

SECTION 1.3: San Diego City Council

SECTION 1.4: San Diego Police Department and Commission on Police Practices (CPP)

SECTION 1.5: City of San Diego Mayors Office

SECTION 1.6: City of San Diego City Attorney Office

SECTION 2.0: San Diego County Medical Examiner Office

SECTION 2.1: San Diego County Sheriff Office

SECTION 2.2: San Diego County District Attorney Office

SECTION 2.3: San Diego County Grand Jury

SECTION 3.0: Federal Bureau of Investigation, Public Integrity Unit, San Diego, CA Field Office

SECTION 3.1: Federal Bureau of Investigation, Dallas, TX Field Office

SECTION 3.2: United States Department of Justice

SECTION 4.0: State of California, Department of Cannabis Control

SECTION 4.1: State of California, Department of Justice

SECTION 4.2: CA State BAR

SECTION 4.3: CA State Auditor

SECTION 5.0: Prosper TX Police Department

SECTION 6.0: Media

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**SECTION 1.0: City of San Diego FOIA Requests**

2016/03/17: FOIA Documents Request re 8863 Balboa Ave

2022/09/20: FOIA Documents Request No. PRA-4995 re 6220 Federal Blvd.

2022/09/28: 1st Responsive Docs to PRA-4995

2022/09/28: 2<sup>nd</sup> Responsive Docs to PRA-4995

2022/09/28: 3<sup>rd</sup> Responsive Docs to PRA-4995

2022/09/28: 4<sup>th</sup> Responsive Docs to PRA-4995

2022/09/28: 5<sup>th</sup> Responsive Docs to PRA-4995

2022/09/28: 6<sup>th</sup> Responsive Docs to PRA-4995

2022/09/39: 7<sup>th</sup> Responsive Docs to PRA-4995

**SECTION 1.1: San Diego Development Services Department (DSD)**

2020/03/05: Attorney Andrew Flores, Darryl Cotton and I went to the DSD offices on a fact-finding mission to get documents on the transfers of Biker's permits. We were addressed by Michelle Sokolowski who immediately said she could not help us, it was not her job to provide us with documents and had the District Attorney's name and phone number, prewritten on a post-it-note and told us to speak to them. I'd classify her demeanor as being defensive and borderline hostile. She wanted nothing to do with us.

**SECTION 1.2: San Diego Planning Commission**

2016/12/15: Scott Chipman appears at 14:40 before the Planning Commission re possible conflicts of interest by certain members of the Planning Commission.

2016/12/15: Attorney Robert Otilie appears at 17:10 before the Planning Commission re bias and due process violations.

2016/12/13: Attorney Robert Otilie's letter to the Planning Commission re the recusal of Commissioner Wagner.

2023/12/26: Cotton to Former Planning Commissioner Theresa Quiroz re corruption and bias within the Planning Commission re adult-use cannabis licenses.

2024/05/13: DSD Deep Dive of all Adult-Use Cannabis CUPs in the Planning Commission Appeals Process

### **SECTION 1.3: San Diego City Council**

2023/06/06: I flew into San Diego to be part of a group presentation before the City Council in which we detailed the issues we've had with DSD cannabis licensing and requested an audit be done to investigate their practices. Prior to that presentation I had provided each member of the City Council with a statement letter from both myself and Darryl Cotton. The video of that group presentation begins at 1:37:20.

2023/06/06: Amy Sherlock's Written Statement to the City Council

2023/06/06: Darryl Cotton's Written Statement to the City Council

### **SECTION 1.4: San Diego Police Department and CPP**

2022/12/01: Darryl Cotton, Joe Hurtado, and I met with Sgt. Tien, (Cold Case Homicide Division) at the SDPD Headquarters for approximately 1.5 hours. Upon hearing our story, he agreed that the strawman practice we were describing was illegal. He agreed that there was motive for Biker's partners to eliminate him. He agreed to review the Armorous Report we had provided him and would get back to me with follow up requests for information he might have.

2022/12/12: I email Tien with a meeting follow up thanking him for the time he spent with us.

2023/01/09: I email Tien with a second follow up.

2023/04/07: Sgt Tien calls me and tells me "There's tons of motivation behind Biker's death" but there is no physical evidence proving anything other than suicide. I pushed back and questioned the bruise on his forehead, plus motive. I asked if he reviewed the Armorous report, He told me that he did. He understood that I was upset, but "there is no there there." I said, "I'm only asking everyone to do their jobs..." at which point he hung up on me.

2023/05/21: My 3X a charm email to Sgt Tien with copies to Police Chief David Nisleit, the City Attorney Mara Elliott and Mayor Todd Gloria.

