

COMMISSION ON POLICE PRACTICES

REGULAR MEETING AGENDA

Tuesday, June 28, 2022

(6 p.m.-8 p.m.)

Remote Meeting Zoom Platform

<https://sandiego.zoomgov.com/j/1613968599>

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

Webinar ID: 161 396 8599

COVID- 19 PUBLIC SERVICE ANNOUNCEMENT REGARDING MEETING ACCESS AND PUBLIC COMMENT:

Until further notice, Commission on Police Practices meetings will be conducted pursuant to the provisions of California Government Code Section 54953 (e), added by Assembly Bill 361, which suspends certain requirements of the Ralph M. Brown Act. During the current State of Emergency and in the interest of public health and safety, all Commission on Police Practices meetings will take place via teleconferencing. All Commissioners and members of Commission staff will participate in Commission on Police Practices meetings via teleconferencing.

- I. CALL TO ORDER/WELCOME (Chair Brandon Hilpert)
- II. ROLL CALL (Interim Executive Director Sharmaine Moseley)
- III. DISCUSSION/ACTION (Chair Brandon Hilpert)
 - A. Adoption of Resolution Authorizing and Ratifying the Continuance of Teleconference Public Meeting Pursuant to Government Code 54953

Motion: The Commission on Police Practices will adopt this Resolution authorizing and ratifying the use of teleconferencing for all meetings including meeting of it ad hoc or standing committees, in accordance with Government Code Section 54953(e) and all other applicable provisions of the Brown Act, for a period of thirty (30) days from the adoption of this Resolution, or such a time that the Commission adopts a subsequent Resolution in accordance with Government Code Section 54953 (e). The Interim Executive Director is directed to return no later than thirty (30) days after the adoption of this Resolution with an item for this legislative body's reconsideration of these findings.

- IV. PUBLIC COMMENT: Fill out and submit comment using [webform](#). Please see instructions at the end of this agenda.
- V. CLOSED SESSION (CANCELLED)
- VI. PURPOSE OF THE COMMISSION ON POLICE PRACTICES (CPP)

- VII. APPROVAL OF MEETING MINUTES
 - A. CPP Open Session Meeting Minutes OF May 24, 2022
- VIII. NON-AGENDA PUBLIC COMMENT: Fill out and submit comment using [webform](#). Please see instructions at the end of this agenda
- IX. EDUCATIONAL/TRAINING TOPIC
 - “Closed Sessions & the Duty/Requirement of Confidentiality Under the Brown Act” - Part 2 of 2** Presenter: Duane E. Bennett, Esq. (CPP Outside Counsel)
- X. UNFINISHED BUSINESS (DISCUSSION/ACTION) (Chair Brandon Hilpert)
- XI. NEW BUSINESS (DISCUSSION/ACTION) (Chair Brandon Hilpert)
 - A. Commission Meetings
 - 1. Reassessment of Closed & Open Sessions of Regular Meetings
 - Action Item: Approval of changing the meeting dates and/or times of the Commission’s Regular Meeting and the times of the Open & Closed Sessions**
 - B. Case Review
 - 1. Reassessment of Backlog of CPP Case Review & Evaluation of Disciplines
- XII. COMMITTEE CHAIR REPORTS (DISCUSSION/ACTION)
 - A. Continuing Education Committee (Nancy Vaughn)
 - 1. List of Upcoming Educational Topics/Presentations
 - Restraining Orders
 - Interactions Between Kumeyaay People & Law Enforcement
 - Show of Force/Use of Force & Reporting Requirements
 - B. Outreach Committee (Patrick Anderson)
 - 1. Past Events/Virtual Meetings/Roundtable Discussions
 - 2. Upcoming Events/Outreach Opportunities
 - C. Rules Committee (1st Vice Chair Doug Case)
 - D. CPP Handbook Committee (1st Vice Chair Doug Case)
 - 1. Update – On Hold
 - E. Policy Committee (Chair Brandon Hilpert)
 - 1. Update/Next Policy Committee Meeting
 - F. Recruitment & Training Committee (Kevin Herington)
 - 1. Update – On Hold
 - G. Citizens Advisory Board on Police Community Relations (Chair Hilpert)
 - 1. Update Meeting on June 27, 2022
 - H. Ad Hoc Transition Planning Committee (1st Vice Chair Doug Case)
 - 1. Budget Update
 - 2. Staffing & Legal Counsel Update

