

Office of the Commission on Police Practices

**COMMISSION ON POLICE PRACTICES
REGULAR MEETING MINUTES**

Tuesday, September 12, 2023

4:30pm

Valencia Park/Malcom X Branch Library

5148 Market Street

San Diego, CA 92114

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

Commissioners Present:

Octavio Aguilar (Arrival at 5:07pm)

Laila Aziz (Arrival at 5:02pm)

Bonnie Benitez

Alec Beyer

Dennis W. Brown

Doug Case

Dwayne Harvey

Brandon Hilpert

Darlanne Hoctor Mulmat

Clovis Honore

James Justus

Lupe Lozano-Diaz

Nicole Murray-Ramirez

Yvania Rubio

Jaylene Sanchez

Gloria Tran

Absent/Excused:

Cheryl Canson

Christina Griffin-Jones

Dennis Larkin

Mark Maddox

Dalia Sherlyn Villa De La Cruz

Staff Present:

Sharmaine Moseley, Interim Executive Director (attended virtually)

Duane Bennett, CPP Outside Counsel

Yasmeen Obeid, Community Engagement Coordinator

Alina Conde, Executive Assistant

Jon’Nae McFarland, Administrative Assistant

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- I. **CALL TO ORDER/WELCOME:** Commission on Police Practices Outside Counsel Duane Bennett called the meeting to order at 4:49PM

 - II. **ROLL CALL:** Executive Assistant Alina Conde conducted the roll call.
Motion: Outside Counsel (Acting Chair) Duane Bennett moved for Commissioner Mark Maddox to vote on items while attending the meeting virtually for just cause. The motion passes 15-0-0.

Yays: Commissioners Benitez, Beyer, Brown, Case, Lozano-Diaz, Geyerman, Harvey, Hilpert, Hctor-Mulmat, Honore, Justus, Murray-Ramirez, Rubio, Sanchez, and Tran
Nays: None
Abstained: None
Absent/Excused: Commissioners Aguilar, Aziz, Canson, Griffin-Jones, Larkin, and Dalia Sherlyn Villa De La Cruz

III. PUBLIC COMMENT:

A. In Person Public Comment

Andrea St. Julian (Time 13:58): Attorney within San Diego and principal author of Measure B commented about a letter she sent to the Commissioners and emphasized the importance of electing officers and selecting committees.

IV. APPROVAL OF REGULAR MEETING MINUTES FROM AUGUST 29, 2023

A. CPP Regular Meeting Minutes from August 29, 2023 (DRAFT)

Motion: Commissioner Gloria Tran moved for the Commission to approve the CPP Regular Meeting Minutes of August 29, 2023. Commissioner Alec Beyer seconded the motion. The motion passed with a vote of 17-0-0.

Yays: Commissioners Aguilar, Aziz, Benitez, Beyer, Brown, Case, Lozano-Diaz, Geyerman, Harvey, Hilpert, Hctor Mulmat, Honore, Justus, Murray-Ramirez, Rubio, Sanchez, and Tran

Nays: None

Abstained: None

Absent/Excused: Commissioners Griffin-Jones, Canson, Maddox, Larkin, Villa De La Cruz

V. NEW BUSINESS (DISCUSSION/ACTION)

A. Operational Items (30 minutes)

1. Consideration of Process for Election of Officers and/or Election of Officers

In-Person Public Comment:

Francine Maxwell (Time 28:24) Southeast San Diego resident thanked the Commissioners for their service and emphasized the importance to elect officers in this meeting.

Commissioners discussed different models and timelines for their leadership. Interim Executive Director Sharmaine Moseley and Outside Counsel Duane Bennette explained the different roles and responsibilities. Commissioners voted on a process and elected their Chair, 1st Vice Chair, and 2nd Vice Chair.

Motion: Commissioner Laila Aziz moved for the Commission to elect a Chair, 1st Vice Chair, and 2nd Vice Chair for the Commission on Police Practices through June 30, 2024. Commissioner Dennis Brown seconded the motion. The motion passed with a vote of 17-0-0.

Yays: Commissioner Aguilar, Aziz, Benitez, Beyer, Brown, Case, Lozano-Diaz, Geyerman, Harvey, Hilpert, Hctor Mulmat, Honore, Justus, Murray-Ramirez, Rubio, Sanchez, and Tran

Nays: None

Abstained: None

Absent/Excused: Commissioners Griffin-Jones, Canson, Maddox, Larkin, and Villa De La Cruz

Commissioners Brandon Hilpert, Gloria Tran, Dennis Brown, Dwayne Harvey, and Doug Case expressed interest in serving as Chair, 1st Vice Chair, or 2nd Vice Chair.

