

Commission on Police Practices

**COMMISSION ON POLICE PRACTICES
REGULAR MEETING MINUTES
Wednesday, February 21, 2024
4:30pm-7:30pm
Balboa Park Santa Fe Room
2144 Pan American W. Road
San Diego, CA 92101**

Click <https://www.youtube.com/watch?v=Fk-5quYBozo> to view this meeting on YouTube.

Commissioners Present:

Chair Gloria Tran
1st Vice Chair Dennis Brown
2nd Vice Chair Doug Case
Octavio Aguilar (arrived at 5:16pm)
Bonnie Benitez
Alec Beyer
Cheryl Canson

Lupe Diaz
Dwayne Harvey
James Justus

Excused:

Laila Aziz
Brandon Hilpert
Clovis Honoré
Dennis Larkin
Darlanne Mulmat
Yvania Rubio

Absent:

Christina Griffin-Jones

Staff Present:

Danell Scarborough, Interim Executive Director
Duane Bennett, CPP Outside Counsel (attended virtually)
Olga Golub, Chief Investigator
Alina Conde, Executive Assistant
Yasmeen Obeid, Community Engagement Coordinator

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- I. CALL TO ORDER/WELCOME: Chair Gloria Tran called the meeting to order at 4:54pm.
 - II. ROLL CALL: Executive Assistant Alina Conde conducted the roll call, 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 January 17, 2024 – Tabled; will be amended and placed on the next meeting agenda on March 6th.

V. NON-AGENDA PUBLIC COMMENT:

Ada Rodriguez (**Timestamp 3:01**) – Newly appointed Commissioner introduction.

VI. CABINET REPORT

1. Chair Report:

CPP 4 new Commissioner Candidates are still working their way through the final approval process and taking the oath of office.

- The CPP has two openings for commissioners in the Low-and-Moderate Income category. The deadline for applicants has been extended until Friday, March 1, 2024, at 11:59 p.m. If anyone is eligible for this category and is interested in joining the Commission on Police Practices, please submit your nomination directly to applytocpp@sandiego.gov.
- The CPP has started to include more information on the Findings Letters sent to complainants. The CPP may not only include how the CPP voted but also include comments that the CPP noted in the case review. All letters will be reviewed by Outside Counsel Duane Bennett.

2. IA Meeting Report – The Cabinet, Interim Executive Director and Chief Investigator met with the new Internal Affairs Captain and staff after the last CPP meeting. 2nd Vice Chair Doug Case stated the meetings will be meeting one week after CPP Meetings to ensure adequate time for IA to review any comments or concerns regarding case review.

- IA confirmed that regular patrol vehicles do not have dash cameras due to high costs associated with them.
- The Cabinet shared a concern with BWC files naming conventions in Google Drive. IA Captain Jeffrey Peterson agreed that there should be uniformity and agreed to revise current practice. He advised that there will be a recommendation to IA to name BWC files by the officers' last names.
- Chief Investigator inquired about IA process of handling incomplete and anonymous complaints in light of the fact that they are requesting complainants to sign a perjury statement. Capt. Peterson explained that perjury statements are not required to move forward with complaints.

- Chief Investigator also inquired about IA’s process to approaching complaints that lack details when they are filed. Capt. Peterson explained that IA makes an effort to obtain additional information to ascertain complaints if significant information is missing. If it is determined that the complaint is for another agency, IA will advise complainants which jurisdiction to contact. IA will also advise complainants if they are not able to accept their complaint because of jurisdictional limitations. For example, IA is unable to investigate and address complaints against the entire department as whole.
 - Chief Investigator requested clarification of informal resolution process offered to complainants by the Department as an alternative to a formal investigation. Capt. Peterson explained that informal resolution typically involves a supervisor having a conversation with complainants and is more intended to provide complainants the ability to air their concerns. Not all complainants want their concerns investigated formally and may be satisfied with this option. Chief Investigator Golub shared an observation from cases reviewed so far that informal resolution option is not always clearly explained to complainants.

