

Commission on Police Practices

**COMMISSION ON POLICE PRACTICES
REGULAR MEETING REGULAR BUSINESS MEETING
AND AD HOC PERSONNEL COMMITTEE
JOINT MEETING MINUTES**

Wednesday, May 15, 2024

4:30pm-7:30pm

**Balboa Park Santa Fe Room
2144 Pan American W. Road
San Diego, CA 92101**

Click <https://youtu.be/JnkpBknqejg> to view this meeting on YouTube.

CPP Commissioners Present:

Chair Gloria Tran

1st Vice Chair Dennis Brown

2nd Vice Chair Doug Case

Bonnie Benitez (arrived at 4:35 pm)

Alec Beyer

Cheryl Canson (arrived at 4:34 pm)

Stephen Chatzky

Lupe Diaz

Armando Flores

Christina Griffin-Jones

Dwayne Harvey (arrived at 4:35 pm)

Brandon Hilpert

Clovis Honoré

James Justus

Daniel Mendoza

Darlanne Mulmat

Ada Rodriguez

Excused:

Octavio Aguilar

John Armantrout

Yvania Rubio

Absent:

None

Ad Hoc Personnel Committee Present:

Committee Chair, 1st Vice Chair Dennis Brown

Clovis Honoré

James Justus

Darlanne Mulmat

CPP Staff Present:

Danell Scarborough, Interim Executive Director

Duane Bennett, CPP Outside Counsel

Olga Golub, Chief Investigator

Yasmeen Obeid, Community Engagement Coordinator

Alina Conde, Executive Assistant

Jon'Nae McFarland, Administrative Aide

- I. CALL TO ORDER/WELCOME: Chair Gloria Tran called the meeting to order at 4:30 pm, once a quorum was formed.
 - Welcome to CPP newest Commissioner, Daniel Mendoza.
 - Commissioners Laila Aziz and Dennis Larkin have resigned. Just a reminder that nominations are open to join the Commission. If any community member is interested, please go to the Commission on Police Practices website to enter your candidacy. The deadline for nominations for these seats is Monday, June 3, 2024, at 11:59 p.m.
 - The City H.R. Department has agreed to extend coverage of the City's Employee Assistance Program to CPP Commissioners. Handout provided to each Commissioner.
 - The CPP will have a Spanish version of the complaint form up on the CPP website soon.
 - Congratulations to new police Chief Scott Wahl to his official appointment to that role.

- II. ROLL CALL: Executive Assistant Alina Conde conducted the roll call for the Commission; established quorum.
 - A. Executive Assistant Alina Conde conducted roll call for the Ad Hoc Personnel Committee.

- 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 May 15, 2024
 1. **Motion:** Commissioner Brandon Hilpert moved for approval of the CPP Regular Meeting Minutes of April 17, 2024. Commissioner James Justus seconded the motion. The motion passed with a vote of 14-0-0.
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Beyer, Canson, Chatzky, Diaz, Flores, Griffin-Jones, Hilpert, Honoré, Mendoza, Mulmat, and Rodriguez
Nays: 0
Abstained: 0
Absent/Excused/Arrived Late: Aguilar, Armantrout, Benitez, Harvey, Rubio

- V. NON-AGENDA PUBLIC COMMENT: None

- VI. SAN DIEGO POLICE PROTEST POLICY
 - A. SDPD's First Amendment Activity Facilitation and Management (Chief David Nisleit and Executive Assistant Chief Paul Connelly) (*Timestamp 6:52*)
 - B. Interim CPP Recommendations (Commissioner Hilpert) (*Timestamp 29:58*)
 - C. Public Comment

In person Public Comment: Kate Yavenditti (*Timestamp 17:07*) – Spoke regarding public protests and SDPD policy.

Virtual Public Comment: Yusef Miller (*Timestamp 18:51*) – Spoke regarding public protests.

D. Discussion

E. **Motion:** Chair Tran moved to table the vote to potentially send recommendations to Police Department. Commissioner Hilpert seconded the motion. The motion passed with a vote of 15-0-1.

Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Benitez, Beyer, Canson, Chatzky, Diaz, Flores, Griffin-Jones, Hilpert, Justus, Mendoza, Mulmat, and Rodriguez

Nays: 0

Abstained: Honoré

Absent/Excused: Aguilar, Armantrout, Harvey, Rubio

VII. Executive Director Hiring Update (1st Vice Chair Brown)

A. Presentation (*Timestamp 57:35*)

B. Public Comment

In person Public Comment: Kate Yavenditti (*Timestamp 1:08:43*) – Spoke Executive Director hiring update

C. Discussion

VIII. PARALEGAL INTRODUCTION (Outside Counsel Duane Bennett)

A. Joseph Comstock (appeared in person) and Judith Ezech (Judith appeared virtually) (*Timestamp 1:11:38*)

B. Public Comment – None

C. Discussion – Both paralegals introduced themselves to the Commission

IX. POLICE PURSUIT AD HOC COMMITTEE

A. Ad Hoc Committee Update –

1. Presentation – (*Timestamp 1:17:20*) Ad Hoc Committee Chair Doug Case gave an update on the progress of the committee's action plan.