Motion: Commissioner Doug Case moved if nobody gets a majority on the first round of voting for Chair that there be a run-off between the top two candidates, and in the event there is a tie, there would be a coin flip to decide who gets the position. Motion seconded by Commissioner Gloria Tran. The motion passed with a vote of 17-0-0.

Yays: Commissioners Aguilar, Aziz, Benitez, Beyer, Brown, Case, Lupe-Diaz, Geyerman, Harvey, Hilpert, Hoctor-Mulmat, Honore, Justus, Murray-Ramirez, Rubio, Sanchez, and Tran

Nays: None

Abstained: None

Absent/Excused: Commissioners Canson, Christina Griffin-Jones, Maddox, Larkin, and Villa De La Cruz

Commissioners Dennis Brown, Gloria Tran, and Brandon Hilpert were nominated for the position of Chair.

Motion: Commissioner Laila Aziz moved to give each nominee running for the Chair position 2 minutes to speak about who they are and then move to a vote. Motion seconded by Commissioner Yvania Rubio. The motion passed with a vote of 17-0-0.

Yays: Commissioners Aguilar, Aziz, Benitez, Beyer, Brown, Case, Lupe-Diaz, Geyerman, Harvey, Hilpert, Hoctor-Mulmat, Honore, Justus, Murray-Ramirez, Rubio, Sanchez, and Tran

Nays: None

Abstained: None

Absent/Excused: Commissioners Griffin-Jones, Canson, Maddox, Larkin, and Villa De La Cruz

The three Chair nominees, Commissioner Gloria Tran, Commissioner Brandon Hilpert, and Commissioner Dennis Brown each shared their experience and qualifications with the Commission. **(Time: 01:10)**.

Chair Duane Bennett called all in favor of Commissioner Dennis Brown to be Chair to raise their hands. Commissioners Jaylene Sanchez, Dennis Brown, Laila Aziz, Nicole Murray-Ramirez, Darlance Hoctor Mulmat, Alec Beyer, and Yvania Rubio raised their hands in favor.

Chair Duane Bennett called all in favor of Commissioner Brandon Hilpert to be Chair to raise their hands. Commissioners Lupe Lozano-Diaz, Brandon Hilpert, James Justus raised their hands in favor.

Chair Duane Bennett called all in favor of Commissioner Gloria Tran to be Chair to raise their hands. Commissioners Octavio Aguilar, Gloria Tran, Bonnie Benitez, Dwayne Harvey, Clovis Honore, Doug Case, and Cheryl Geyerman

Due to no nominee receiving a majority vote, a runoff between the top two Chair nominees, Commissioners Dennis Brown, and Gloria Tran, took place. Commissioners Jaylene Sanchez, Dennis Brown, Laila Aziz, James Justus, Nicole Murrey-Ramirez, Darlanne Hoctor Mulmat, Alec Beyer, and Yvania Rubio voted in favor of Commissioner Dennis Brown being Chair **(Time 1:20:18)**. Commissioners Octavio Aguilar, Lupe Lozano-Diaz, Bonnie Benitez, Gloria Tran, Dwayne Harvey, Brandon Hilpert, Clovis Honore, Doug Case, Cheryl Geyerman in favor of Commissioner Gloria Tran being chair **(Time 1:21:13)**.

By a majority vote, Commissioner Gloria Tran was elected as the Commission's Chair through June 30, 2024.

Commissioners Dennis Brown and Brandon Hilpert were nominated for 1st Vice Chair.

(Time 1:23:40) Chair Duane Bennett called all in favor of Commissioner Dennis Brown to be 1st Vice Chair to raise their hands. Commissioners Jaylene Sanchez, Cheryl Geyerman, Doug Case, Dennis Brown, Laila Aziz, Nicole Murrey-Ramirez, Clovis Honore, Darlanne Hoctor Mulmat, Bonnie Benitez, Gloria Tran, and Yvania Rubio, Octavio Aguilar raised their hands in favor.

By a majority vote, Commissioner Dennis Brown was elected as 1st Vice Chair through June 30, 2024.

(Time 1:27:05) Commissioners Doug Case, Brandon Hilpert, Clovis Honore were nominated for 2nd Vice Chair. The three nominees shared their qualifications and experience for the Commission.

(Time 1:30:35) Chair Duane Bennett called all in favor of Commissioner Doug Case to be 2nd Vice Chair to raise their hands. Commissioners Doug Case, Dennis Brown, James Justus, Nicole Murray-Ramirez, Gloria Tran, Alec Beyer, and Octavio Aguilar raised their hands in favor.

(Time 1:31:01) Chair Duane Bennett called all in favor of Commissioner Brandon Hilpert to be 2nd Vice Chair to raise their hands. Commissioners Lupe Lozano-Diaz, Yvania Rubio, Bonnie Benitez, and Brandon Hilpert raised their hands in favor.