VII. NEW INTERNAL AFFAIRS CAPTAIN

- A. Introduction to CPP and Community - IA Captain Jeffrey Peterson (**Timestamp 11:49**)
- B. Commissioner Comments (**Timestamp 13:29**)

VIII. NEW BUSINESS

- A. Conflict of Interest Policy and Form
 - 1. Presentation of Draft Conflict of Interest Policy and Form
 - 2. Public Comment: None
 - 3. Discussion (**Timestamp 24:22**)
 - 4. Motion: Commissioner Alec Beyer moved to approve the Draft Conflict of Interest Policy and Form. Commissioner Bonnie Benitez seconded the motion. The motion passed with a vote of 10-0-0.
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Aguilar, Benitez, Beyer, Canson, Diaz, Harvey, and Justus
Nays: None
Abstained: None
Absent/Excused: Aziz, Hilpert, Honoré, Griffin-Jones, Mulmat, and Rubio
- B. Community Hearings
 - 1. Information regarding recommendation timeline. The CPP will hold its first Community Hearing on March 6th at 6:00 pm focused on police pursuits.
 - 2. Public Comment - None
 - 3. Discussion (**Timestamp 34:29**)
 - 4. Motion: Chair Gloria Tran moved for approval of Community Hearings concept, with the caveat that dates may extend into second half of the year for topics previously voted on by the CPP: Pretext Stops, 4th Waiver,

Special Operations Unit, De-escalation. Commissioner Bonnie Benitez seconded the motion. The motion passed with a vote of 10-0-0.

Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Aguilar, Benitez, Beyer, Canson, Diaz, Harvey, and Justus

Nays: None

Abstained: None

Absent/Excused: Aziz, Hilpert, Honoré, Griffin-Jones, Mulmat, and Rubio

IX. AD HOC COMMITTEE REPORTS

A. Ad Hoc Bylaws Committee

1. Update – Co-Chairs Bonnie Benitez and Alec Beyer reported that they have taken into consideration all feedback from the Commission. All comments have been added to a new revised version to be completed by March 6th CPP Meeting. Requested any more feedback from the Commission to be sent to the co-chairs as soon as possible.
2. Public Comment – None

B. Ad Hoc Operating Procedures Committee

1. Update – Co-Chair Doug Case reported that the Committee has not met recently due to Commissioners travel plans. There will be a meeting on February 28th at 6:00pm. The Committee hopes to get through the rest of the Investigations and Procedure.
2. Public Comment – None

C. Ad Hoc Personnel Committee

1. Update on Executive Director Hiring Process – Chair Dennis Brown reported that the City Council will take over the hiring process. They have created an Ad Hoc Committee for the Recruitment of the Executive Director to the Commission on Police Practices. It will be an inclusive Committee that will include the Ad Hoc Personnel Committee members. Councilmembers von Wilpert and Campillo will serve on the committee. The first meeting of the committee is on February 28th at 2:00pm in council chambers and will be open to the public.
2. ***Virtual Public Comment:***
Evie Kosower (**Timestamp 46:26**) – Requesting more information regarding the role of City Council members with the hiring process.
3. Commissioner Discussion (**Timestamp 47:52**)

X. CLOSED SESSION (NOT OPEN TO THE PUBLIC)

A. Public Comment – None

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

C. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Discussion & Consideration of Complaints & Reports: Pursuant to Government Code Section 54957 to discuss complaints, charges, investigations, and discipline (unless the employee requests an open public session) involving San Diego Police Department employees, and information deemed confidential under Penal Code Sections 832.5-832.8 and Evidence Code Section 1040. Reportable actions for the Closed Session items on the agenda will be posted on the Commission's website at www.sandiego.gov/cpp or stated at the beginning of the Open Session meeting if the meeting is held on the same day.

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

XI. REPORT OUT FROM CLOSED SESSION (6:40pm): Outside Counsel Duane Bennett reported that there was no reportable action.

XII. COMMISSIONER COMMENTS:

(Timestamp 56:33) Commissioner James Justus informed the Cabinet he received a reimbursement from the city.

(Timestamp 57:07) Commissioner Dwayne Harvey reiterated the importance of the next meeting on March 6th. Mr. Harvey also brought attention to another incident regarding SDPD and a police chase.

(Timestamp 58:59) Commissioner Alec Beyer wanted to confirm that the Saturday meetings are only going to be used as backup meetings. Mr. Beyer also requested notice of no quorum-no meeting in advance.

XIII. ADJOURNMENT: The meeting adjourned at 6:45pm.