

COMMISSION ON POLICE PRACTICES
Wednesday, October 23, 2024
4:30pm-7:30pm

REGULAR BUSINESS MEETING
AGENDA

Live Well San Diego
5101 Market Street
San Diego, CA 92114

The Commission on Police Practices (Commission) meetings will be conducted pursuant to the provisions of California Government Code Section 54953 (a), as amended by Assembly Bill 2249.

The Commission business meetings will be in person and the meeting will be open for in-person testimony. Additionally, we are continuing to provide alternatives to in-person attendance for participating in our meetings. In lieu of in-person attendance, members of the public may also participate via telephone/Zoom.

The link to join the meeting by computer, tablet, or smartphone at 4:30pm is:

<https://sandiego.zoomgov.com/j/1610950576>

Meeting ID: 161 095 0576

In-Person Public Comment on an Agenda Item: If you wish to address the Commission on an item on today's agenda, please complete and submit a speaker slip before the Commission hears the agenda item. You will be called at the time the item is heard. Each speaker must file a speaker slip with the Executive Director at the meeting at which the speaker wishes to speak indicating which item they wish to speak on. Speaker slips may not be turned in prior to the day of the meeting or after completion of in-person testimony. In-person public comment will conclude before virtual testimony begins. Each speaker who wishes to address the Commission must state who they are representing if they represent an organization or another person.

For discussion and information items each speaker may speak up to three (3) minutes, subject to the Chair's determination of the time available for meeting management purposes, in addition to any time ceded by other members of the public who are present at the meeting and have submitted a speaker slip ceding their time. These speaker slips should be submitted together at one time to the Executive Director. The Chair may also limit organized group presentations of five or more people to 15 minutes or less.

In-Person Public Comment on Matters Not on the Agenda: You may address the Commission on any matter not listed on today's agenda. Please complete and submit a speaker slip. However, California's open meeting laws do not permit the Commission to discuss or take any action on the matter at today's meeting. At its discretion, the Commission may add the item to a future meeting agenda or refer the matter to staff or committee. Public comments are limited to three minutes per speaker. At the discretion of the Chair, if a large number of people wish to speak on the same item, comments may be limited to a set period of time per item to appropriately manage the meeting and ensure the Commission has time to consider all the agenda items. A member of the public may only provide one comment per agenda item. In-person public comment on items not on the agenda will conclude before virtual testimony begins.

Virtual Platform Public Comment to a Particular Item or Matters Not on the Agenda: When the Chair introduces the item you would like to comment on (or indicates it is time for Non-Agenda Public Comment), raise your hand by either tapping the "Raise Your Hand" button on your computer, tablet, or Smartphone, or by dialing *9 on your phone. You will be taken in the order in which you raised your hand. You may only speak once on a particular item. When the Chair indicates it is your turn to speak, click the unmute prompt that will appear on your computer, tablet or Smartphone, or dial *6 on your phone. The virtual queue will close when the last virtual speaker finishes speaking or 5 minutes after in-person testimony ends, whichever happens first.

Written Comment through Webform: Comment on agenda items and non-agenda public comment may also be submitted using the [webform](#). If using the webform, indicate the agenda item number you wish to submit a comment for. All webform comments are limited to 200 words. 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 above. To view a meeting archive video, click [here](#). Video footage of each Commission meeting is posted online [here](#) within 24-48 hours of the conclusion of the meeting.

Comments received no later than 11 am the day of the meeting will be distributed to the Commission on Police Practices. Comments received after the deadline described above but before the item is called will be submitted into the written record for the relevant item.

Written Materials: You may alternatively submit via U.S. Mail to Attn: Office of the Commission on Police Practices, 525 B Street, Suite 1725, San Diego, CA 92101. Materials submitted via U.S. Mail must be received the business day prior to the meeting to be distributed to the Commission on Police Practices.

