



**COMMISSION ON POLICE PRACTICES**

**SPECIAL JOINT MEETING MINUTES  
of  
Commission on Police Practices  
&  
Citizens Advisory Board on Police/Community Relations**

**Thursday, April 21, 2022  
6 p.m. – 8 p.m.  
Via Zoom Webinar**

Click <https://www.youtube.com/watch?v=ASYeVOy5exE> to view this meeting on YouTube.

**Commissioners Present:**

Brandon Hilpert, Chair  
Doug Case, 1<sup>st</sup> Vice Chair  
Maxine Clark (arrival 6:15)  
Diana Dent  
Sheila Holtrop  
Steve Hsieh

Robin Spruce  
Nancy Vaughn  
Marty Workman  
Andrea Dauber-Griffin  
Ernestine Smith

**Commissioners Absent or Excused:**

Poppy Fitch, 2<sup>nd</sup> Vice Chair  
Patrick Anderson  
Kevin Herington  
Chris Pink

**Staff Present:**

Sharmaine Moseley, Interim Executive Director  
Alina Conde, Executive Assistant  
Robin Recendez, Administrative Aide

**Citizens Advisory Board on  
Police/Community Relations:**

Gerald Brown, Executive Director  
Samantha Jenkins, Chair  
Robert Ilko, Vice Chair  
Norma Sandoval, Youth Advocate  
David Burton, Board Member

Polly Dong, Board Member  
Cathy Fisher, Board Member  
Adrianna Flores, Board Member  
Dennis Hodges, Board Member

**CLERB:**

Executive Director, Paul Parker

**San Diego Police Department (SDPD) Staff Present:**

Chris McGrath, Executive Assistant Chief

Paul Connelly, Assistant Chief

Terence Charlot, Assistant Chief

Jeff Jordon, Captain

Richard Freedman, Captain

Anthony Dupree, IA Captain

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I. CALL TO ORDER/WELCOME: Chair Brandon Hilpert called the meeting to order at 6:06pm.

II. OPENING REMARKS/GUIDELINES (CPP CHAIR HILPERT/CAB CHAIR SAMANTHA JENKINS)

Commission on Police Practices (CPP or Commission) Chair Brandon Hilpert explained that the objective of the meeting is to learn more about the countywide memorandum of understanding regarding entry agency review of officer-involved shootings (OIS) and other deadly force incidents. SDPD OIS incidents will now be investigated by San Diego Sheriff's Office and vice versa. In cases where Officer/Deputy involved shootings occur, then both SDPD and Sheriff's Department incidents will be investigated by the Chula Vista Police Department.

III. PURPOSE OF THE COMMISSION ON POLICE PRACTICES (CPP): Chair Brandon Hilpert explained that the purpose of the Commission on Police Practices is to provide an un-biased review and evaluation of all complaints, brought by members of the public, against officers of the San Diego Police Department and to review and evaluate the administration of discipline arising from sustained complaints. Currently the Commissioners reviews and evaluates officer involved shootings, all in-custody deaths and all police interactions that result in a death of a person. Upon the passage of the Implementation Ordinance by City Council, the Commission will be providing independent investigations of officer involved shootings and in-custody deaths. The Commission will also evaluate and review SDPD policies, practices, trainings, protocols and represent the community 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.

IV. PURPOSE OF THE CITIZEN ADVISORY BOARD ON POLICE AND COMMUNITY RELATIONS (CAB): Chair Samantha Jenkins explained that the purpose of the

Citizen Advisory Board on Police and Community Relations is to: study, consult and advise the Mayor, City Council and Community on matters of Police and Community relations; support crime prevention efforts and foster community participation in that effort; recommend, review policies, practices, and programs; increase law enforcement sensitivity, effectiveness, and responsiveness to needs and concerns of the community; promote and encourage open communication between the community and the San Diego Police Department; promote and support the shared responsibility for improvements in the relationship between the San Diego Police Department and the community; and to inform community members of their rights and responsibilities during engagements and encounters with the Police department.

