

COMMUNITY REVIEW BOARD ON POLICE PRACTICES

A G E N D A

Tuesday, January 23, 2018

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

A quorum of twelve (12) board members is needed to conduct business. If you cannot attend, please call the CRB Complaint Coordinator at (619) 236-6296.

**CLOSED SESSION 4:00 p.m. – 5:30 p.m.
Board Members and Staff Only**

- I. Call to Order
- II. San Diego Police Department Feedback on Case Specific Matters Only
- III. Shooting Review Board Reports (3)
- IV. Category II Case Audit Reports (0)
- V. Discipline Reports (0)
- VI. Case Review Team Reports (3)
- VII. Case-Specific Recommendations to the Mayor (1)
- VIII. Referrals to other governmental agencies authorized to investigate activities of a law enforcement agency (0)

Pursuant to California Government Code Section 54957 — To discuss community complaints brought against San Diego Police Department Officers under California Penal Code Section 832.7.

**OPEN/PUBLIC MEETING 6:00 p.m. – 8:00 p.m.
Open to the Public**

- I. CALL TO ORDER/WELCOME (Chair Doug Case)
- II. PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES
- III. APPROVAL OF MINUTES: CRB Open Meeting Minutes of November 28, 2017
- IV. NON-AGENDA PUBLIC COMMENT: (Speaker Slip Required)
- V. TOPIC: "Police Officers Use of the Carotid Restraint"

**Guest Speaker: Dr. William Smock, MD
Police Surgeon Louisville Metro Police Department (30 mins)**

- VI. UNFINISHED BUSINESS (DISCUSSION/ACTION):
- A. Status of Implementation of Measure G Ordinance (David Graham)
- VII. NEW BUSINESS (DISCUSSION/ACTION):
- A. Legal Opinions from Outside Counsel
- VIII. COMMITTEE REPORTS (DISCUSSION/ACTION)
- A. Continuing Education Committee (Pieter O'Leary)
- Upcoming Education Topics/Guest Speakers
- B. Outreach Committee (Taura Gentry)
- C. Rules Committee (Brandon Hilpert)
- D. Policy Committee (Informational Item) (Joe Craver)
- Recommendation that SDPD require an officer writing a report in a use of force incident, not to view video prior to writing report & prior to being interviewed in in-custody death & officer-involved shooting cases. In addition, the officer should have the option of writing a supplemental report after viewing the BWC video.
 - Recommendation for SDPD to adopt a de-escalation policy and use Baltimore's policy as a model.
 - Recommend that SDPD change unlawful detention & unlawful search and seizure complaints to Category I
- E. Recruitment & Retention Committee (Maria Nieto-Senour)
- IX. CHAIR'S REPORT (Chair Doug Case)
- A. CRB Working Retreat – January 27 Balboa Park Recital Hall Conference Room
- B. Community Panel for Next Chief
- X. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)
- A. Caseload Update & Status of Case Reports
- B. Community Events/Forums/Meetings
- C. Status of Better Management Impact Software Training
- D. CRB Report to Public Safety & Livable Neighborhoods Committee – Tentatively Scheduled for April 25th & December 5th
- E. CRB Member Resignation
- F. Other Items
- XI. SAN DIEGO POLICE DEPARTMENT REPORT (Executive Assistant Chief Todd Jarvis)
- A. Status of CRB Recommendation to BWC Policy
- B. Status of CRB Recommendation on Canine Cases
- C. Status of CRB Recommendation to Develop a BWC Matrix
- D. Status of CRB Recommendation on Viewing of BWC Video
- E. Crisis Response Team Training for CRB Members
- XII. BOARD MEMBER RIDE-ALONG REPORTS (2 mins each)

XIII. BOARD MEMBER ANNOUNCEMENTS/COMMENTS

XIV. ADJOURNMENT

Materials Provided:

- Minutes from CRB Open Session Meeting on November 28, 2017
- Legal Opinions from Outside Counsel (2)

Public Comment on an Action/Discussion Item: If you wish to address the Board on an item on today's agenda, please complete a speaker form (on the table near the door) and give it to the Board's Executive Director before the Board hears the agenda item. You will be called to express your comment at the time the item is heard. Please note, however, that you are not required to register your name or provide other information to the Board in order to attend our public session or to speak.

Public Comment on Committee/Staff Reports: Public comment on reports by Board Committees or staff may be heard on items which are specifically noticed on the agenda.

Public Comment on Matters Not on the Agenda: If you wish to address the Board on any matter within the jurisdiction of the Board that is not listed on today's agenda, you may do so during the PUBLIC COMMENT period during the meeting. Please complete a speaker form (on the table near the door) and give it to the Board's Executive Director. The Board will listen to your comments. However, California's open meeting laws do not permit the Board to take any action on the matter at today's meeting. At its discretion, the Board may refer the matter to staff, to a Board committee for discussion and/or resolution, or place the matter on a future Board agenda. The Board cannot hear specific complaints against named individual officers at open meetings.