2024/03/01: At 10:47 am and 10:50 am I attempt to contact SDPD. Nobody answered the phone and no voicemail option on 619-531-2000.

2024/03/01: At 10:55 am attempted to contact the alternate SDPD number at 619-446-1031. No answer.

2024/03/06: At 12:30 and 12:35 pm I called 619-531-2000. No answer.

2024/03/06: At 12:50 pm called SDPD at 858-484-3154. No answer. I left a 2nd detailed message.

2024/04/02: At 8:07 am I called SDPD at 619-531-2000 Badge 8876 answered the phone. He told me that my local PD must call them and file the report on my behalf. I said that didn't sound right, that I'd like to be involved in the

delivery of the information. I asked for a direct line to a SDPD detective to give to the PPD detective. The officer refused and said the PPD detective must call on the main line at 619-531-2000. I said, that's ridiculous and would waste the detective's time because nobody ever answers the phone. The officer refused to give me a direct contact with a detective or the financial crimes unit.

2024/04/02: Asked Detective Davis from Prosper PD to file the report for me. He asked if my attorney would and I told him he had refused.

2024/04/02: Detective Davis called me and told me he spent an hour on the phone at SDPD and everyone was rude and unhelpful and he gave up after being on hold for an hour.

2024/04/03: At 8:15 am I called SDPD 619-531-2000 Badge 8711, upon minimal information, saying that I needed to report a forgery, gave me the direct line to the SDPD Financial Crimes Unit at 619-531-2545.

2024/04/03: At 8:38 am I called the SDPD Financial Crimes Unit at 619-531-2545 no answer.

2024/04/03: At 1:56 pm I called back because it was business hours and maybe I'd missed them earlier. Left a detailed message.

2024/04/08: At 7:40 am I called SDPD Financial Crimes Unit and left second detailed message.

2024/04/10: At 10:04 am I called SDPD Financial Crimes Unit and left third detailed message. Mentioned the Bar Complaint and investigation, forgery, fraud and that a crime was *actually committed*.

2024/04/15: At 10:03 am having still not received a return call from the SDPD Financial Crimes Unit, I tried a different option for bank fraud to see if someone would answer. They didn't.

2024/04/15: At 10:04 am I called the SDPD Financial Crimes Unit and left a fourth detailed message.

2024/04/23: At 9:44 am I called the SDPD Financial Crimes Unit and left a fifth detailed message.

2024/05/02: At 4:34 pm I called SDPD at 619-446-1031 and ended up at the SDPD Financial Crimes Unit voicemail. I left a detailed message and said, "I think you are preventing a victim from reporting a crime."

2024/06/05: Filed a complaint via email to SDPD Internal Affairs Department regarding Financial Crimes unit refusing to allow me to file a police report.

2024/06/08: Emailed the SDPD Internal Affairs Department to confirm receipt of my complaint.

2024/07/01 Filed Complaint with CPP. Complaint said that after six months, dozens of phone calls, I was unable to file a police report with the Financial crime unit, that I had filed a complaint with Internal Affairs on June 6 and had no response.

2024/07/01 Received email confirmation from Jon' Nae McFarland.

2024/07/10: Called Internal Affairs and left a detailed message. Where is my case?

2024/07/11: McFarland called me back. Her only contacts are at IA. She's confused because I don't have an officer's name on the complaint. Because I haven't spoken to one! That's my complaint.

2024/07/22: Out of frustration having STILL not been able to file a police report, I emailed both McFarland and IA making another complaint that I have not been allowed to file a police report. I wrote out what I'd like to file in

the police report. I attached the Prosper Police Report, the actual police report, my Bar complaint against Miltner and the Investigative report on Duane Alexander.

2024/07/22: I called McFarland twice, left message.

2024/07/22: Called IA and after 17 rings I spoke to Detective John Dunney. He told me Sgt Neilson was assigned to my case.

2024/07/29: Called IA again left message.

2024/07/29: Officer Martinez calls me back. I explain the situation and how I'm just trying to file a police report with FCU. Martinez seems sympathetic but tells me he's not sure how to get the documents I emailed with IA over to FCU. He doesn't know how to connect them by phone and can't walk down the hallway to ask. He recommends that I print all 100 pages and send via USPS. I was insulted and told him I'm not doing that and he needs to figure out how the phones and email at SDPD work.

2024/07/30: I spoke to Detective Rodriguez, and he told me that my case has been sent to Eduardo Lopez.