3. Draft Implementation Ordinance & Standard Operating Procedures Update
4. Office Space Update

XIII. CHAIR'S REPORT (Chair Brandon Hilpert)

- A. Reminders for Commissioners
 1. 4th Quarter (April 1st – June 30th) Volunteer Hours Report -All Commissioners log hours in for reporting purposes
 2. Internal Affairs Office Hours/Schedule
- B. Updates
 1. Collaboration/Information Sharing with Statewide Oversight Groups
 2. Update & Next Steps on CPP Special Joint Meeting with Citizens Advisory Board on Police/ Community Relations (CAB) 4/21/22 – Countywide MOU Between County Chiefs & Sheriff Association
 3. Update on the Creation CPP Social Media Pages & Training
 4. Update on CPP Presentation to Newest Officer Academy (June 16th)
- C. Other Items/Reminders

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

- A. Caseload Update & Status of Case Reports
- B. Commission Resignation/Vacancies
- C. Planning for CPP Former Member Appreciation/Acknowledgements
- D. NACOLE Annual Conference in Fort Worth, Texas (September 2022)
- E. Other Items/Reminders

XV. SAN DIEGO POLICE DEPARTMENT REPORT (EA Chief Chris McGrath)

- A. Status of SDPD Written Responses to CPP Recommendations Submitted on March 30, 2021
 1. Protest Policy
 2. BWC Usage in Secure Facilities
 3. Warnings Prior to OC Usage
 4. Time Limits in Maximum Restraints
 5. Seatbelt Usage during Transportation
 6. Observation of Detainees in Sally Port
- B. Status of SDPD Written Response to CPP Recommendations Submitted on August 12, 2021 Regarding Procedure for Approval of Use of Force Opinions
- C. Status of SDPD Written Responses to CPP Recommendations Submitted on May 10, 2022
 1. BWC Buffering Enhancements
 2. Investigation of Complaints Involving SDPD Leadership
 3. Discipline Manual and Matrix Changes
 4. Formation of SDPD's Disciplinary Tracking System
 5. Be on Lookout (BOLO) Flyers
 6. Transmittal of Commission's OIS Reports to Shooting Review Board

- D. Status of CPP Cabinet Meeting with SDPD Training Captain Regarding Use of Force & Show of Force Reporting
 - E. Status of CRB Recommendation in April 2017 Regarding Canine Use of Force Complaints
 - F. Updates (Staffing in IA, Training, etc.)
- XVI. COMMISSIONER RIDE-ALONG REPORTS
- XVII. COMMISSIONER ANNOUNCEMENTS/COMMENTS
- XVIII. ADJOURNMENT

Materials Provided:

- Minutes from Open Session Meeting on May 24, 2022 (DRAFT)
- CPP Resolution Authorizing & Ratifying the Continuance of Teleconferenced Public Meetings Pursuant to Government Code 54953

In lieu of in-person attendance, members of the public may participate and provide comment via virtual attendance or using the webform, as follows:

Virtual Testimony:

Members of the public may provide comment on the comment period for Non-agenda Public Comment or Agenda Public Comment during the meeting, following the [Public Comment Instructions](#).

Written Comment through Webform:

In lieu of in-person attendance, members of the public may submit their comments using the [webform](#). If using the webform, indicate the agenda item number you wish to submit a comment for. Instructions for word limitations and deadlines are noted on the [webform](#). 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 below. To view a meeting archive video, click [here](#).