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

- I. CALL TO ORDER/WELCOME (Chair Gloria Tran)
- II. ROLL CALL (Executive Assistant Alina Conde)
- 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 (Chair Tran)
 - A. CPP Regular Meeting Minutes of October 1, 2024
- V. NON-AGENDA PUBLIC COMMENT
(Executive Director Paul Parker)
- VI. CHAIR/CABINET REPORT (Chair Tran)
 - A. NACOLE REPORT (1st Vice Chair Dennis Brown and 2nd Vice Chair Doug Case)
- VII. EXECUTIVE DIRECTOR REPORT (Executive Director Parker)
- VIII. Update of CPP Operating Procedures and Negotiation Process between the City and San Diego Police Officers Association (Outside Counsel Duane Bennett)
 - A. Presentation
 - B. Public Comment
 - C. Discussion by Commission
 - D. Action: Vote on direction for Chair to send memo to City leaders
- IX. INTERNAL AFFAIRS COMMUNICATION (Executive Director Parker)
 - A. Presentation of current IA/CPP Interaction Process
 - B. Public Comment
 - C. Discussion
- X. OFFICER-INVOLVED SHOOTING/IN CUSTODY DEATH - SDPD FILE ACCESS
(Executive Director Parker)
 - A. Presentation of IA Proposals
 - B. Public Comment
 - C. Discussion
 - D. Action: Vote on direction for Executive Director re: OIS/In Custody Death File Access
- XI. COMMISSIONER COMMENTS

XII. CLOSED SESSION

A. Public comment

B. Outside Counsel Duane Bennett – Lead CPP into Closed Session
(Not Open to the Public)

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 announced and posted on the Commission’s website at www.sandiego.gov/cpp.

- | | |
|-------|---|
| I. | San Diego Police Department Feedback on Case Specific Matters (0) |
| II. | Shooting Review Board Reports (0) |
| III. | Officer–Involved Shooting (0) |
| IV. | Discipline Reports (3) |
| V. | In–Custody Death (0) |
| VI. | Case Review Group Reports (3) |
| VII. | Case–Specific Recommendations to the Mayor/Chief (0) |
| VIII. | Referrals to other governmental agencies authorized to investigate activities of a law enforcement agency (0) |
| IX. | Legal Opinion(s) Request & Response (0) |

XIII. REPORT FROM CLOSED SESSION (Outside Counsel Duane Bennett)

XIV. ADJOURNMENT

Materials Provided:

- DRAFT Minutes from Regular Meeting on October 1, 2024

Access for People with Disabilities: As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability–related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the Commission at (619) 236–6296 or commissionpolicepractices@sandiego.gov.

Requests for disability–related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services, or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible to ensure availability. The city is committed to resolving accessibility requests swiftly.

Commission on Police Practices

**COMMISSION ON POLICE PRACTICES
SPECIAL MEETING
AND COMMUNITY HEARING**

Tuesday, October 1, 2024

4:30pm-7:30pm

Live Well San Diego

5101 Market Street

San Diego, CA 92114

Click <https://youtu.be/tjYzYihKk3c> to view this meeting on YouTube.

CPP Commissioners Present:

Chair Gloria Tran

1st Vice Chair Dennis Brown

2nd Vice Chair Doug Case

Alec Beyer

Stephen Chatzky

Lupe Diaz (arrived at 4:47 pm)

Jessica Dockstader exc

Armando Flores

Dwayne Harvey

Brandon Hilpert

Clovis Honoré

James Justus

Dan Lawton (arrived at 4:47 pm)

Darlanne Mulmat (arrived at 4:47 pm)

Viviana Ortega

Imani Robinson (arrived at 4:47 pm)

Gonzalo Rocha-Vazquez

Ada Rodriguez

Excused:

John Armantrout

Bonnie Benitez

Cheryl Canson

Absent:

Octavio Aguilar

Christina Griffin-Jones

CPP Staff Present:

Paul Parker, Executive Director

Duane Bennett, CPP Outside Counsel

Aaron Burgess, Policy Manager

Alina Conde, Executive Assistant

Jon’Nae McFarland, Administrative Aide

- I. CALL TO ORDER/WELCOME: Chair Gloria Tran called the meeting to order at 4:30pm.
- II. ROLL CALL: Executive Assistant Alina Conde conducted the roll call for the Commission and 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 September 4, 2024
 1. **Motion:** Commissioner James Justus moved for approval of the CPP Regular Meeting Minutes of September 4, 2024. Commissioner Ada Rodriguez seconded the motion. The motion passed with a vote of 11-0-1.
Yays: 1st Vice Chair Brown, 2nd Vice Chair Case, Beyer, Chatzky, Flores, Harvey, Honoré, Justus, Ortega, Rocha-Vazquez, and Rodriguez
Nays: 0
Abstained: Hilpert
Excused/Absent/Late Arrival: Aguilar, Armantrout, Benitez, Canson, Diaz, Dockstader, Griffin-Jones, Lawton, Mulmat, and Robinson
 2. **Motion:** Commissioner James Justus moved for approval of the CPP Regular Meeting Minutes of September 14, 2024. Commissioner Ada Rodriguez seconded the motion. The motion passed with a vote of 12-0-0.
Yays: 1st Vice Chair Brown, 2nd Vice Chair Case, Beyer, Chatzky, Flores, Harvey, Hilpert, Honoré, Justus, Ortega, Rocha-Vazquez, and Rodriguez
Nays: 0
Abstained: 0
Excused/Absent/Late Arrival: Aguilar, Armantrout, Benitez, Canson, Diaz, Dockstader, Griffin-Jones, Lawton, Mulmat, and Robinson
- V. NON-AGENDA PUBLIC COMMENT

Virtual Public Comment: Wayne Landon (*Timestamp 4:42*) Spoke regarding audio for emergency warnings and helicopter announcements.

Virtual Written Public Comment: John Doe (full statement attached to minutes), spoke about specific SDPD officers who he claimed illegally detained him. He says he's a journalist who routinely covers the police department.

Virtual Written Public Comment: Kate Yavenditti, attached to the minutes.
- VI. CHAIR/CABINET REPORT
 - The Cabinet and Executive Director met with San Diego Police Chief Scott Wahl and his leadership team on 9/25.
The items discussed were:

- A case that was voted on by Commissioners to take to the Chief (details presented in Closed Session).
- Internal Affairs responses when the CPP sends cases back. Internal Affairs stated that if the CPP disagrees with their response, they are always open to discussing it.
- The CPP shared concerns about alleged comments by an SDPD officer at a community meeting. The officer allegedly told the group that the CPP is making radical recommendations that will hinder their police work and asked for community support to oppose the changes. The Chief and the leadership team agreed that it was inappropriate and will address it.
- The Cabinet updated Chief Wahl on the Ad Hoc Committees' progress.
- Update on Ad Hoc Committees provided by the Chairs: CPP Policy Manager, Aaron Burgess, is working closely with the Ad Hoc Committees to guide them on the process and the recommendations. Mr. Burgess is working to make sure the recommendations are in a more readable format, as well as keeping the format consistent for all committees.
 - Pursuits Ad Hoc Committee - The paralegals have completed their analysis of CHP pursuit data. The committee will seek input from the San Diego Police Department through a PD Liaison.
 - Pretext Stops Ad Hoc Committee - The Committee is finalizing the recommendations and have invited Andrea Guerro, Executive Director of Alliance San Diego and statewide Chair of the RIPA Board, to their next meeting to get her insight and feedback.
 - Protest Policy Ad Hoc Committee - At an upcoming meeting, the Commission will incorporate community feedback to revise and approve a set of recommendations to update SDPD's First Amendment Activity Facilitation (4.17) procedure.
- Since forming the three Standing Committees (Training and Continuing Education, Community Outreach, and Rules Committees), the chairs have been extremely proactive about working with staff to schedule their first meetings. They will wait until after the NACOLE convention to give staff a chance to assign a staff member to work with each committee and help facilitate the meetings.
- The next CPP meeting is on Wednesday, October 23rd. The meeting will also be at Live Well San Diego.
- The Cabinet and staff will attend the National Association for Civilian Oversight of Law Enforcement Conference during the third week of October.