2024/07/31: I called IA

2024/07/31: I spoke with Detective Eduardo Lopez. He told me that he had reviewed my case and they were reviewing jurisdiction, whether SDPD because of Balboa, Sheriffs because of Ramona or District Attorneys could pick it up. He gave me his direct phone line. I've called that number 5 times since that conversation and never spoke to Lopez again. I was given a case number. 24030740.

2024/08/10 I called MCFarland for an update. I told her I haven't heard back about my complaint and I still haven't spoken to a Financial crimes detective.

2024/08/15 I received an email from Mc Farland saying she'd requested contact for Financial crimes unit and KINDLY gave me the phone number.

2024/08/15 I responded that I had left half a dozen messages for the voicemail that says its the FCU voicemail for God's sake!

2024/08/12: Called Det Lopez, got Serano's voicemail. Left a message. Asked if they'd figured out jurisdiction. I have more information for them, could they please call me back.

2024/08/15: Received call from Serano that my case was given to Bradford Pahita and he could be reached at 619-531-2924

2024/08/19: Left message for Pahita. Gave case number, request for call back.

2024/08/21: Left second message with Pahita's voicemail.

2024/08/23: Left third message for Pahita.

2024/08/23: Called Internal Affairs. Spoke with Deborah Clem. Told her my situation. Agreed that the situation is unacceptable. Said she'd follow up.

2024/08/23: Clem returned my call and left a message that Eduardo Lopez is in charge of my case and that she had called, emailed and walked down to his office and he wasn't in.

2024/08/23: Serano leaves message that Pahita is in fact in charge of my case.

2024/08/26: left fourth message with Pahita.

2024/08/26: Left fourth message with Serano that I'm getting conflicting information and still haven't spoken to a detective.

2024/08/26: Called IA and spoke with Eric McCoolle. Told him the ridiculous story. He looked my case up and gave me NEW information that Pahita is a narcotics detective. I pushed back that my case has absolutely nothing to do with narcotics. McCoolle could only say that it was because it's cannabis.

2024/08/27: Called IA and left message that my case had been moved from FCU to narcotics when there is absolutely no reason. That this has allowed FCU another 60 days to avoid me and my investigation.

2024/08/27: Left Pahita fifth message

2024/08/27: Left another message with Serano.

2024/08/27: Emailed McFarland and Internal Affairs. Gave update on absolute run around. Requested again, the CPP Investigation and why I haven't been contacted regarding my complaint and that I STILL haven't been able to speak to a FCU detective.

2024/08/27: Left a voicemail for McFarland. Where is my investigation? Who has my case? Angry because she has allowed 60 more days to delay my investigation!

2024/08/27: Finally spoke with Pahita. He is narcotics. He has no idea why the case was sent to him. He can only investigate illegal dispensaries. I told him that I have information about legal dispensaries controlling their POS system and selling illegal weed out the back door. Said there's nothing he can do. Suggested I contact DCC. I told them they've been extremely unhelpful. He agreed and said they don't help him either. WHAT?!?! DCC doesn't help SDPD narcotics. Insane. I did email his contact. She was unhelpful and couldn't answer anything about licensing because she's in compliance. Ummm, wouldn't compliance oversee licensing?

2024/08/27: Emailed McFarland and Internal Affairs. Gave update on absolute run around. Requested again, the CPP Investigation and why I haven't been contacted regarding my complaint and that I STILL haven't been able to speak to a FCU detective.

2024/08/27: Left a voicemail for McFarland. Where is my investigation? Who has my case? Angry because she has allowed 60 more days to delay my investigation!

2024/08/28: Left message for IA, nothing from my IA complaint has been acknowledged or investigated.

2024/09/03: Booked a flight from Dallas to San Diego to speak at the 9/04/2024 CPP Hearing.

### **SECTION 1.5: City of San Diego Mayors Office**

2020/02/05: After meeting with Michell Sokolowski, DSD, Cotton and I continued on to Mayor Kevin Falconer's office. We waited a long time. The mayor didn't come out to see us, so I wrote a detailed message, requesting the



Darryl Cotton's Steering Document for the Commission on Police Practices Hearing of  
September 4, 2024

My name is Darryl Cotton and have been a resident and commercial property owner in San Diego since 1979. I am here today as a victim and to bring to this commission's attention the public safety threat that exists to our communities from the adult-use cannabis industry as a direct result of the city not enforcing state and city ordinances where it requires background checks of those with an ownership interest in these businesses.