- V. ROLL CALL: CPP Interim Executive Director Sharmaine Moseley conducted the roll call.
- VI. ROLL CALL: CAB Vice Chair Robert (Bob) Ilko conducted the roll call.
- VII. **Presentation:** “Memorandum of Understanding Regarding Protocols for the Investigation & Review of Officer & Deputy-Involved Shootings & Other Deadly Force Incidents” (7:15)

**Speakers:** SDPD Executive Assistant Chief Chris McGrath, SDPD Assistant Chief Terence Charlot & SDPD Captain Jeff Jordon, Assistant Chief Paul Connelly, Captain Richard Freedman, IA Captain Anthony Dupree

SDPD Executive Assistant Chief Chris McGrath described that the MOU document has 18 signatures, 16 of them are from Police Chiefs and Sheriff and then the District Attorney’s office. Those who signed the document felt that this is what the citizens asked for, which are best practices for accountability and transparency in investigations when officers are involved in shootings. No process or any reviews will be eliminated for the purposes of oversight. Nothing changes for CPP.

Assistant Chief Paul Connelly from Investigations described how investigations included the Homicide Unit in addition to the responsibility of investigating officer-involved shootings. The history of the process started two years ago with an Assembly Bill AB 594 was on the table to be voted upon. It would eliminate an agency’s ability to investigate their own officer-involved shooting. Chiefs and Sheriffs in the County wanted to get ahead of the Assembly Bill by developing their own MOU. The bill has not passed yet. SDPD predicted officer – involved shootings in the County and came up with an approximate number of 20-25 occur a year throughout San Diego County with 16 agencies that are involved. SDPD had about half of those OIS cases, because San Diego has one of the largest geographical areas of 372 square miles and one of the largest

populations, therefore more likely to have more OIS. SDPD will investigate the San Diego County Sheriff's Department's deputy-involved shootings, as well as all other local law enforcement agencies involved in a shooting. Shootings involving the San Diego County Sheriff's Department and SDPD will be investigated by the Chula Vista Police Department. It is set up where each agency will be having liaisons be present during investigations. Liaisons would be responsible for coordinating with other agencies, provide resources, process suspects and be put in place to help the investigation move smoothly. Since investigating areas that might be out of jurisdiction, each liaison will be making sure all policies and procedures are being followed by each agency. In addition, for CLERB and CPP having their own investigator respond to homicide or OIS situations. There are provisions to allow this and to liaison with Homicide investigators to be able to report back to the Board. An appropriate way to do this is to set up a separate MOU between SDPD and CPP to have that in writing and see how it would work and the parameters of that will be.

VIII. QUESTION FROM CPP COMMISSIONERS AND CAB MEMBERS (CPP CHAIR HILPERT) (17:55)

CPP 1<sup>st</sup> Vice Chair Doug Case stated that it would likely need an MOU between SDPD and CPP, but it seems there is a need of an MOU between SDPD, CPP and Sheriff's office. CPP relies heavily upon the Sheriff's office for cooperation and CPP will be conducting its own independent investigations. What is SDPD's feedback on this? Will SDPD still be conducting Shooting Review Boards for those cases? SDPD Executive Assistant Chief Chris McGrath responded that the internal process of Shooting Review Board should continue.

SDPD Executive Assistant Chief Chris McGrath responded that in the MOU, it's a legal agreement between three entities so what is CPP proposing and what is CPP Counsel recommending would need to be looked at. Then it will go to SDPD to review documents for questions or adjustments on the MOU. Assistant Chief Paul Connelly responded with every agency that is involved in the MOU and they agreed to everything in the MOU.

CPP Chair Brandon Hilpert asked what if, for example, SDPD feels there is some sort of deficiency in the way the Sheriff's office is doing their report, is SDPD able to ask the Sheriff's office to modify the report to meet SDPD standards? Will SDPD be able to tell the Sheriff's office these are SDPD standards expected in OIS investigations and therefore ask them to fulfill that? Assistant Chief Paul Connelly responded it would defeat the purpose of being an independent investigation. There are many checks and balances outside of the involved agency such as the DA, the DA's office, FBI, and City Attorney's office.