(Time 1:31:17) Chair Duane Bennett called all in favor of Commissioner Clovis Honore to be 2nd Vice Chair to raise their hands. Commissioners Darlanne Hoctor Mulmat, Dwayne Harvey, Clovis Honore, Laila Aziz, Cheryl Geyerman, and Jaylene Sanchez raised their hands in favor.

By a majority vote, Commissioner Doug Case was elected as 2nd Vice Chair of the Commission through June 30, 2024.

2. Consideration and Appointment of Commissioners to Ad Hoc Governance Committees (Pursuant to SDMC § 26.1107(a)(1)) (Time 1:35:44)

Chair Gloria discussed the importance of establishing the Bylaws and Standard Operating Procedure Ad Hoc Committees. 2nd Vice Chair Doug Case suggested creating a Rules Committee that focuses on bylaws and operating procedures, as well as a Personnel Committee which would assist with the recruitment and selection of staff and working with City Council for the permanent Executive Director position. For the public to participate in the Ad-Hoc Committees, and to follow all Brown Act laws Outside Counsel Bennett suggested putting a link on the Commission's website for the public to join.

Motion: 2nd Vice Chair Doug Case moved for the appointment of four Ad-Hoc committees that include Bylaws, Operating Procedure, Personnel, and Training. Commissioner Laila Aziz seconded the motion. The motion was passed with a vote of 17-0-0.

Yays: Commissioners Aguilar, Aziz, Benitez, Beyer, Brown, Case, Lupe-Diaz, Geyerman, Harvey, Hilpert, Hctor-Mulmat, Honore, Justus, Murray-Ramirez, Rubio, Sanchez, and Tran

Nays: None

Abstained: None

Absent/Excused: Commissioner Canson, Griffin-Jones, Larkin, Maddox, and Villa De La Cruz

In Person Public Comment

Collen Cusack (Time 1:53:25): Expressed interest in participating on the Training Ad Hoc Committee and is available to help educate and inform the Commissioners.

Kate Yavenditti (Time 2:02:28): Stressed the importance of having a community voice in the committees that are being established. Understanding the public is unable to vote on topics, but their voices are being heard.

Ad-Hoc Bylaws Committee: Commissioners Aguilar, Benitez, Beyer, Case, and Geyerman

Ad-Hoc Operating Procedures Committee: Commissioners Aziz, Case, Honore, Harvey, and Rubio

Ad-Hoc Personnel Committee: Commissioners Brown, Honore, Hctor-Mulmat, Justus, and Lupe-Diaz

Ad-Hoc Training Committee: Commissioners Aziz, Harvey, Hilpert, Hctor-Mulmat, Larkin, Lupe-Diaz, Murray-Ramirez, and Sanchez

Bylaws Ad-Hoc Committee: Commissioners Aguilar, Benitez, Beyer, Case, and Geyerman

3. Consideration of Temporary Bylaws for Approval: **(Time 2:09:59)** Chair Gloria Tran skipped the approval of temporary bylaws.
- B. Reimaging Commission Case Review & Backlog of Active Cases Beyond Statutory Limitation **(Time 2:10:11)** Interim Executive Director Sharmaine Mosley provided a breakdown of options for addressing the 95 backlog of cases that were past the one-year statute of limitations.
1. Options to Address the Backlog of Cases Presented to City Council in June 2023
 - a. Retention of Contract Investigator to Audit Cases Over 1 year: Obtaining a contract investigator to review the backlog of cases, focusing on issues and trends throughout all the cases.
 - b. Wait Until Chief Investigator is Hired to Audit Cases: A Chief Investigator is slated to start October 3rd and will start addressing the backlog of cases.
 - c. Amend Outside Counsel Contract for Staff Retention Purposes: Requesting Outside Counsel Duane Bennet to overview the cases, however this is a last resort option.
 - d. Dispose of the Cases without Review or Oversight: Due to the one-year statute of limitations, we are unable to issue any sustained findings; however, with an overview of the backlog of cases trends and can be identified. Disposing of the cases is not wanted, but we can provide oversight.

In Person Public Comment:

Andrea St. Julian (Time: 2:22:26): Reminded Commissioners of their ability to make final decisions and expressed concern over the CPP contacting the POA regarding the retention of a Contract Investigator.

Coleen Cusack (Time: 2:23:45): Recommended that CPP Commissioners select one day and look at all the body-worn camera in that specific day to gain better insight on what is happening instead of joining a ride-along.

Virtual Public Comment:

Paul Parker (Time 2:26:00): Executive Officer of San Diego County Citizens' Law Enforcement Review Board (CLERB) offered his assistance, emphasized the importance of not disposing of the backlog of cases, and to do as much work as possible outside closed sessions.