The San Diego Police Department (SDPD), despite having been made aware of the fact ownership interests are not being provided to them have refused to publicly respond to our numerous queries; *"Can an owner of one of these businesses be properly vetted if their ownership interest is not provided?"*

**We're requesting that written verification from SDPD that unless that ownership information has been provided to them, they have no way of doing that mandatory background check and the owner cannot engage in commercial cannabis activity. To date, no one in SDPD has been willing to provide us with that verification. We seek this Commissions assistance in seeing that statement be issued.**

These businesses are all cash businesses. They don't accept credit cards, and many banks won't open accounts for them because they sell a federally illegal drug. Cannabis. An average monthly gross sales in one of these businesses would be \$1M. That is a lot of money especially for a cash business. The law requires and we need to know who has ownership interests and that they have passed their background check before being granted those interests.

The city and state laws that require these interests be known are long established. What I will be doing is handing out this document, which will direct you to one of our speakers today, Ms. Amy Sherlock's website, <https://www.justice4amy.org/> all of those presenting today, including the video of this hearing, will be found there for further review and action. (<https://www.justice4amy.org/posts/case/> at 12(b))

Since December 2023 there have been 21 San Diego County Grand Jury Complaints filed by multiple parties, including attorneys, who have found that the underlying issue in ALL of these complaints is that disclosure laws are being violated and police seem powerless or even unwilling to do anything about it. These complaints are being investigated as they have been held over to the July 2024 Grand Jury term. (<https://www.justice4amy.org/posts/case/> at 12(a))

In the recent case of Jesus and Andrea Cardenas guilty pleas were submitted that described their activities in illegally obtaining PPP and SBA loans on behalf of dispensary owners who misrepresented their type of business to the federal government and were not

disclosed during the application process. This is called the “strawman practice.” In this and other cases we know of, this is a form of influence peddling whereby even if the applicant were not eligible to acquire one of these highly coveted licenses, they simply put a strawman in to represent their interests and the SDPD is not able to determine if that person would have cleared the mandated background check. This is akin to voting in someone else’s name, buying a gun in someone else’s name, driving a car with a license in someone else’s name, buying liquor in someone else’s name, etc. (See the Andreas’ Criminal Complaint @ <https://151farmers.org/wp-content/uploads/2018/07/23-11-01-Cardenas-criminal-complaint.pdf> and the San Diego Union Tribuen(SDUT) Coverage @ <https://151farmers.org/wp-content/uploads/2018/07/24-08-07-SDUT-Article-re-Andrea-Cardenas.pdf>)

There are two long established City Ordinances that require state law be followed in the application and disclosure process of an adult-use cannabis license. They are;

On April 27, 2011, SDMC-O-20043 @ Division 13: Medical Marijuana Regulations it states in § 42.1301(d) which states “This Division shall be interpreted in a manner consistent with state law.” (<https://151farmers.org/wp-content/uploads/2018/07/11-04-27-2011-SDMC-O-20043.pdf>)

On March 25, 2014, SDMC-O-20356 “Whereas the City Council now desires to exercise its police powers solely to provide for the zoning of medical marijuana consumer cooperatives in such a manner as to limit the impact on the City generally, and the residential neighborhoods in particular;” (<https://151farmers.org/wp-content/uploads/2018/07/14-03-25-2014-SDMC-O-20356.pdf>)

State law requires that the ownership disclosure laws MUST be followed, and the City’s Ordinances follow State law. (<https://151farmers.org/wp-content/uploads/2018/07/2018-BCC-Final-Statement-of-Reasons.pdf>)

The strawman practice continues unabated to this day. This August 17, 2024, SDUT article shows how shell companies, with undisclosed ownership interests, are now taking advantage of the social equity (people of color) applicant to acquire those interests. (<https://151farmers.org/wp-content/uploads/2018/07/2024-08-17-SDUT-Article-re-Social-Equity-Strawman.pdf>)

With the City having to pay out over \$193M in judgments over the last 5 years, it’s only a matter of time before their failure to enforce these disclosure laws will result in damages that pale in comparison to what the City of Chula Vista now faces with former City Councilmember Andrea Cardenas actions. (<https://151farmers.org/wp-content/uploads/2018/07/24-08-11-SDUT-article-re-City-of-SD-193M-in-big-legal-payouts.pdf>)

When I began this statement I referred to myself as a victim. Please read my statement regarding an armed robbery at my 151 Farms business in which the SDPD had the getaway driver in handcuffs and let him go at the scene without ever filing charges. While no one was killed in that robbery the same can not be said for what happened to Amy Sherlock's husband, Michael "Biker" Sherlock. (<https://151farmers.org/wp-content/uploads/2024/09/17-06-10-Armed-Robbery.pdf>)

I can be reached by phone at [REDACTED] or email at [REDACTED]

I am happy to answer any questions you might have.