Only comments submitted no later than 4pm the day prior to the meeting using the public comment webform will be eligible to be read into the record. If you submit more than one comment on webform per item, only one comment will be read into the record for that item. **Comments received after 4pm the day prior and before 8am the day of the meeting** will be provided to the Commission or Committee and posted online with the meeting materials. All comments are limited to 200 words. Comments received after 8am the day of the meeting, but before the item is called, will be submitted into the written record for the relevant item.

If you attach any documents to your comment, it will be distributed to the Commission or Committee in accordance with the deadlines described above.

Joining the webinar as an attendee at 6pm:

Join from a PC, Mac, iPad, iPhone or Android device:

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REGULAR MEETING MINUTES

Tuesday, May 24, 2022
Open Session for Public Comment for Closed Meeting (4 p.m.-4:30 p.m.)
Open Session (6 p.m.-8 p.m.)
Via Zoom Webinar

Click <https://www.youtube.com/watch?v=-GvHR8y-Gec> to view this meeting on YouTube.

Commissioners Present:

Brandon Hilpert, Chair
Doug Case, 1st Vice Chair
Poppy Fitch, 2nd Vice Chair (arrived at 6:01pm)
Patrick Anderson (left at 6:00pm)
Maxine Clark
Andrea Dauber-Griffin

Diana Dent (arrived at 4:29pm)
Kevin Herington
Steve Hsieh (arrived at 4:29pm)
Ernestine Smith
Nancy Vaughn

Commissioners Absent or Excused:

Chris Pink
Robin Spruce

Staff Present:

Sharmaine Moseley, Interim Executive Director
Duane Bennett, CPP Legal Counsel
Robin Recendez, Administrative Aide
Alina Conde, Executive Assistant

San Diego Police Department (SDPD) Staff Present:

Lieutenant Tristan Schmottlach
Lieutenant Dan Sayasane

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- I. CALL TO ORDER/WELCOME: Chair Brandon Hilpert called the meeting to order at 4:24pm.
 - II. ROLL CALL: Interim Executive Director Sharmaine Moseley conducted the roll call.
 - III. DISCUSSION/ACTION (Chair Brandon Hilpert)
 - A. Adoption of Resolution Authorizing and Ratifying the Continuance of Teleconference Public Meeting Pursuant to Government Code 54953
Motion: The Commission on Police Practices will adopt this Resolution authorizing and ratifying the use of teleconferencing for all meetings

including meeting of its ad hoc or standing committees, in accordance with Government Code Section 54953(e) and all other applicable provisions of the Brown Act, for a period of thirty (30) days from the adoption of this Resolution, or such a time that the Commission adopts a subsequent Resolution in accordance with Government Code Section 54953 (e). The Interim Executive Director is directed to return no later than thirty (30) days after the adoption of this Resolution with an item for this legislative body's reconsideration of these findings.

Commissioner Nancy Vaughn moved for the Commission on Police Practices to adopt this Resolution. Commissioner Kevin Herington seconded the motion. The motion passed with a vote of 7-0-0. (Time 2:19)

Yays: Chair Hilpert, 1st Vice Chair Case, Commissioner Anderson, Commissioner Clark, Commissioner Dauber-Griffin, Commissioner Herington, and Commissioner Vaughn

Nays: None

Abstained: None

Absent/Excused: 2nd Vice Chair Fitch, Commissioner Dent, Commissioner Hsieh, Commissioner Pink, Commissioner Smith, and Commissioner Spruce

- IV. PUBLIC COMMENT: No public comment received.
- V. CLOSED SESSION (4:30 pm – 5:30 pm)
 - A. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Discussion & Consideration of Complaints & Reports: Pursuant to Government Code Section 54957 to discuss complaints, charges, investigations, and discipline (listed in the Closed Session portion of the agenda) 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.
- VI. OPEN SESSION: The Commission reconvened its Regular Meeting at 6:01pm.
- VII. REPORT OUT FROM CLOSED SESSION: Chair Brandon Hilpert stated that there is nothing to report out from Closed Session meeting.
- VIII. PURPOSE OF THE COMMISSION ON POLICE PRACTICES (CPP): Chair Brandon Hilpert explained that the purpose of the Commission on Police Practices (CPP) is to provide an independent investigation of officer-involved shootings, in-custody deaths, and an unbiased evaluation of all complaints against the police department and its personnel in a process that will be transparent and