Comments from individuals are limited to three (3) minutes per speaker, or less at the discretion of the Chair. At the discretion of the Chair, if a large number of people wish to speak on the same item, comment may be limited to a set period of time per item. If you would like to have an item considered for placement on a future Board agenda, please contact the Executive Director at (619) 236-6296. The Director will consult with the Board Chair who may place the item on a future Board agenda. If you or your organization would like to have the Board meet in your neighborhood or community, please call the Executive Director at (619) 236-6296.

This agenda will be made available in alternate formats upon request, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Requests for disability related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, should be forwarded to communityreviewboard@sandiego.gov, or call (619) 236-6296.



COMMUNITY REVIEW BOARD ON POLICE PRACTICES

MINUTES

**Tuesday, November 28th, 2017
Cherokee Point Elementary School
3735 38th Street
San Diego, CA 92105**

Members Present:

Joe Craver, 1st Vice Chair
Mary O'Tousa
Diana Dent
Maria Nieto-Senour
Brandon Hilpert, 2nd Vice-Chair
Taura Gentry

Sheila Holtrop
Ernestine Smith
Richard Stanford
Nancy Vaughn
Pauline Theodore
Martin Workman

Members Absent:

John Sieger (LOA)
Reinaldo Galindo
Douglas Case, Chair
Pieter O'Leary (Left 6:50pm)

Prospective Members Present:

Gregory Daunoras (Alt)

Prospective Members Absent:

Jonathan Colby (LOA)
Darwin Fishman (Alt)

Staff Present:

Sharmaine Moseley, Executive Director, CRB
Chris McGrath, Captain, San Diego Police Department
Todd Jarvis, Executive Assistant Chief, San Diego Police Department
Jason Weeden, Lieutenant, San Diego Police Department

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- I. **CALL TO ORDER/WELCOME:** Vice Chair Joe Craver called the meeting to order at 6:00 p.m.
 - II. **PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES:** Vice Chair Joe Craver explained the purpose of the Community Review Board on Police Practices to those in attendance.

III. **APPROVAL OF MINUTES:** Motion made by Vice Chair Joe Craver to approve the CRB minutes of October 24, 2017. Motion passed unanimously.

IV. **NON-AGENDA PUBLIC COMMENT:** None

V. **TOPIC:** "Gang Suppression Team Follow-up:

GUEST SPEAKER: Capt. Brian Ahearn; Lt. Marshall White; Lt. Anthony Dupree

"Gang Suppression Team Follow-up"

A. Captain Brian Ahearn reported the results of the audit of 20%, making it a total of 760 files of the records that are shared with the CalGang database. He gave some information regarding the presence of gangs and gang members in San Diego. While conducting the audit, 58 records were purged out of the system.

B. Starting on January, 2017, the San Diego Police Department put other controls into place voluntarily because of the audit. SDPD procedures differ from other CalGang users in California in a number of ways. SDPD was also the first to incorporate all of the requirements for AB 2298.

C. Immediate implementation of AB 90 will be taking place on January 1st, 2018. This would add further requirements when adding people to the CalGang database. AB 90 also takes the CalGang shared database out of the hands of law enforcement and puts it in the hands of the U.S. Department of Justice (DOJ).

D. After 20% of the audit was completed, Chief Zimmerman directed that an audit be done on 100% of all records shared in the Calgang database to make sure people are not wrongfully in the system. The audit will start in January as soon as DOJ defines the new rules and guidelines.

VI. **UNFINISHED BUSINESS (DISCUSSION/ACTION):** None

VII. **NEW BUSINESS DISCUSSION/ ACTION):**

A. **Policy Committee Recommendations**

i. A vote on the motion to have SDPD adopt the policy that would prohibit officers from viewing BWC video other than their own BWC video prior to being interviewed by Internal Affairs was approved and passed unanimously.

ii. The motion to have SDPD work with the CRB on Police Practices to develop a BWC Compliance Matrix for its officer was voted on and the vote was **10-2-0**.

B. Update on New Police Chief Recruitment Process

- i. One of the items being discussed that will impact the board are the community panels that will be held for the interview process. Several City boards and commissions are potential invitees and one member from each selected board will be chosen to represent the board.
- ii. A motion was made by Brandon Hilpert to nominate Chair Doug Case and Vice Chair Joe Craver as an alternate to serve for the community panels. The motion passed unanimously.

VIII. COMMITTEE REPORTS (DISCUSSION/ACTION)

A. Continuing Education Committee (Pieter O'Leary)

- i. Four SDPD Menu Classes are coming up in December. The CRB were invited to attend two of those classes. These include a chronic offender and quality course on December 6th and an intoxilyzer operator course on December 20th. Board members who want to attend must email Committee Chair O'Leary and he will forward the email to Officer Easter and Lt. Weeden to get more information.

B. Outreach Committee (Taura Gentry)

- i. CRB members attended a three-day Force Encounters Analysis Training back in August.
- ii. CRB members attended the Medical Examiner's Office Tour in October, where they were able to learn how law enforcement interacts with the Medical Examiner's Office.
- iii. CRB members also attended the Public Safety & Livable Neighborhoods (PS&LN) meeting in November.

C. Rules Committee (Brandon Hilpert)

- i. An update on the implementation of Measure G Ordinance was provided. There is not a lot of progress going on. The Rules Committee will continue to work with the Mayor's office to get the implementation ordinance done.