Thank you.

**Commission on Police Practices**

**COMMISSION ON POLICE PRACTICES  
SPECIAL MEETING  
AND COMMUNITY HEARING**

**Saturday, September 14, 2024**

**11:00am - 4:00pm**

**Logan Heights Library**

**567 S. 28<sup>th</sup> Street**

**San Diego, CA 92113**

Click <https://www.youtube.com/watch?v=OSbmPV66N6c> to view this meeting on YouTube.

**CPP Commissioners Present:**

Chair Gloria Tran

1<sup>st</sup> Vice Chair Dennis Brown

2<sup>nd</sup> Vice Chair Doug Case

Octavio Aguilar (arrived at 12:30 pm)

John Armantrout

Bonnie Benitez

Alec Beyer

Cheryl Canson (arrived at 12:30 pm)

Stephen Chatzky

Lupe Diaz (arrived at 12:30 pm)

Jessica Dockstader

Christina Griffin-Jones (arrived at 12:30 pm)

Brandon Hilpert

James Justus

Dan Lawton (arrived at 12:30 pm)

Daniel Mendoza (arrived at 12:30 pm)

Imani Robinson (arrived at 12:30 pm)

Gonzalo Rocha-Vazquez (arrived at 12:30 pm)

Ada Rodriguez

**Excused:**

Dwayne Harvey

Clovis Honoré

Darlanne Mulmat

**Absent:**

Armando Flores

Viviana Ortega

**CPP Staff Present:**

Paul Parker, Executive Director

Duane Bennett, CPP Outside Counsel

Olga Golub, Chief Investigator

Aaron Burgess, Policy Manager

Yasmeen Obeid, Community Engagement Coordinator

Jon'Nae McFarland, Administrative Aide

- I. CALL TO ORDER/WELCOME: Chair Gloria Tran called the meeting to order at 11:00am.
- II. ROLL CALL: Executive Director Paul Parker conducted the roll call for the Commission and established quorum.
- 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. CLOSED SESSION (NOT OPEN TO THE PUBLIC)
  - A. Outside Counsel Duane Bennett led CPP into Closed Session
  - B. 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](http://www.sandiego.gov/cpp) or stated at the beginning of the Open Session meeting if the meeting is held on the same day.
 

I.	San Diego Police Department Feedback on Case Specific Matters (0)
II.	Officer Involved Shooting (0)
III.	Category II Case Audit Reports (1)
IV.	Discipline Reports (1)
V.	In-Custody Death (0)
VI.	Case Review Reports (4)
VII.	Case-Specific Recommendations to the Mayor/Chief (0)
VIII.	Referrals to other governmental agencies authorized to investigate activities of a law enforcement agency (0)
IX.	Legal Opinion(s) Request & Response (0)
- V. REPORT OUT FROM CLOSED SESSION (12:30pm): Outside Counsel Duane Bennett reported that there was no reportable action.

**12:30 PM**

- VI. TIME CERTAIN COMMUNITY HEARING- PRETEXT STOPS
  - A. Chair Gloria Tran led the introduction of the Hearing. (*Starting Timestamp 3:13*)
  - B. Overview of Protest Policy – Commissioner Brandon Hilpert presented information, background, and statistics on Protest Policy. (*Starting Timestamp 4:33*)

C. Public Comment on Protest Policy – 11 community members gave both in person/virtual testimony on protest policies. (*Starting Timestamp 25:46*)

In Person Testimony

- Kylie Belanger – (*Starting Timestamp 26:36*) Showed the Commission what The Legal Observer Program wears to protests. Belanger spoke regarding Officer ID's, unlawful assemblies, and use of bikes as weapons.
- Francisco Peralta – (*Starting Timestamp 30:00*) Commented his experiences and views on protest policies. Peralta also shares concern regarding other law enforcement agencies that come to San Diego to collaborate with SDPD and holding them accountable as well.
- Patricia De Arman – (*Starting Timestamp 32:15*) Commented on her experiences and views on protest policies after the death of her brother.
- David De Arman – (*Starting Timestamp 35:32*) Commented on his views on protest policies after the death of his son. De Arman comments on accountability that needs to be taken regarding actions during protests.
- Sarah Faruk – (*Starting Timestamp 36:33*) Commented on a UCSD protest that involve riot gear, chemical sprays, weapons, and police escalation. Faruk comments on accountability of SDPD and collaboration with other agencies.
- Kate Yavenditti – (*Starting Timestamp 39:00*) Commented on her experiences and views on protest policies, the role of legal observers, and use of SDPD held red books.
- David Emerson Stotlar – (*Starting Timestamp 42:27*) Commented on his experiences (internationally) protests. Stotlar suggests for the CPP to look at best practices from around the world (primarily Korea and Turkey).
- Tasha Williamson – (*Starting Timestamp 44:02*) Commented on her experiences and views on protest policies and holding SDPD accountable. Williamson shares the inappropriateness of sergeants and subordinates during SDPD training.