2. Public Comment – None

3. Discussion

X. AD HOC NOMINATING COMMITTEE (Chair Tran)

A. Per bylaws, 3 Commissioners form Nominating Committee

B. Public Comment – None

C. Discussion

D. **Motion:** Chair Tran moved to accept the nominating committee members of Commissioners Benitez, Mulmat, and Harvey. 1st Vice Chair Dennis Brown seconded the motion. The motion passed with a vote of 17-0-0.

Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Benitez, Beyer, Canson, Chatzky, Diaz, Flores, Griffin-Jones, Harvey, Hilpert, Honoré, Justus, Mendoza, Mulmat, and Rodriguez

Nays: 0

Abstained: 0

Absent/Excused: Aguilar, Armantrout, Rubio

XI. AD HOC OPERATING PROCEDURES (Ad Hoc Committee Chair Case)

A. Presentation:

1. Complaint procedure
 - a. Public Comment - None
 - b. Discussion - (*Timestamp 1:26:01*)
 - c. **Motion:** 2nd Vice Chair Case moved to accept the complaint procedure. Commissioner Mulmat seconded the motion. The motion passed with a vote of 16-0-1.
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Benitez, Beyer, Canson, , Diaz, Flores, Griffin-Jones, Harvey, Hilpert, Honoré, Justus, Mendoza, Mulmat, and Rodriguez
Nays: 0
Abstained: Chatzky
Absent/Excused: Aguilar, Armantrout, Rubio
2. Subpoenas
 - a. **Motion:** 2nd Vice Chair Case moved to table the Subpoenas presentation. Commissioner Ada Rodriguez seconded the motion. The motion passed with a vote of 17-0-0.
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Benitez, Beyer, Canson, Chatzky, Diaz, Flores, Griffin-Jones, Harvey, Hilpert, Honoré, Justus, Mendoza, Mulmat, and Rodriguez
Nays: 0
Abstained: 0
Absent/Excused: Aguilar, Armantrout, Rubio
3. Pitchess Motions/Police Discovery
 - a. Public Comment - None
 - b. Discussion - (*Timestamp 1:26:01*)
 - c. **Motion:** Commissioner Darlance Mulmat moved to accept the Pitchess Motions/Police Discovery procedures. Commissioner Ada Rodriguez seconded the motion. The motion passed with a vote of 16-0-1.
Yays: Chair Tran, 1st Vice Chair Brown, 2nd Vice Chair Case, Benitez, Beyer, Canson, Chatzky, Flores, Griffin-Jones, Harvey, Hilpert, Honoré, Justus, Mendoza, Mulmat, and Rodriguez
Nays: 0
Abstained: Diaz
Absent/Excused: Aguilar, Armantrout, Rubio

XII. 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.

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| 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 (0) |
| 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) |

- XIII. REPORT OUT FROM CLOSED SESSION (7:11pm): Outside Counsel Duane Bennett reported that there was no reportable action.
- XIV. THANK YOU, AMAZING INTERNS! (Community Engagement Coordinator Yasmeen Obeid and Executive Assistant Alina Conde) (*Timestamp 1:12:20*)
- A. Ayan Mohamed
 - B. Tomas Moshi
 - C. Maria Jaramillo Pacheco
 - D. Ezra Skerlecz
- XV. COMMISSIONER COMMENTS:
- 1st Vice Chair Dennis Brown (*Timestamp 1:39:30*) regarding a scam that is happening in San Diego posing as SDPD.
 - Commissioner Daniel Mendoza (*Timestamp 1:42:12*) introduction comments by Commissioner Mendoza.
 - Commissioner Clovis Honoré (*Timestamp 1:43:17*) regarding access to the CPP suite.
 - Commissioner James Justus (*Timestamp 1:43:43*) regarding CPP budget cuts.
 - Commissioner Christina Griffin-Jones (*Timestamp 1:45:22*) showing gratitude to the Interim Executive Director and Cabinet for getting information to the Commission regarding protest policy.
- XVI. ADJOURNMENT: The meeting adjourned at 7:25 pm.