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

IX. APPROVAL OF MEETING MINUTES

A. CPP Open Session Meeting Minutes OF April 26, 2022

Motion: Chair Brandon Hilpert moved for the Commission to approve its April 26, 2022 Open Session Meeting Minutes. 1st Vice Chair Doug Case seconded the motion. The motion passed with a vote of 8-0-0. (Time 8:35)

Yays: Chair Hilpert, 2nd Vice Chair Fitch, 1st Vice Chair Case, Commissioner Clark, Commissioner Dauber-Griffin, Commissioner Dent, Commissioner Hsieh, and Commissioner Vaughn

Nays: None

Abstained: None

Absent/Excused: Commissioner Anderson, Commissioner Herington, Commissioner Pink, Commissioner Smith, and Commissioner Spruce

B. Special Joint Meeting of Commission on Police Practices & Citizens Advisory Board on Police/Community Relations on 4/21/2022

Motion: Commissioner Diana Dent moved for the Commission to approve its April 21, 2022 Special Joint Meeting of Commission on Police Practices & Citizens Advisory Board on Police/Community Relations. Commissioner Nancy Vaughn seconded the motion. The motion passed with a vote of 8-0-0. (Time 10:23)

Yays: Chair Hilpert, 1st Vice Chair Case, 2nd Vice Chair Fitch, Commissioner Clark, Commissioner Dauber-Griffin, Commissioner Dent, Commissioner Hsieh, and Commissioner Vaughn

Nays: None

Abstained: None

Absent/Excused: Commissioner Anderson, Commissioner Herington, Commissioner Pink, Commissioner Smith, and Commissioner Spruce

X. NON-AGENDA PUBLIC COMMENT: No public comment received.

XI. EDUCATIONAL/TRAINING TOPIC

“Open & Transparent Meetings Under the Brown Act” - Part 1 of 2
Presenter: Duane E. Bennett, Esq. (CPP Outside Counsel) (12:47)

CPP Outside Counsel, Duane Bennett presented information regarding the Brown Act. The Commission is required to have its meetings as a legislative body to be conducted in public except for closed session meetings as it meets disclosures of sensitive information under laws of POBAR. The meetings must be agendized with notice of 72 hours. Teleconferencing due to COVID Pandemic need to be voted on every 30 days if teleconferencing is to continue.

- XII. UNFINISHED BUSINESS (DISCUSSION/ACTION (Chair Brandon Hilpert)
- A. Commission Closed Meetings in June (Dates and Times) – Chair Brandon Hilpert will be working with Executive Assistant Alina Conde on sending out a doodle poll for each Tuesday of the month. The Commission has about a hundred cases waiting for review. The Commission has been meeting almost every week (if not bi-weekly).
- B. Case Review
1. Status of CPP Case Review & Evaluation of Disciplines
Reminder to Teams that if they disagree with the discipline of an officer, they can meet with the Captain who issued that discipline to discuss the discipline. It is important for the Teams to review the disciplines for cases as promptly as possible.
 2. Feedback on Remote Case Access (Google Drive)
Reminder that Commissioners can go down to Internal Affairs (IA) to review audio files and/or IA has agreed to burn them on a CD or flash drive. The Commissioners can sign out the flash drives, listen to them, and then return them to IA.
 3. IA Office Hours/Schedule (Continuation of Saturday Hours) –
Reminder that Internal Affairs has offered weekend hours for Commissioners who may need it. Commissioners should send an email and request the time if they need to go into Internal Affairs on the weekends.
 4. Scheduling Chair/Interim Executive Director Meeting with Teams
This meeting will be scheduled to go over any cases, concerns, or anything that is coming up that needs to be discussed.