Virtual Testimony

- Lilly Ostra – (*Starting Timestamp 49:55*) Commented on her experiences and views on protest policies. Ostra shares her concerns regarding rejected proposals from the SDPD.
- Darwin Fishman – (*Starting Timestamp 53:00*) Commented on his views on protest policies. Fishman suggests monitoring collaborations with other agencies and use of force during protests. Request of CPP to have more of an active role during protests.
- Janine Erikat – (*Starting Timestamp 56:02*) Commented on her views on protest policies and importance of de-escalation. Erikat shares concerns with use of force, use of riot gear, and use of chemical sprays and/or weapons.

D. Commissioner Discussion

- Commissioner Christina Griffin-Jones (*Timestamp 58:39*) and (*Timestamp 1:11:55*)
- Commissioner Jessica Dockstader (*Timestamp 1:03:34*)
- Commissioner Imani Robinson (*Timestamp 1:05:20*)
- Commissioner James Justus (*Timestamp 1:13:52*)

VII. CLOSING COMMENTS

A. Next steps for the Commission (*Starting Timestamp 1:14:07*)

VIII. STANDING COMMITTEES

- A. Presentation (*Starting Timestamp 1:16:03*)
- Training and Continuing Education Committee—change from Ad-Hoc – will be chaired by Darlance Mulmat. Committee will also include 1<sup>st</sup> Vice Chair Brown, Commissioners Hilpert, Aguilar, and Chatzky.
  - Community Outreach Committee – will be chaired by Ada Rodriguez. Committee will also include Commissioners Griffin-Jones, Beyer, and Canson.
  - Rules Committee – will be chaired by Bonnie Benitez. Committee will also include Commissioners Beyer, Dockstader, Rocha-Vazquez, and Case.
  - Executive Committee – will be chaired by Gloria Tran and will include the Cabinet and Chairs of all standing committees.
- B. In Person Public Comment
- Tasha Williamson - (*Starting Timestamp 1:27:11*) Commented on the importance of training on continuing education of officers and holding the SDPD accountable.
- C. Discussion – The Committees must meet at least once a quarter, in person, be agendized, and can be held in the Office of the CPP.
- D. Vote on formation of standing committees
- Motion:** Chair Tran moved for the formation of the following standing committees: Training and Continuing education, Community Outreach, and Rules. Commissioner James Justus seconded the motion. The motion passed unanimously with a vote of 19-0-0.
- Yays: Chair Tran, 1<sup>st</sup> Vice Chair Brown, 2<sup>nd</sup> Vice Chair Case, Aguilar, Armantrout, Benitez, Beyer, Canson, Chatzky, Diaz, Dockstader, Griffin-Jones, Hilpert, Justus, Lawton, Mendoza, Robinson, Rocha-Vazquez, and Rodriguez
- Nays: 0
- Abstained: 0
- Excused/Late Arrival: Flores, Harvey, Honoré, Mulmat, and Ortega

IX. ADJOURNMENT: The meeting adjourned at 2:17 pm.

To: CPP  
From: Duane E. Bennett, Outside Counsel  
RE: Pretext Stops and Discrimination Complaints

This is to address concerns that some commissioners may have regarding the subject of pretext stops and complaints of discrimination in case reviews.

At the outset, it is important to note that discrimination complaints are difficult to discern for obvious reasons. How we define discrimination on the basis of race, ethnicity and nationality is not subject to precise terms. Many people who have experienced prejudice and discrimination know it when they experience it, even if they cannot always clearly articulate it.