CLERB Executive Director Paul Parker expressed (23:54) CLERB's experience when it comes to the MOU that has been discussed and the MOU between CLERB and Sheriff's department. In this specific MOU, in reference to the agencies investigating other OIS incidents, CLERB is here to listen to those communities that are being impacted. Since February 14<sup>th</sup>, when CLERB Executive Director Paul Parker signed the MOU between CLERB and the

Sheriff's Department, he has been to six in-custody deaths, two deputy-involved shootings that involved a fatality, and both are being investigated by the SDPD. On those shootings, CLERB gets nothing from SDPD. CLERB doesn't have an agreement with SDPD but has an agreement with the Sheriff's Department who has been good with giving a general brief. However, SDPD is the lead investigating agency, so to CPP Commissioner Doug Case's point, absolutely, there should be an MOU with CPP and SDPD.

CPP Commissioner Andrea Dauber-Griffin stated that her question pertains to timelines. CPP is usually on a timeline when it comes to the investigation of cases. It appears there may be some back and forth between agencies, exchanging of information, reaching out to receive additional information as the investigation goes on. How does this impact CPP's timeline in which the investigation would be finished and the timeline CPP will be given to complete the evaluation of an investigation?

Assistant Chief Paul Connelly responded there will not be any change to the timeline. SDPD will not change the process, just changing who's doing the investigation. The Homicide Unit is still responsible to get the investigation completed and over to the DA's office within 90 days. Then the DA's office does their own investigation and follow up and get their findings back to SDPD within 90 days after that. A typical investigation between the DA's office and SDPD will at least take 180 days. It's a long and complex investigation, which takes time to make sure SDPD is as thorough as possible.

CAB Chair Samantha Jenkins asked when an incident occurs with a particular agency (SDPD), who is going to be responsible for securing the scene when this occurs? Is someone going to automatically call the Sheriff's department and request an investigator? Whose laboratory team will be responsible for collecting and securing evidence at the scene?

Assistant Chief Paul Connelly responded that to ensure the integrity of the investigation is that scene needs to be secured as quickly as possible. SDPD will secure that scene, have supervisor's arrive on scene immediately, coordinate freezing the scene, identify witnesses, separate witnesses, identify any evidence, make sure that evidence is visibly identified and protected, then get a safety statement from the subject officer. A notification process is in place where SDPD Watch Commander will notify the Sheriff's Department and the Sheriff's Department will respond to all SDPD homicide teams. SDPD, Sheriff's Department and Chula Vista have on call homicide teams that are required to respond within one hour. Homicide teams will arrive in one hour and they will receive a briefing from the SDPD Sergeant that was on scene. The Sheriff's Department will then take over that investigation. San Diego Sheriff's Crime Laboratory/ Crime Scene/Specialist/Criminalist will respond to San Diego's Sheriff Homicide team. The Homicide team would collect the evidence and process evidence in own crime laboratory. Only evidence handled by SDPD is immediately after the scene where SDPD officers would preserve the evidence.

CPP Commissioner Robin Spruce stated that in this meeting, Commissioners,

CLERB and public comments from attendees pointed out that there is quite a bit of frustration around what was discussed because the public was not consulted or informed as this process was ongoing. Does the Department have any willingness now to potentially have a couple of Open Forums for community members to comment and is the Department open to potential changes to what SDPD puts forward?

Assistant Chief Paul Connelly responded that SDPD is always willing to meet with the community to present how SDPD does things and answer any questions or concerns. Police Chief David Nisleit has been approached by some concerned citizens and has taken the time to explain the MOU, the process and the “why” SDPD did this.

CAB Executive Director Gerald Brown asked who is also on the scene doing investigations? Is it just the Sheriff’s Department or does SDPD do the investigation? Does the DA or Department of Justice (DOJ) also come along? Does DOJ investigate during the OIS?

Assistant Chief Paul Connelly responded there are a lot of different entities that respond to an OIS. In the scenario that has been discussed, the Sheriff, the DA, and the City Attorney would arrive on the scene. SDPD would have an Internal Affairs Sergeant arrive to liaison with the Sheriff’s Homicide team to look at any policy or procedure type violations. The training department also responds to Internal Affairs to make sure there weren’t any issues with training practices.

CAB Executive Director Gerald Brown asked if the SDPD Homicide team will mirror its investigation with the Sheriff’s Department?

Assistant Chief Paul Connelly responded in the negative. The SDPD Homicide team will not do a parallel investigation. They are simply there to make sure things go smoothly with the transition since this is a new MOU. However, it is not uncommon for SDPD to do investigations for other agencies.