Interim Executive Director Moseley explained the process for city contracts. This process requires that all city contracts go through the city's Purchasing & Contract Department and routed accordingly.

Motion: 2nd Vice Chair Case moved for the CPP to retain a Contract Investigator to audit cases over 1 year and report back to the Commission with the trends observed. Motion was seconded by 2nd Vice Chair Brown. The motion passed with a vote of 15-1-1.

Yays: 2nd Vice Chair Brown, 1st Vice Chair Case, Commissioners Aguilar, Aziz, Beyer, Benitez, Geyerman, Harvey, Hilpert, Hctor Mulmat, Honore, Justus, Lozano-Diaz, Murray-Ramirez, and Sanchez

Nays: Commissioner Rubio

Abstained: Chair Tran

Absent/Excused: Commissioners Griffin-Jones, Canson, Maddox, Larkin, and Villa De La Cruz.

Motion: Chair Gloria Tran moved to consider items C and D of New Business and table the remainder of the agenda. Motion was seconded by Commissioner Rubio. The motion passes 17-0-0.

Yays: Commissioners Aguilar, Aziz, Benitez, Beyer, Brown, Case, Lozano-Diaz, Geyerman, Harvey, Hilpert, Hctor-Mulmat, Honore, Justus, Murray-Ramirez, Rubio, Sanchez, and Tran

Nays: None

Abstained: None

Absent/Excused: Commissioners Canson, Griffin-Jones, Larkin, and Dalia Sherlyn Villa De La Cruz

C. Future Dates for Commission Regular Business Meetings

1. Office of the Commission on Police Practices expressed the difficulty in reserving space for CPP meetings. Commissioners directed staff to look into location availability and send out a doodle to finalize times based on location availability.

D. Consideration of Recommended Schedule of Upcoming Commission Trainings (Content, Dates, Etc.)

1. Chair Tran directed Bylaws Committee to consider not counting CPP Trainings towards the number of absences allowed for CPP Commissioners.

In-Person Public Comment:

Kate Yavenditti (Time: 2:55:29): expressed concern over the morning meeting time for September 19th and urged the Commission to consider meeting in the evenings or over the weekends to allow for community participation.

Motion: Commissioner Mulmat moved to change September 19, 2023 training at SDPD Headquarters to a CPP Regular Scheduled Meeting. Motion seconded by Commissioner Harvey. The motion passed with a vote of 11-2-3.

Yays: Commissioners Aguilar, Benitez, Hctor-Mulmat, Harvey, Honore, Murray-Ramirez, Aziz, Brown, Case, Geyerman, and Sanchez

Nays: Commissioners Beyer and Hilpert

Abstained: Commissioners Lozano-Diaz, Rubio, and Justus

Absent/Excused: Commissioners Griffin-Jones, Canson, Maddox, Larkin, and Villa De La Cruz.

Motion: Commissioner Hilpert moved to continue hosting the September 19, 2023 tour at SDPD Headquarters if staff are not able to find a location to host a CPP Regular Business Meeting instead. Motion was seconded by Commissioner Case (Time 3:00:50). The motion passed with a vote of 12-3-0.

Yays: Commissioners Aguilar, Lozano-Diaz, Rubio, Beyer, Benitez, Hilpert, Honore, Murray-Ramirez, Justus, Case, Geyerman, and Sanchez
Nays: Commissioners Mulmat, Harvey, and Brown
Abstained: None
Absent/Excused: Commissioners Griffin-Jones, Canson, Maddox, Larkin, and Villa De La Cruz.

- VI. OFFICE OF THE COMMISSION ON POLICE PRACTICES REPORTS: Tabled to next meeting.
 - A. Executive Director Report (IED Sharmaine Moseley)
 - 1. OCPP Staffing Update
 - 2. New Office Suite/Space Update (525 B Street, 17th Floor)
 - 3. Commission Vacancies & Commissioner Appointee Oath of Office Status Update
 - B. Community Engagement Coordinator Report (Yasmeen Obeid)
 - 1. Updates & Future Town Halls/Discussions
- VII. EDUCATIONAL TOPICS: Tabled to next meeting.
 - A. Overview of the Ralph M. Brown Act (**30 minutes**) (CPP Outside Counsel Duane Bennett, Esq.)
 - B. Confidentiality Agreement for Commissioners
 - C. City of San Diego Administrative Rules
 - 1. AR 90.63 City Info Security Policy
 - 2. AR 90.62 Information & Communication
 - 3. AR 95.60 Conflict of Interest & Employee Conduct
 - 4. AR 96.50 EEO Policy & Complaint Resolution Procedures
- VIII. NON- AGENDA PUBLIC COMMENT: No non-agenda public comment received.
- IX. ADJOURNMENT: The meeting was adjourned at 7:56pm.