XIII. COMMITTEE CHAIR REPORTS (DISCUSSION/ACTION)

- A. Continuing Education Committee (Nancy Vaughn)
1. List of Upcoming Educational Topics/Presentations
 - Restraining Orders – The CPP has seen some complaints and cases that revolve around restraining orders and would like to be a little more educated around this.
 - Interactions Between Kumeyaay People & Law Enforcement – Updates coming soon.
 - Show of Force/Use of Force & Reporting Requirements – Updates coming soon.
- B. Outreach Committee (Patrick Anderson)
1. Past Events/Virtual Meetings/Roundtable Discussions -No update
 2. Upcoming Events/Outreach Opportunities
No current updates.
- C. Rules Committee (1st Vice Chair Doug Case)
No current updates.

- D. CPP Handbook Committee (1st Vice Chair Doug Case)
1. Update – This item is on hold.
- E. Policy Committee (Chair Brandon Hilpert)
Update/Next Policy Committee Meeting
Last month, the Commission submitted recommendations to SDPD and is awaiting the responses to those recommendations. All Commission recommendations and responses to those recommendations are posted to the CPP website.
- F. Recruitment & Training Committee (Kevin Herington)
1. Update – Currently on Hold
- G. Citizens Advisory Board on Police Community Relations (Chair Hilpert)
1. Update Past & Upcoming Meetings
The last CAB meeting was canceled due to a possible quorum issue. However, the CPP & CAB held a special joint meeting where the MOU was discussed. The goal of this meeting was to get feedback from the Police Department and the Sheriff’s Department about how this new community-wide MOU would impact the Commission’s review of officer-involved shootings. The Sheriff’s Department was unable to attend but there was some representation from the San Diego Police Department.
- H. Ad Hoc Transition Planning Committee (1st Vice Chair Doug Case)
1. Budget Update – The CPP leadership participated in the budget hearing before the City Council’s Budget Review Committee for the fiscal year 2023 budget. Interim Executive Director Sharmaine Moseley presented the budget and there were no questions or modifications.
2. Staffing and Legal Counsel Update – The CPP is currently in the process of doing two searches with CPS HR; one is for the Deputy Executive Director and the other is Supervising Investigator. As of last week, there were almost 60 applications. Also, about 10 community groups have been selected to provide feedback prior to the final selection
3. Draft Implementation Ordinance & Standard Operating Procedures Update – The Implementation Ordinance is currently in meet and confer. According to sources within the City, the POA is giving a lot of pushback to the ordinance. The City Council has approved the request to modify the Interim Standard Operating Procedures.
4. Office Space Update – Interim Executive Director Sharmaine Moseley, Chair Brandon Hilpert, 1st Vice Chair Doug Case, Executive Assistant Alina Conde, and Administrative Aide Robin Recendez met with DREAM’s Karen Johnson to go over new space options for the Commission. There were two potential spots that looked promising. Parking may be included (still checking on this) and there will be an option for a large conference room (up to 60 individuals).

XIV. CHAIR’S REPORT

(Chair Brandon Hilpert)