CPP Chair Brandon Hilpert added that at some point in the future, once the Commission has its implementation ordinance approved by the City Council and CPP has hired its investigators, there will be a parallel investigation by the Commission, by CPP investigators and this will most likely be parallel investigations, but as discussed, an additional MOU with the Sheriff and possibly SDPD would be needed. The goal is to have the Commission perform its own independent investigations.

CPP Commissioner Nancy Vaughn referred to the California Department of Justice on page 3 of MOU. She stated that there is a reference in the paragraph that starts “incidents meeting the criteria, once DOJ is notified, responds and determines the incident has met the qualifications” and that DOJ will take over the investigations. How and when does that happen?

Assistant Chief Paul Connelly responded that there are a lot of layers to these

investigations. A year ago, Assembly Bill 1506 was passed, which is what SDPD is referring to that went into effect last July 1st. It was put in place by DOJ and the Attorney General's office. When SDPD had incidents where officers shoot and kill an unarmed suspect, that is a qualifying AB 1506 OIS incident. At that point, when SDPD identifies that has occurred and shows up to the scene, SDPD calls DOJ and preserve the scene. DOJ sends its independent investigators for that type of shooting incident. In this case, neither San Diego PD, Sheriff's Office or Chula Vista Police Department would be the lead investigating agency in this type of incident.

CAB Chair Samantha Jenkins stated that the MOU that was released states that the lead case agents from each investigative team will confer to ensure investigatory needs. Earlier it was mentioned that all local or regional agencies employ generally the same investigative practices. What is it that they would need to confer on if that is the case?

Assistant Chief Paul Connelly responded that it is hard to predict what an investigative team might need. But SDPD is anticipating, if for instance, SDPD went up to Oceanside to handle an OIS- SDPD would need a liaison or investigative aide from that agency to help provide SDPD with resources and facilities to process: the officers who are involved with the shooting, the suspects, conduct interviews, and bring wellness team in to make sure officers are being taken care of from a mental stand point. This would entail any resources SDPD may not have because of the distance from police headquarters.

CAB Chair Samantha Jenkins asked what this new process would look like as it relates to a release of information to the public regarding OIS's within the last year or two. SDPD appears to be making a better effort in releasing information to the public in a timely fashion or releasing body cam footage in a responsive fashion. Looking at the MOU, it states that agencies would endeavor to release audio and video evidence from an incident within 45 days of the incident. Endeavor doesn't speak to "may, will or shall". What will the transparency and the readiness to share that kind of information with the public would look like?

CAB Chair Samantha Jenkins further stated that given this course of action as CAB was told, was prompted by pending legislation that did not pass in the form of AB 594. What were the policing agencies trying to either preempt or respond to subsequent to this action?

Assistant Chief Paul Connelly responded that by law SDPD has 45 days to release the videos, but the Chiefs in this county are committed to releasing those videos as soon as possible to help satisfy community concerns and to know exactly what happened. However, these investigations are complex and takes time to get all facts and video footage. SDPD tries to get video's out within 7-10 days. This can vary from time to time due to the complexity of the situation. The reason the word "endeavor" was used is because there are some exclusions listed under video and audio evidence where there are

situations by law where SDPD wouldn't have to release video. Those situations are if it will substantially interfere with an active criminal investigation, safety of witnesses, or violate reasonable expectations of privacy.

Executive Assistant Chief Chris McGrath added there was discussion on the Carotid Restraint where people in California were talking about how agencies need to get rid of that technique when it comes to getting people in custody. It created a discussion with law enforcement agencies and Chief David Nisleit wanted this conversation. He was the first one in the County to remove that technique. The same thing with this MOU. These discussions were taken place in Sacramento. When SDPD heard about the discussions, SDPD started to have these conversations and consider is this something we should be doing and SDPD is doing it.

Chair Commissioner Brandon Hilpert stated that the Commission and CAB make recommendations to SDPD based upon the community. He clarified that the Carotid Restraint was one of the recommendations. The CRB/CPP made recommendations 3 years ago to have the Carotid Restraint discontinued and SDPD chose not to implement CPP's recommendations. SDPD accepts about 85% of CPP's recommendations and implements them, and if SDPD does not implement those recommendations they provide explanations as to why. CPP has been transparent and will put all recommendations online and SDPD's responses to CPP's recommendations online.