In the matter of case reviews, complaints of discrimination must be analyzed based on a “totality of circumstances”. This means that all factors should be considered when assessing these claims, not simply a targeted Departmental policy per se. Commissioners should keep in mind that officer conduct is evaluated based on adherence to Departmental policies, that include the Department’s Non-bias Policing Policy. This policy states, in part:

*The Department does not tolerate bias based policing and requires all members to adhere to courtesy expectations described in Department Policy 9.20. Bias-based policing occurs when law enforcement inappropriately considers factors such as race, color, ethnicity, religion, national origin, age, disability, gender (to include gender identity and gender expression), lifestyle, sexual orientation, or similar personal characteristics in deciding with whom and how to intervene in an enforcement capacity.*

*The Department’s commitment to non-bias-based policing includes providing all members with ongoing training related to biases, including implicit, overt, and bias by proxy, and all members are expected to understand their negative impacts on policing.*

*Non bias-based policing requires officers conducting investigative detentions, traffic stops, arrests, searches, and seizures to comply with standards of reasonable suspicion and probable cause in accordance with United States and California constitutional standards and Department procedures. Officers shall clearly document the specific facts and circumstances they relied upon in performing these actions...*

*Members seeking one or more specific persons who have been identified or described in part by their race, color, ethnicity, religion, national origin, age, disability, gender identity, gender expression, or sexual orientation may rely, in part, on the specified identifier or description only in combination with other appropriate identifying factors and may not give the specified identifier or description undue weight...*

This policy indicates that bias in policing should not occur. On the other hand, the mere existence of the policy is in recognition that such bias could potentially occur; and that bias constitutes a potential concern within the Department adversely affecting law enforcement actions.

At the pretext hearing, Chief Wahl indicated that he is aware of disproportionate law enforcement impacts to communities of color in the City, and that the adverse impacts are not to be tolerated. As such, there is an acknowledgment at the highest level of the Department that profiling and racial pretexting are concerns that must be addressed.

What then is the role of the Commission when discrimination complaints are lodged in connection with traffic stops? When is the stop problematic in connection with discrimination complaints? Are all stops of people of color pretext stops?

First of all, it is axiomatic that pretext stops are legal. All stops of people of color are not pretext stops, nor violative of policy. The majority of traffic stops are for legitimate reasons that pass legal scrutiny.

However, there are complaints about stops that, based on a totality of circumstances, may clearly be questionable and/or connote issues of bias. Unfortunately, the Department's non bias policy is ambiguous as to when race or ethnicity may be used in policing; while at the same time indicating that such bias should not be a factor.

In cases where discrimination complaints are lodged, Commissioners should go beyond perfunctory policy review to analyze the totality of circumstances to see if bias has crept into law enforcement action. Does the evidence support the complaint of discrimination notwithstanding the internal findings? Despite the internal finding, is the non-bias policing policy still implicated by actions including, but not limited to:

1. Vague or questionable articulation of reasonable suspicion or probable cause for the stop. (Remember, the courts have stated that racial stereotypes, racial profiling, vague and non-specific articulation of reasonable suspicion is not a sound basis for a stop or detention).
2. Police action based on the area where the suspect is located, i.e., a high crime area, known gang area...
3. Stereotypic notions of what types of vehicles are driven and by whom.
4. Searches being conducted in connection with the stop for minor traffic or equipment issues. (Questionable stops are often made in conjunction with consent searches of vehicles, etc.)
5. Stops made under suspicious circumstances that are not clearly described.
6. Stops based on random criteria.
7. Escalated displays or uses of force in connection with a minor traffic stop or detention...

Discrimination cases are difficult to assess, as noted. However, there is a great deal of data as we have discussed that indicates that more must be done to ensure equal protection in law enforcement.

Consider, in part, the Department's detention policy 4.01 and factors to be considered:

*A detention, also referred to as a "stop", occurs when officers use their authority to compel a person to halt, to remain in a certain place, or to perform some act, such as walking to a nearby location. Courts have used the terminology "investigative stop" for a detention. A detention is allowed so an officer may have a reasonable amount of time to investigate a person's possible involvement in actual or perceived criminal activity, allowing the officer to make an informed decision whether to arrest, or to release, the subject...*

*1. If an officer reasonably suspects that a person has committed, is committing, or is about to commit any crime, the authority to detain that person exists. Courts have used the terminology "Criminal activity is afoot" to describe these circumstances. The officer may exercise this authority in any place that the officer has the right to be. Both pedestrians and persons in vehicles may be detained. A detention is warranted if there is a reasonable suspicion by the officer that:*

- a. Some activity relating to crime has taken place, is presently taking place, or is about to occur; and,*
- b. The person to be stopped or detained is involved in that activity.*

*2. "Reasonable suspicion" is a term that is not capable of precise definition; it is more than a hunch or mere speculation on the part of an officer, but less than the probable cause necessary for arrest. It may arise out of a contact, or it may exist prior to a contact. The following list contains some, but certainly not all, factors that should be considered in determining whether reasonable suspicion exists for a detention.*

*Note: A single factor listed below, or a combination of factors, may or may not individually justify a detention. An officer shall consider the totality of the circumstances present when deciding whether a detention is reasonable.*