D. Policy Committee (Joe Craver)

- i. Report was given in the new business section with the policy committee recommendations.

E. Recruitment & Retention Committee (Joe Craver)

- i. Interviews of five prospective members will be occurring on November 29th. Member Maria Nieto-Senour agreed to Chair this Committee.

IX. CHAIR'S REPORT

(Vice Chair Joe Craver)

- A. CRB Work Retreat - The retreat is scheduled to be sometime in January on a Saturday. A survey will be sent to see when the majority will be available. It will be held at the Red Cross.
- B. Holiday Party - A flyer should have been sent out to all board members. The party will be held on December 5th at the American Red Cross.
- C. Team Leader Meeting - A team leader meeting will be held on January 9th at the end of the CRB closed session.

X. EXECUTIVE DIRECTOR'S REPORT

(Sharmaine Moseley)

- A. CRB Caseload Update:
 - i. The teams have a total of 18 active cases assigned to each team. After tonight's review of cases, the CRB has a total of 16 cases closed out for FY18. The breakdown of active cases are as follows:

Team 1- 4 cases	Team 4- 4 cases
Team 2- 3 cases	Team 5- 1 case
Team 3- 2 cases	Team 7- 2 cases

- B. Community Meetings/Forums/Events
 - i. Citizens Advisory Board on Police/Community Relations
 - ii. Presentation to SDPD New Officers
 - iii. NAACP Know Your Rights Panel
 - iv. Broadway Heights State of the Community Meeting
 - v. International Countering Violent Extremism Summit
 - vi. Chaldean Middle Eastern School Services Community Fair
 - vii. SDPD Crisis Response Team Training
 - viii. Positive Climate School Resource Fair (Sharing Table)
 - ix. PERT Training with Dr. Mark Martin

- x. Inside SDPD
- xi. Inside SDPD K9 Unit Demonstration
- xii. Community Resource Table at All People Celebration 2018
- xiii. Building Trust Partnership Handbook & Website Release
- C. Better Management Impact Software Training for CRB Hours – An email will be sent to the Board on Monday, December 4, with step-by-step instructions on how to log on to your account, input the date of the training, and log hours to your profile.
- D. CRB Annual Report to Public Safety & Livable Neighborhood Committee – The meeting was held on November 1st, where the Annual Report was released and case statistics from FY 17 were reported out.
- E. Initial Meeting with Outside Counsel
 - i. Christina Cameron and Randy Risner (CRB outside counsels) from Devaney, Pate Law Firm were acknowledged as present and welcomed by the Executive Director on behalf of the Board.
 - ii. Executive director Sharmaine Moseley, David Graham, and Chairmen Doug Case met with both attorneys to give an overview of the CRB as well as expectations in delivering legal services to the Board. A Legal Services Request Form was included in the Board’s meeting packets.
- F. Ride-Along Procedures – Reminder that all ride-alongs must be scheduled through Internal Affairs. If a ride-along is cancelled, Board members should not contact officers to try to reschedule.
- G. Cell Phone Use During Meetings
 - i. A concern was raised regarding board members texting during meetings. Due to the sensitivity and difficulty of case review as well as the importance of topics being discuss, members are asked to please refrain from texting during meetings. If members are on call or need to be in contact because of a family emergency, phones must be set to vibrate and board members must leave meeting room before speaking on the phone.

XI. SAN DIEGO POLICE DEPARTMENT REPORT (Executive Assistant Chief Jarvis)

- A. Status of CRB Recommendation to BWC Policy

- i. Chief Jarvis said he will be speaking to Chief Zimmerman about the two recommendations the Board has made. He mentioned that the Chiefs expectation as well as the whole departments and based on what is outlined in the policy is using the BWC 100% of the time unless it meets any of the exceptions.
 - B. Pending Promotions discussed at the October Meeting
 - i. Chief Jarvis gave an update on the promotions within the Department. The promotions will take place on Saturday December 2nd and the ceremony will take place Monday December 4th.
 - C. Crisis Response Team Training for CB Members
 - i. Lt. Weeden reported on the CRT training for new recruits as well as officers that have been with the department for years. CRB members are welcome to attend the trainings to answer those questions as to what is being done in handling cases with individuals with a mental illness. Every new academy class and promotional group goes through CRT training. Training is also required for all other officers every two years.

XII. Board Member Ride-Along Report:

- A. 2nd Vice Chair Brandon Hilpert and Board members Mary O'Tousa, Taura Gentry, and Pauline Theodore gave reports about their experiences in recent ride-along opportunities.

XIII. BOARD MEMBER ANNOUNCEMENTS/COMMENTS:

- A. Board member Nancy Vaughn asked members of the CRB if they would be interested in attending a privately sponsored field trip to the Museum of Tolerance in LA. Due to the number of members wanting to attend, member Vaughn stated that she will try to get more information to set something up.

XIV. ADJOURNMENT: 7:30 p.m.

**Next Meeting:
Tuesday January 23rd, 2018
Balboa Park, Santa Fe Room
Pan American Road West
San Diego, CA 92101**