CPP Commissioner Robin Spruce stated that SDPD mentioned best practices. She is curious to what other avenues explored for this oversight. Did SDPD look at any other models other than sharing duties amongst people within the same County?

Executive Assistant Chief Chris McGrath responded that San Diego and the County of San Diego is one of the first counties that has done this. There is no other option when investigating an OIS, which is a criminal investigation. Somebody must investigate it. It would either be Sheriff's, Oceanside, or SDPD.

CPP Commissioner Steve Hsieh asked when is this new practice going to take effect? On March 8<sup>th</sup>, 2022 a lady was fatally shot dead by three Sheriff deputies and one SDPD officer. Is this case going to be investigated under this new practice?

Assistant Chief Paul Connelly responded in the negative. The MOU doesn't go into effect until May 1<sup>st</sup>, 2022. It will be incidents after that date.

#### IX. PUBLIC COMMENT:

*Attendee Laila Aziz asked (56:39), now that Chula Vista and the Sheriff will be investigating the OIS's how is that going to interact with all of the work we did for the Police Commission in San Diego, when we have no authority over them, legally?*



*Second question is, who is paying for this? Where is this pot of money coming from, that now the San Diego Sheriff is going to investigate the SDPD OIS? Is this a grant? Has money been moved? Has money been allocated? Is there extra money and who authorized that? Third question is did SDPD do a meet and confer? What other entities are going to be affected by this change that SDPD has done? What other agencies, county and city departments are going to be affected? Was there a meet and confer before this was done?*

Assistant Chief Paul Connelly responded that the CRB and CPP will have the same review authority for the investigation and any administrative violations that may have occurred during that, so nothing will change in that regard. SDPD doesn't anticipate spending any additional money because of this MOU. Lastly, the SDPD Police Officer Association was consulted early on, both with Board members and the Attorneys and they did not have any issue with it.

CPP Chair Brandon Hilpert added that there is one concern with the investigations. CPP can work with Internal Affairs before that case is closed to add other findings, CPP can do that. The process that it is now, since CPP doesn't have that relationship with the Sheriff's office, they will close out the report after its completed and not be open to any feedback or questions from the Commission. CPP's concern is to have the process stay as much the same as possible. CPP would have to come up with an MOU with the Sheriff's Department and see if they are willing to keep that investigation open until CPP is able to review it or until CPP conducts its own independent investigation. If CPP disagrees, they cannot do an independent discipline on an officer if they were not within policy. Which is kind of taking away power from the Commission on the review process.

Assistant Chief Paul Connelly used as an example a case where an officer from SDPD got involved in a shooting. The Sheriff's office will conduct the criminal investigation. They will not conduct the administrative investigation. SDPD Internal Affairs will still conduct the administrative investigation. The Shooting Review Board investigation will be conducted by SDPD and would be readily available to the CPP.

CAB Chair Samantha Jenkins added how that supports transparency, CAB already knows that the community was not brought to the table to be a part of the conversation and it seems like POA leadership wasn't fully involved in the conversation either. It brings the conversation back around to transparency and collaborative process. Are we being authentic when we claim we want to pursue that on behalf of the Police department and community?

Executive Assistant Chief Chris McGrath responded the POA President was not aware or given details, but that does not mean the rest of POA President's Board wasn't kept up to speed on what SDPD was doing or intending on doing. At the time, POA President was a board member not the President of the board, so it's unlikely he received all the information. Now

as the new POA President, he was provided with some information. Executive Assistant Chief Chris McGrath reiterated there was a discussion and POA was aware of this.