VII. EXECUTIVE DIRECTOR REPORT

- Commissioners now have access to OCPP offices from Monday through Friday, 8am-5pm.
- Policy Manager Aaron Burgess and Executive Director Paul Parker met with Jerry Threet on October 1 to review and discuss his draft outside consultant report on the 153 closed cases from 2020-2023.
 - OCPP is working to amend Mr. Threet's contract. Once the contract and draft are completed, Mr. Threet's presentation can be scheduled.
- On October 2, Outside Counsel Duane Bennett and Executive Director Paul Parker will meet with the City's HR/Labor Team to discuss their preliminary feedback to the draft operating procedures.

- Afterward, Executive Director Paul Parker will put everything together for the Operating Procedures Ad Hoc Committee to review prior to bringing the package back before the CPP for final changes prior to the Public Safety Committee (PSC). After PSC, the procedures will go to the entire City Council. After City Council it will go to meet and confer with the police union.
- Interim Standard Operating Procedures allow for the CPP to publish a summary of each case review to be published on the CPP site and documented in the semi-annual report. Outside Counsel Duane Bennett and Executive Director Paul Parker will meet to discuss how to make this happen as soon as possible.
- On October 10, Executive Assistant Alina Conde, Administrative Aide Jon’Nae McFarland, Senior Management Analyst Jamie Jacinto, Chief Investigator Olga Golub, and Executive Director Paul Parker will meet with Internal Affairs staff to discuss complaint process procedures.
- CPP Retreat; OCPP has received ten responses to Google poll regarding January meeting dates.
- Training update:
 - All commissioners have now been added to the City’s online training portal, SuccessFactors.
 - Once that occurs, a few basic City-mandated trainings will be assigned to those Commissioners who have yet to complete them, the most important of which is a two-hour “Sexual Harassment” course.
 - The “CPP Overview – Part 1” virtual presentation given twice by Outside Counsel Duane Bennett within the past month covering the Brown Act, Confidentiality, NACOLE Code of Ethics, and Closed Session Requirements will be uploaded to the portal and assigned to the few Commissioners who have yet to take the training.
 - Professor Fairley’s “Process of Decision Making” from the 9/4 CPP meeting will be uploaded and assigned to those Commissioners who were not present.
 - Outside Counsel Duane Bennett’s overview, also from September 4, 2024, CPP meeting, will be uploaded and assigned to those Commissioners who were not present.
- Community Engagement Coordinator Yasmeen Obeid has diligently coordinated community meetings for Executive Director Paul Parker, who met with another group last week and has a different group scheduled for next week.
- CPP Budget – OCPP is assessing staffing and equipment needs
- Staffing Update – These three positions will be posted soon (Deputy Executive Director, General Counsel, and Performance Auditor)
- Upcoming CPP meeting dates; November 6, November 20, December 4, and December 11.

VIII. COMMUNITY HEARINGS

- A. Information regarding recommended timeline – (*Timestamp 16:56*)
- B. Public Comment
 - In Person Public Comment:** Francine Maxwell (*Timestamp 21:15*) – Requests that the Commission on Police Practices partners with the Chief of Probation regarding 4th waivers.
- C. Discussion – (*Timestamp 20:33*)
- D. **Motion:** Commissioner Brandon Hilpert moved to delay the three Community

Hearings until June 30, 2025, with the hearings in this order: SOU, 4th Waiver, and De-escalation. Commissioner Ada Rodriguez seconded the motion. The motion passed with a vote of 14-2-0.

Yays: 1st Vice Chair Brown, 2nd Vice Chair Case, Chatzky, Diaz, Flores, Harvey, Hilpert, Justus, Lawton, Mulmat, Ortega, Rocha-Vazquez, Robinson, and Rodriguez

Nays: Beyer, Honoré

Abstained: 0

Excused/Absent/Late Arrival: Aguilar, Armantrout, Benitez, Canson, Dockstader, and Griffin-Jones

IX. COMMISSIONER COMMENTS

James Justus (*Timestamp 20:33*) – Spoke about the funeral he attended for the Officer Austin Machitar.