- A. Reminders for Commissioners
 - 1. 4th Quarter (April 1st – June 30th) Volunteer Hours Report – All Commissioners need to log in their hours for reporting purposes. If there are any issues or if anyone needs help with trouble shooting, please reach out to Executive Assistant Alina Conde for assistance.
- B. Update on Collaboration/Information Sharing with Statewide Oversight Groups – Chair Hilpert was unable to attend the state-wide oversight organization meeting.
Update & Next Steps on CPP Special Joint Meeting with Citizens Advisory Board on Police/Community Relations (CAB) 4/21/22 – Countywide MOU Between County Chiefs & Sheriff Association – CPP held a joint meeting with the Citizens Advisory Board as well as some members of SDPD’s leadership to answer some questions. The Sheriff’s Department was unable to attend due to scheduling conflicts. The next step is for the Sheriff’s Office to have a conversation and meeting with the CPP.
- C. Creation CPP Social Media Pages & Training of Administrators – The CPP was able to set up its social media accounts. This will make it easier for the Community to interact and know what the Commission is up to. There will be an upcoming meeting with CPP leadership and the Communications Team to go over do’s and don’ts of social media.
- D. CPP Presentation to Newest Officer Academy (June 16th) – The CPP will provide a 30-45-minute presentation to go over the CPP values and mission.
- E. Other Items/Reminders – Question in the chat: Do you have any information for support or engagement opportunities? Chair Brandon Hilpert responded that if anyone has any suggestions on things they would like for CPP to participate in please reach out to the CPP.

XV. EXECUTIVE DIRECTOR’S REPORT (Interim ED Sharmaine Moseley)

- A. Caseload Update and Status of Case Reports- It was reported that as of today, the Commission started out with 103 total cases assigned to its Teams. Thirty-three of those cases are Category II cases. At the March meeting of the Commission, the Commission agreed to suspend the audit of Category II cases due to the backlog of cases. As a result, the Commission has 70 active cases assigned to its Teams. One of the 70 active cases was closed out at tonight’s closed meeting, so the Commission now has 69 active cases to review.

In this fiscal year, the Commission reviewed, deliberated on and closed out a total of 103 cases. The breakdown of the 103 cases are: 94 Category I cases, 8 OIS cases, and 1 ICD case. The Commission audited 17 Cat II cases and evaluated 108 disciplines. The Commission also evaluated 2 shooting review board reports. There will be an upcoming Cabinet meeting with the Team.

The statistics for the Team assignments are as follows:

The Teams have no in-custody death cases assigned for review. There are no Commissioners currently assigned to Teams 2 and 7 so those Teams are inactive.

Team 1 has 13 active cases in their queue (12 are Category I cases– two of which have one or more sustained findings, and 1 OIS case). The Team also has 7 Category II cases which are on hold.

Team 2 is inactive.

Team 3 has 7 active cases in their queue. Of the 7 cases, 6 are Category I cases – two of which have sustained findings. The Team has 1 OIS case. The Team also has 2 Category II cases which are on hold.

Team 4 has 17 active cases in their queue all of which are Category I cases. Three of the Category I cases have one or more sustained findings. The Team has no OIS or ICD cases to review. The Team also has 13 Category II cases which are on hold.

Team 5 has 12 active cases in their queue. Of the 12 cases, one was an OIS case which was closed out at our closed meeting earlier tonight. As a result, the Team is down to 11 active cases. Team 5 has disciplines to evaluate. Two of the Category I cases have one or more sustained findings. The Team also has 5 Category II cases which are on hold.

Team 6 has 21 active cases in their queue of which are Category I cases. Of the 21 cases, three have sustained findings. The Team also has 6 Category II cases which are on hold.

Team 7 – Team 7 is inactive.