*Attendee Laila Aziz commented (1:05:19) that the Police Department knew everything we were doing with the Commission's Ordinance and there still had to be a meet and confer. Hopefully there is something or someone they can legally do, to ensure they have to start this process over, include the correct people and then have transparency. The biggest fear, as a community member, is that there isn't anything legally documented that says the Sheriff must follow the process that SDPD has to follow with the new independent Police Commission. Seeing that down the line as a barrier of other things and it doesn't matter if the exact issue that the officers spoke about is covered, everything must be covered. If the Sheriff can say "no" they've never signed off to that and not legally obligated to do that, but the Police Department is, then there is an issue. Hoping that someone will make this stop, using the same loopholes SDPD used on us like meet and confer, and start again to try to get this right and not let the communities' power be taken away.*

*Attendee Kate Yavenditti (1:08:46), with Women Occupy San Diego and the National Lawyers Guild, commented on all the talk of transparency and accountability is total nonsense. The community needed to be involved in this. It's a reminder of the same thing that SDPD has done with the protest policy when it was slammed it out and without any conversation with people who are actually involved in demonstrations in protest, and this is the same thing. There is no excuse for SDPD for not involving the experts in investigations of CPP and CLERB. Agreeing to Mr. Parker, this should have involved the oversight agencies and other community people who are involved and working on this issue. This shows nothing but content for the oversight agencies and for the community and it's a done deal and there is a signed MOU at this point. SDPD can listen to the community and the expressed outrage, but this is the history of SDPD and will do what they're going to do. Having confidence in CPP will do the best they can to get the right kind of MOU, and once they get their independent investigators to do the right kind of thing. Again, this should not how SDPD should be responding to the community and be dealing with these issues.*

*Unknown Attendee (1:10:42) question from the chat is inquiring how CPP will bring Chula Vista into conversations and be able to ask questions of them or will those engagements be limited to just reading reports?*

CPP Chair Brandon Hilpert clarified that figuring out what the next steps are is something the CPP will discuss in its CPP Open Session meeting on April 26<sup>th</sup>. Once CPP's Legal Counsel is fully on board and able to participate in the meetings. CPP will possibly need to do an MOU with every agency that would be touching any OIS investigation.

#### X. DISCUSSION OF THE MEMORANDUM OF UNDERSTANDING (CPP CHAIR HILPERT)

CPP will need to consult with the CPP's Outside Counsel and get feedback on what CPP can do. Additionally, the OIS reports would still contain the same

amount of information CPP has been getting from SDPD. Due to recent laws, a lot of these OIS reports (redacted) can be released to the public to provide transparency.

#### XI. CLOSING REMARKS/NEXT STEPS

CPP 1<sup>st</sup> Vice Chair Doug Case agreed in concept in what the Departments and other agencies around the County did, but he does not think its best practice to have a law enforcement agency investigating themselves. It is necessary to have a law enforcement agency investigate an OIS to bring criminal charges. CLERB Paul Parker commented that the agencies not involving the public and oversight agencies if they are trying to build public's trust and build transparency. It's critically important that SDPD involve CPP in the process. CPP will be doing independent investigations and its role is going to change substantially. CPP will need an MOU with all agencies that are doing the investigations. The recent MOU, for CLERB and Sheriff's department, allows access to incident scenes with specific conditions. CPP's MOU needs to be much broader than that in terms of cooperation between the investigative agency and CPP's own investigators. The next step is to develop its own MOU's with investigative agencies.

CAB Chair Samantha Jenkins commented on issues regarding the community engagement piece of this whole process. She noted the importance of building relationships between the SDPD and the community. All parties have agreed to come to the table of some form or other to support initiatives as it relates to community-based policing, accountability, policy development, transparency. This will significantly impact the community. She reiterated that this was not what CAB agreed to and how it was supposed to look. She hopes that a level of personal accountability as well as public accountability governs future decision making, future policy implementation and roll out strategy. If SDPD would like CAB's support in helping them build a relationship with the community then SDPD would have to support CAB by providing information and the opportunity to provide authentic consultation when decisions are being made.

*Public Comment from attendee DeAndre Brooks (1:21:40) commented and reiterated that when it comes to the community engagement portion, it seems there was no community engagement. Every time we come back around to that and address that this evening San Diego PD has no response, they don't even look engaged when individuals are speaking and telling exactly what's going on and how the community feels. Been watching how SDPD has been talking to each other and looking down at paperwork and not taking into consideration what's really being said here. Kind of letting things pass and not speaking to it. But the different things SDPD are responding to is that it's a long process or it's this or that, but when it comes down to community engagement portion, SDPD has nothing to say. Basically, being said that this is already done, or this is already going to be implemented and we don't care. That is the energy SDPD is giving off when not paying attention and not listening when people are speaking like this. So, shame on you. I'm done.*

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