*a. Factors to Consider Regarding a Person's Appearance:*

- (1) The detainee fits the description of a person wanted for a known offense;*
- (2) The person appears to be suffering from a recent injury; or,*
- (3) The person appears to be under the influence of alcohol, drugs or other intoxicants.*

*b. Factors to Consider Regarding a Person's Behavior/Actions:*

- (1) The person is fleeing from an actual or possible crime scene;*
- (2) The person is behaving in a manner indicating possible criminal conduct;*
- (3) The person was overheard making incriminating statements; or,*
- (4) The person is associating himself/herself with someone the officer determined to be reasonably suspicious.*

*c. Factors to Consider Regarding Prior Knowledge of the Person:*

- (1) The person has an arrest or conviction record; or,*
- (2) The person is known to have committed an offense similar to the one that just occurred or is about to occur.*

*d. Factors to Consider Regarding Demeanor*

- (1) The person's answers are evasive, suspicious, or incriminating; or,*
- (2) The person is excessively nervous during the consensual contact...*

***Note: Officers are cautioned that the courts find no credence in the term "high crime area", and that the term should be avoided. If reference is to be made to the area of the detention, officers should be able to articulate specific facts concerning that area (i.e., four commercial burglaries in the past week within several blocks of the location of the stop; 25 acts of vandalism within the past month at San Diego High School, etc.).***

It should be recognized that compliance with the Department's specified detention factors does not necessarily mean that a law enforcement action is free of bias or discrimination per se. If such were the case, what then would be the need for the overlay of Policy 9.01, regarding Non-Bias in Policing? In essence, compliance with the Department's detention policy does not mean that a discrimination complaint has no merit or is unfounded. Such a complaint would still need to be analyzed based on the totality of circumstances, and how the detention factors:

1. Were utilized;
2. Were Applied;
3. To whom;
4. And why.

For a claim of selective enforcement based on race, a showing of intent—that a police officer's decision to surveil, stop or search someone was made with a discriminatory purpose or pursuant to a discriminatory policy—presupposes an ability to discover an officer's racial bias. This is an unrealistic burden of proof absent some obvious discriminatory action or verbiage suggesting a racial animus. Officers are increasingly unlikely to state discriminatory beliefs, even when such racist beliefs consciously motivate their enforcement choices.

Therefore, Commissioners must analyze the totality of circumstances/factors involved in a stop, commencing with whether an officer has particularly stated an objective basis for the stop or enforcement action, i.e. reasonable suspicion. Although "reasonable suspicion" is not susceptible of a specific definition, it is more than a hunch or vague suspicion that a person is involved in crime, drugs, gangs, etc.

Objective reasons regarding why a person was stopped should be carefully evaluated. It should also be asked, what was it about the subject's conduct that initially alerted the officer's attention? Where reasonable suspicion has not been carefully articulated, a discriminatory animus for enforcement activity could be present in support of a complaint.

Moreover, it is important to note that even where a suspect commits a criminal action, the commission of the crime may not condone or negate a valid finding of discrimination. For example, a person could be guilty of speeding and still present a valid complaint of discrimination or bias regarding the officer's conduct during the stop. Likewise, the fact that an officer complied with departmental policy does not necessarily invalidate a discrimination complaint. Both things could be true. The fact that an officer complies with policy does not automatically negate a finding of bias or discrimination regarding the arresting officer's conduct.

The subject of discrimination complaints is not easy, nor susceptible to a "bright line test" or interpretation. The challenge with discrimination complaints and case review is just as real as the discussion of discrimination is in society. All discrimination complaints are not valid; nor are all discrimination complaints invalid. On the other hand, the fact that discrimination complaints are hardly ever sustained, even in the face of suspicious circumstances, should be of concern to the Commission. This is especially true in light of the overwhelming and disproportionate stop data that suggests otherwise.

This topic is uncomfortable, and not always easy to discuss or discern. In this context, it is understandable that Commissioners continue to struggle with discrimination complaints and findings. Nevertheless, it is important for Commissioners (as uncomfortable as it may be) to voice concerns, scrutinize discrimination complaints, analyze the totality of circumstances and ask real questions about the validity of such complaints. If a complainant must always prove that a police officer used an ethnic slur to support a complaint, then case review is in vain regarding discrimination cases. It is important to note that discrimination is often hidden under the guise of discourtesy, disrespect and inordinate displays or uses of force.

All voices are important in this discussion. The CPP cannot properly decide these cases if supportive and dissonant voices are not heard, and respected, in an effort to ascertain the truth on behalf of the public.