- B. Planning for CPP Former Member Appreciation/Acknowledgements– The CPP is planning on holding an appreciation/acknowledgement ceremony for members who resigned just prior to the passage of Measure B and Commissioners who resigned over the last two years. Administrative Aide Robin Recendez has been working on the planning of this event. The next step would be to decide on a location.
- C. Status of Inclusion of CPP Interim ED in the City’s Department Director’s Meetings – Under the leadership of OBC Director Chida Warren Darby, Interim Executive Director Sharmaine Moseley along with the city’s other Executive Directors are once again included in the Department Director’s meetings. Interim Executive Director Moseley explained the importance of being allowed to participate in this meeting. There is a lot to learning and sharing of information.
- D. NACOLE Annual Conference in Fort Worth, Texas (September 2022) – Unfortunately, this year Interim Executive Director Sharmaine Moseley decided not to serve on the planning committee for the Annual Conference to focus her time on the transition of the Commission. This year’s conference is taking place from September 11–September 15 in Fort Worth, Texas. This is an excellent learning/training opportunity.
- E. Other Items/Reminders
Executive Assistant Alina Conde asked the Commissioners to let her know if they are available and would like to attend the NACOLE Webinar Series (as of June 14th). She further reported that as Administrative Aide Robin Recendez transitions into the role of Complaint Coordinator, Executive Assistant Alina Conde will be continuing to work diligently on receiving and processing new complaints. On average, the CPP receives roughly 15 to 20 complaints throughout the week. Out of those complaints, roughly a third of them are outside of the CPP’s Jurisdiction.
 - Both Administrative Aide Robin Recendez and Executive Assistant Alina Conde have been working on keeping the Case Templates up to date in order to better assist the Teams.

- As an ongoing project, both Executive Assistant Alina Conde and Administrative Aide Robin Recendez have been working with the IT Web Team to bring the Commission website up to date. Most, if not all changes requested so far have been completed and reflected on the website.
- Executive Assistant Alina Conde has recently been tasked to coordinate 3 upcoming meetings: 1.) monthly standing meeting for the CPP/CLERB Collaboration meeting. This meeting has been scheduled for June 22nd at 5:30pm. 2.) monthly standing CPP Team Lead Meeting with CPP Leadership. 3.) meeting with the CPP Chair Brandon Hilpert, Interim Executive Director Sharmaine Moseley, and the City's Communications team to meet regarding the Commission's presence on Social Media platforms.

Administrative Aide Robin Recendez reported that her biggest challenge is the budget process because she transitioned to the Commission during the middle of the budget year. She is currently working on purchase orders, allocations and making sure that orders are being paid for and completed as the end of the fiscal year is around the corner.

XVI. SAN DIEGO POLICE DEPARTMENT REPORT (EA Chief Chris McGrath)

- A. Status of SDPD Written Responses to CPP Recommendations Submitted on March 30, 2021**
1. Protest Policy
 2. BWC Usage in Secure Facilities
 3. Warnings Prior to OC Usage
 4. Time Limits in Maximum Restraints
 5. Seatbelt Usage during Transportation
 6. Observation of Detainees in Sally Port

There have been some verbal responses from SDPD in meetings. CPP requested that SDPD submit formal responses. The most recent update from Chief McGrath is that it is in legal on their side and the CPP should receive them in the next week or so.

- B. Status of SDPD Written Responses to CPP Recommendations Submitted on May 10, 2022**
1. BWC Buffering Enhancements
 2. Investigation of Complaints Involving SDPD Leadership
 3. Discipline Manual and Matrix Changes
 4. Formation of SDPD's Disciplinary Tracking System
 5. Be on Lookout (BOLO) Flyers
 6. Transmittal of Commission's OIS Reports to Shooting Review Board

These recommendations were just sent over and it is early to receive responses yet. Some officers that are doing research on this are currently unavailable so there is a bit of a delay on this. More updates to come.

- C. Status of CPP Cabinet Meeting with SDPD Training Captain Regarding Use of Force & Show of Force Reporting**
- Chair Brandon Hilpert had a call with Captain Morris regarding this topic. Chair Brandon Hilpert will be sending out an email with these updates tonight or maybe early morning tomorrow.

- D. Updates (Staffing in IA, Training, etc.) – None.
- XVII. COMMISSIONER RIDE-ALONG REPORTS: It was reported that Commissioners can start doing ride-a-long's again.
- XVIII. COMMISSIONER ANNOUNCEMENTS/COMMENTS: No announcements or comments.
- XIX. ADJOURNMENT: The meeting adjourned at 7:13pm.

