

OPEN SESSION MEETING MINUTES

**Tuesday, November 23, 2021
6 p.m. – 8 p.m.
Via Zoom Webinar**

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

Commissioners Present:

Brandon Hilpert, Chair
Doug Case, 1st Vice Chair
Maxine Clark
Andrea Dauber-Griffin
Diana Dent
Poppy Fitch

Ernestine Smith
Robin Spruce
Nancy Vaughn
Marty Workman

Commissioners Absent or Excused:

Patrick Anderson
Joe Craver
Kevin Herington
Sheila Holtrop
Steve Hsieh
Ernestine Neely
Chris Pink

Staff Present:

Sharmaine Moseley, Interim Executive Director
Alina Conde, Executive Assistant

San Diego Police Department (SDPD) Staff Present:

IA Captain Dupree
Lieutenant Sayasane
Lieutenant Shebloski

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- I. CALL TO ORDER/WELCOME: Chair Brandon Hilpert called the meeting to order at 6:01pm.
 - II. PURPOSE OF THE COMMISSION ON POLICE PRACTICES (CPP): Chair Brandon Hilpert explained that the purpose of the Commission on Police Practices (CPP) is to provide an independent investigation of officer-involved shootings, in-custody deaths, and an unbiased evaluation of all complaints against the police department and its personnel in a process that will be transparent and

accountable to the community. The Commission will also evaluate the review of all SDPD policies, practices, trainings, and protocols and represent the community in making recommendations for changes. The mission of the Commission is to hold law enforcement accountable to the community and to increase community trust in law enforcement, resulting in increased safety for both the community and law enforcement.

III. ROLL CALL: Interim Executive Director Sharmaine Moseley conducted the roll call.

IV. APPROVAL OF MEETING MINUTES

A. MINUTES FROM CPP OPEN MEETING ON OCTOBER 26, 2021

The Commissioners reviewed the minutes. Commissioner Robin Spruce moved for the Commission to approve its October 26, 2021 Open meeting minutes. Commissioner Nancy Vaughn seconded the motion.

The motion passed with a vote of 8-0-2.

Yays: Chair Hilpert, 1st Vice Chair Case, Clark, Dauber-Griffin, Dent, Smith, Vaughn, and Workman

Nays: None

Abstained: Fitch and Spruce

Absent/Excused: Anderson, Craver, Herington, Holtrop, Hsieh, Neely, and Pink.

V. NON-AGENDA PUBLIC COMMENT: No public comment received.

VI. **EDUCATIONAL TOPIC:** “Overview of SDPD Complaint Process, Blue Team and Documentation Used by IA” Presenters IA Lt. Shebloski & Lt. Sayasane (20 mins)

There are a variety of ways to submit a complaint (call the police dept, go to CPP, by email, by phone, in writing, third party, anonymous, etc.) all available on SD City website and SDPD website. Once a complaint is made it will be dispatched to a department supervisor (Sergeant or directly to Internal Affairs unit). Once the type of complaint is identified, the supervisor will prepare documentation to then forward to Blue Team and will go through their chain of command. Then it will be forwarded over to Internal Affairs unit.

When Internal Affairs receives a complaint, they will determine if the complaint is a Category 1 complaint is more serious complaints (arrest, search, discrimination) or Category 2 complaint (service, procedure, discourtesy). Category 2 complaints – the Command Staff has 60 days to investigate and then send it back to IA and then to CPP to review the investigation. Category 1 – Internal Affairs has 90 days to investigate before forwarding the case to CPP (IA speaks to all complainants, witnesses involved, officers present during incident, watch all BWC footage, surveillance footage, and video footage.

There are four possible (findings) outcomes:

1. Exoneration- When the Officer acted within policy.
2. Unfounded – When alleged did not occur.
3. Sustained – When the violation was against department policy.
4. Non-Sustained- Where there is no proof one way or another to prove if the allegation occurred.
5. Other Finding – When there is another finding that was found during the investigation of the complaint. A finding that was not in the initial complaint.

VII. UNFINISHED BUSINESS (DISCUSSION/ACTION) (Chair Brandon Hilpert)

A. Commission Closed Meetings in December (Dates and Times) – Next closed meeting will be on Tuesday 12/7/2021.

B. Case Review

1. Status of Discipline Cases

Internal Affairs sent several discipline cases to the teams for their review. The Commissioner were told to let the Chair and Interim ED know when case are reviewed and if they have any questions for the Captain that assigned the discipline so they can schedule a meeting.

2. Feedback on Remote Case Access (Google Drive)

We are looking to try and get a CPP version of IA Pro. This is the software that Internal Affairs uses. The goal is to allow these programs to talk to each other between IA and CPP. There is also a tool on there for complainants to know what the status of their complaint is.