Chair Gloria Tran on behalf of former Commissioner Daniel Mendoza (*Timestamp 32:30*) – Recommended to send commendation letters to officers as acknowledgment for doing an exceptional job. The Commission agreed via consensus to including in an upcoming agenda, with the date TBA.

Commissioner Steve Chatzky (*Timestamp 34:40*) – Recommend Office of Commission on Police Practices to have a library that will help for case review.

X. REVIEW OF DISCRIMINATION COMPLAINTS AND PRE-TEXT STOPS

A. Presentation of Information (*Timestamp 37:00*) Executive Director Paul Parker gave an overview of discriminatory practices and pre-text stops.

(*Timestamp 38:59*) Outside Counsel Duane Bennett presented to the Commission.

B. Public Comment

In Person Public Comment: Francine Maxwell (*Timestamp 53:07*) – Attached to the minutes.

C. Discussion – (*Timestamp 56:01*)

XI. CLOSED SESSION (NOT OPEN TO THE PUBLIC)

A. Outside Counsel Duane Bennett led CPP into Closed Session

B. 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 (0)
- II. Officer Involved Shooting (0)
- III. Category II Case Audit Reports (1)
- IV. Discipline Reports (2)
- V. In-Custody Death (0)
- VI. Case Review Reports (3)
- VII. Case-Specific Recommendations to the Mayor/Chief (0)
- VIII. Referrals to other governmental agencies authorized to investigate activities of a law enforcement agency (0)
- IX. Legal Opinion(s) Request & Response (0)

XII. REPORT OUT FROM CLOSED SESSION (7:35pm): Outside Counsel Duane Bennett reported that there was no reportable action.

XIII. ADJOURNMENT: The meeting adjourned at 7:36 pm.

From: Francine Maxwell [REDACTED]
Sent: Tuesday, October 1, 2024 6:13 PM
To: Parker, Paul [REDACTED]
Subject: [EXTERNAL] Please make part of record 10/1/24 thanks

****This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.****





108 likes

the_disgruntled_po3 It's okay, and it's actually a phenomenal thing to be proud of your heritage/background. But when you promote exclusivity and invite members based only on their RACE to become apart of a cult within a POLICE organization, you completely erase your organization's identity that claims to protect ALL citizens regardless of race, ethnicity, or creed. By this email, you just erased your alleged "non-bias" or "non-prejudicial" views. And to come from the leaders of the department's WELLNESS UNIT of all place and LEADERS within the department...?

If you promote this non-sense, you should be Brady listed, let alone promoted within a POLICE organization. The 7th Floor needs to get their priorities straight. Rather than try to shut down a shit post meme page and pursue maximum

Use the App



[Yahoo Mail: Search, Organize, Conquer](#)

From: [SDGov Webmaster](#)
To: [Commissions Public Comment](#); [Parker, Paul](#); [Obeid, Yasmeen](#); [Conde, Alina](#)
Subject: Webform submission from: Meeting Agenda Public Comment
Date: Saturday, September 28, 2024 6:37:01 AM

Submitted on Sat, 09/28/2024 - 06:36

NAME:
Kate Yavenditti

EMAIL:
[REDACTED]

ADDRESS:
[REDACTED]

PHONE NUMBER:
[REDACTED]

BOARD OR COMMISSION:
Commission on Police Practices

MEETING DATE:
2024-10-01

COMMENT TYPE:
Agenda Comment / Closed Session Comment

AGENDA ITEM NUMBER:
Minutes of 9/4/24

COMMENTS:
The two presentations in items VI and VII don't give any information about the substance of the presentations. I have no idea what was provided to the meeting.

ATTACHMENTS:
[webform_submission:values:attachments_multiple_file]



John Doe (Guest) 05:08 PM



I need to make a comment about San Diego Police dept Peace officers Alberto Zaragoza , Daniel Neifer and Sheehan . I am a journalist that routinely covers San Diego police department. I was illegally detained for allegedly operating a bird scooter on a one way road at Pb, even though I never doing this, they handcuffed me detained me in order to embarrass me and get my information . Since the incident I have had harassment stalking