DRAFT

SAN DIEGO COMMISSION ON POLICE PRACTICES RESOLUTION AUTHORIZING AND RATIFYING THE CONTINUANCE OF TELECONFERENCED PUBLIC MEETINGS PURSUANT TO GOVERNMENT CODE 54953

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and

WHEREAS, on January 30, 2020, the World Health Organization ("WHO") declared a Public Health Emergency of International Concern as a result of the COVID-19 virus. On January 31, 2020, the United States Secretary of Health and Human Services also declared a Public Health Emergency of the COVID-19 virus; and

WHEREAS, on February 14, 2020, the San Diego County Health Officer declared a Local Health Emergency as a result of the COVID-19 virus, which was subsequently ratified by the Board of Supervisors on February 19, 2020, and recognized by the City of San Diego; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency ("State of Emergency") pursuant to section 8625 of the California Emergency Services Act, in response to the COVID-19 pandemic; and,

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the "Brown Act"), provided certain requirements were met and followed; and,

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and,

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 which provides that a legislative body subject to the Brown Act may use revised teleconference rules provided under section 53593(e) if the legislative body makes certain findings and those findings are reconsidered every thirty (30) days, as applicable; and,

WHEREAS, on September 20, 2021, Governor Newsom issued Executive Order N-15-21 that suspended AB 361 through September 30, 2021; and,

WHEREAS, the proclaimed State of Emergency remains in effect; and,

WHEREAS, the California Occupational Safety and Health Standards Board adopted California Code of Regulations, Title 8, Section 3205 which states, "particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased

ventilation indoors, and respiratory protection decrease the spread of COVID-19, but are most effective when used in combination;” and

WHEREAS, on or about September 23, 2021, Dr. Wilma Wooten, the County of San Diego’s Public Health Officer issued a letter recommending the utilization of teleconferencing options for public meetings as an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 virus (the “Teleconferencing Recommendation”); and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, this legislative body deems it necessary to take action for purposes of utilizing the provisions of AB 361 related to teleconferencing;

WHEREAS, social distancing measures have been imposed and implemented by the State of California to mitigate the spread of COVID-19; and

WHEREAS, the San Diego Commission on Police Practices believes the spread of COVID-19 poses an imminent risk to the health and safety of in person meeting attendees; and

WHEREAS, the San Diego Commission on Police Practices is committed to open and transparent governance in compliance with the Brown Act; and

WHEREAS, the San Diego Commission on Police Practices is conducting virtual meetings by way of telephonic and/or internet-based services as to allow members of the public to fully participate in meetings and offer public comment.

NOW THEREFORE, BE IT RESOLVED, that the recitals set forth above are true and correct and fully incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED, that the San Diego Commission on Police Practices recognizes that a State of Emergency in the State of California continues to exist due to the COVID-19 pandemic.

BE IT FURTHER RESOLVED, that the San Diego Commission on Police Practices recognizes that social distancing measures remain recommended by state and local officials.

BE IT FURTHER RESOLVED, that the San Diego Commission on Police Practices finds that holding in-person meetings would present imminent risks to the health or safety of attendees due to the cause of the State of Emergency and that the cause of the State of Emergency directly impacts the ability of the governing board members to meet safely in person.

BE IT FURTHER RESOLVED, the San Diego Commission on Police Practices authorizes and ratifies the use of teleconferencing for all meetings, including meetings of its ad hoc or standing committees, in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act, for a period of thirty (30) days from the adoption of this resolution, or such a time that the Commission adopts a subsequent resolution in accordance with

Government Code section 54953(e)(3). The Interim Executive Director is directed to return no later than thirty (30) days after the adoption of this Resolution with an item for this legislative body's reconsideration of these findings.

BE IT FURTHER RESOLVED, the Interim Executive Director is directed to take any other necessary or appropriate actions to implement the intent and purposes of this Resolution.

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately upon its adoption.

Adopted this _____ day of the month of _____ in 2022.

Motion made by: _____

Second made by: _____

Commissioners voting "yes" _____

Commissioners voting "no" _____

Commissioners abstaining _____

Commissioners not present _____