3. IA Office Hours/Schedule (Continuation of Saturday Hours) – Reminder that Internal Affairs has offered weekend hours for those who may need it. Commissioners should send an email and request the time if they need to go into Internal Affairs on the weekends.

VIII. NEW BUSINESS (DISCUSSION/ACTION) (Chair Brandon Hilpert)

A. **DISCUSSION:** List of Proposed Recommendations Regarding the Implementation Ordinance & Standard Operating Procedures

ACTION: 1st Vice Chair Doug Case motioned to approve the proposed recommendations with amendment to add the chart of what goes into the Implementation Ordinance, Standard Operating Procedures and the Commissions internal documents regarding the Implementation Ordinance & Standard Operating Procedures and to submit the list of recommendations to the Public Safety & Livable Neighborhoods Committee and City Council for consideration. **Commissioner Nancy Vaughn seconded the motion.**

The motion passed with a vote of 10-0-0.

Yays: Chair Hilpert, 1st Vice Chair Case, Clark, Dauber-Griffin, Dent, Fitch, Smith, Spruce, Vaughn, and Workman

Nays: None

Abstained: None

IX. COMMITTEE CHAIR REPORTS (DISCUSSION/ACTION)

- A. Continuing Education Committee (Nancy Vaughn)
 - 1. List of Upcoming Educational Topics/Presentations
 - Restraining Orders
 - Legislative Update: Impact of New Laws on SDPD Policies and Procedures (1/25/2022 CPP Open Meeting) -See is Tia Quick can join the presentation.

- B. Outreach Committee (Patrick Anderson)
 - 1. Past Events/Virtual Meetings/Roundtable Discussions
 - 2. Upcoming Events/Outreach Opportunities
There will be a meeting with Medical Staff and UCSD to help doctors and physicians to submit complaints. Commissioner Patrick Anderson will further discuss at the next Open Session meeting.

- C. Rules Committee (1st Vice Chair Doug Case)
 - 1. Update on Streamlined Team Reports
The Commission authorized a trial run of streamlined case reports with also putting full IA report in the report. The plan was for 3 commissioners to use the new streamlined version and present them to the Commission. 1st Vice Chair proposed to extend this trial for another month to refine the process prior to referring it to the CPP Rules Committee.

- D. CPP Handbook Committee (1st Vice Chair Doug Case)
 - 1. Update – On Hold

- E. Policy Committee (Chair Brandon Hilpert)
 - 1. Items being Considered by Committee
 - a. Wellness/Psychological review for officers involved in OIS-
Chair Hilpert scheduled a meeting with the Wellness Unit but the Department canceled it. Working on rescheduling. The Committee tabled this item.
 - b. Use of profane language as de-escalation tactic
Discuss the appropriateness on using profane language. The Committee tabled this item.
 - c. Use of political or membership affiliation under uniform policy
Waiting for this item to complete going through the process prior to discussing. The Committee tabled this item.

- F. Recruitment & Training Committee (Kevin Herington)
 - 1. Update – On Hold

- G. Citizens Advisory Board on Police Community Relations (Chair Hilpert)
 - 1. Update Past & Upcoming Meetings
Chair Brandon Hilpert watched CAB's meeting online. No major updates with our Commission. Trying to work with CAB to come up with solutions. More updates to come.

- H. Ad Hoc Transition Planning Committee (1st Vice Chair Doug Case)
1. Budget Update – No current updates.
 2. Staffing & Legal Counsel Update – The Administrative Aide will start her position on December 20th. We are in the process of searching for the Deputy Executive Director. Next plan is to hire an Executive Search Firm so we are developing the specs to get bids and will move forward with that process. Legal Counsel Update: There are current bids, but we cannot know how many just yet until they meet the requirements for the RFP. The CPP’s selection committee select the person who will fill the position.
 3. Draft Implementation Ordinance & Standard Operating Procedures Update
The current plan is for PS&LN to have the Implementation Ordinance available in January 2022. Standard Operating Procedures Update: The initial plan was to have Outside Counsel help draft the investigation procedure, but it got delayed because we had to go through RFP process to get a new Outside Counsel. Once we have a permanent outside counsel, we will be able to move forward with drafting the Standard Operating Procedures.
 4. Office Space Update
The CPP will be located on the 9th floor at the Civic Plaza Blvd building. We are currently in the plans of scheduling remodeling of the office.
 5. Update on Tentative Implementation Ordinance Timeline, Version 10.3 (November 19, 2021)

X. CHAIR’S REPORT (Chair Brandon Hilpert)

- A. Reminders for Commissioners
1. 2nd Quarter (October 1st – December 31st) Volunteer Hours Report – All Commissioners need to log in their hours for reporting purposes. If there are any issues or if anyone needs help with trouble shooting, please reach out to Executive Assistant Alina Conde for assistance.
 2. Requirement for Commissioner Committee Assignments
All Commissioners need to be on at least one Committee. They need to select what Committee they want to be on.
 3. Requirement for Cameras/Video on for CPP Meetings Open to the Public
- B. Resignation of Commissioner Michael Chan – The Commission is down to 17 Commissioners with Commission Chan’s resignation.
- C. Update on Collaboration/Information Sharing with Statewide Oversight Groups
Chair Brandon Hilpert had a meeting with the San Francisco Office and Los Angeles with LAPD’s Office. We are trying to share best practices and what are areas we can make some changes. Introductory meeting was about two weeks ago, and we will likely meet every quarter.
- D. Update on Upcoming CPP Joint Meeting with Citizens Advisory Board on Police Community Relations (CAB) Regarding CPE Data Study
CPP Leadership had conversations with the Police Department and the Chief on plans to host a joint meeting to present their data and come up with some solutions.

XI. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)

- A. Caseload Update & Status of Case Reports – It was reported that 82 active cases were assigned to the Commission's Teams. Internal Affairs sent two of the 82 cases earlier today to be assign to the teams which will be done tomorrow.

In this fiscal year, that began on July 1st, the Commission reviewed, deliberated on and closed out 49 Cat I cases, audited 10 Cat II cases, and evaluated 13 discipline cases and 1 shooting review board report.

The statistics for the Team assignments are as follows:

Team 1- has 15 cases in their queue (12 are Category I cases- two of which have sustained findings, and 3 Category II cases). The Team has no OIS or ICD cases.

Team 2 – has 9 cases in their queue – Of the 9 cases, 7 are Category 1 cases, 2 are Category II cases and 4 of the cases have sustained findings. The Team has no OIS or ICD cases.

Team 3 – has 8 cases in their queue- Of the 7 assigned cases, all 7 are Category I cases. Two of the 7 cases have sustained findings. The Team has no OIS or ICD cases.

Team 4 –has 21 cases in their queue – Of the 21 cases, 13 are Category I cases, 6 are Category II cases and 4 cases have sustained findings. Team 4 has 1 SRB report to evaluate and 2 OIS cases- 1 of which has a sustained finding and no ICD cases to review.

Team 5 –Team 5 has 6 cases in their queue. Of the 6 cases, two of the 6 cases are Category I cases and 2 are OIS cases. The Team has no ICD cases to review. Team 5 has 1 SRB report and 1 discipline to evaluate. Team 5 has 1 case that does not have a sustained finding that is approaching the 1-year deadline.

Team 6 – has 21 cases in their queue. Of the 21 cases, 17 cases are Category I, 6 cases have sustained findings, 4 of the 21 cases are Category II cases. The Team has no ICD or OIS cases. Team 6 has 2 disciplines to evaluate.

Team 7 – Team 7 is inactive.

- B. NACOLE Virtual & In-Person Conference Update – Last month, Interim Executive Director Sharmaine Moseley reported out on the NACOLE virtual conference that ended on October 7th. The in-person conference is taking place from December 12th-16th in Tucson, Arizona. She will be attending as well as Chair Hilpert, 1st Vice Chair Case and Commissioner Vaughn. Since the Commission will not have an open meeting next month, a recap of the conference will be given at the Commission's January meeting.

- C. Update on Release of CPP FY2021 Statistics to Open Data Portal – Interim Executive Director Sharmaine Moseley read through and validated all information and statistics in the spreadsheet for 124 cases deliberated on and closed out by the Commission in fiscal year 2021. She forwarded the data over to the Performance and Analytics department for them to prepare the release to the city’s Open Data Portal. We are hoping that the release will be completed within the next 2 weeks.
 - D. Other Items/Reminders – Earlier in the month, Interim Executive Director Sharmaine Moseley forwarded to the Commission a request from the Office of Boards & Commissions for board members and commissioners to self-report vaccination statuses by November 16th. Please know that at this time this is voluntary and not mandatory.
- XII. SAN DIEGO POLICE DEPARTMENT REPORT (EA Chief Chris McGrath)
- A. Status on CPP Recommendations to SDPD – No current updates
 - 1. Protest Policy
 - 2. BWC Usage in Secure Facilities
 - 3. Warnings Prior to OC Usage
 - 4. Time Limits in Maximum Restraints
 - 5. Seatbelt Usage during Transportation
 - 6. Observation of Detainees in Sally Port
 - B. Updates (Staffing in IA, Training, etc.) - No current updates
- XIII. COMMISSIONER RIDE-ALONG REPORTS: No reports given
- XIV. COMMISSIONER ANNOUNCEMENTS/COMMENTS: No announcements/comments
- XV. ADJOURNMENT: The meeting adjourned at 7:58pm.