

Policy Committee Meeting

Thursday, August 11, 2022

5:30p.m. – 6:30p.m.

Remote Zoom Webinar Platform

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AGENDA

COVID- 19 PUBLIC SERVICE ANNOUNCEMENT REGARDING MEETING ACCESS

Until further notice, Commission on Police Practices' meetings will be conducted pursuant to the provisions of California Government Code Section 54953 (e), added by Assembly Bill 361, which suspends certain requirements of the Ralph M. Brown Act. During the current State of Emergency and in the interest of public health and safety, all Commission on Police Practices meetings will take place via teleconferencing. All Commissioners and members of Commission staff will participate in Commission on Police Practices meetings via teleconferencing.

This meeting will be available on the City's YouTube page after the meeting. Click [here](#) to view this meeting after its scheduled time. Rules for public participation in this meeting can be found at the end of this agenda.

- I. Welcome/Call to Order (Committee Chair Brandon Hilpert)
- II. Roll Call
- III. Approval of the Minutes from the April 20, 2022 Policy Committee Meeting
- IV. Non-Agenda Public Comment
- V. Unfinished Business (Discussion/Action)

- a. Development of Third-Party Mediation
(This item is tabled until after the Commission on Police Practices is formally established/fully funded)
 - b. Review Homeless Encampment Sweep Procedures Pending Action: Policy Committee was going to research best practices from other departments and report back (This item is tabled pending research)
 - c. 4.17 “Protest” Policy – Discuss Categories of SDPD responses
(Awaiting revisions from SDPD to procedure)
- VI. New Business (Discussion/Action)
- a. Review/Feedback to SDPD Responses to Recommendations
 - i. Adding audio to Body Worn Camera Buffering
(Current contract has unlimited storage, so cost is not current a factor)
 - ii. Investigation of Complaints involving SDPD Leadership (1.10) C. Discipline Manual and Matrix.
 - iii. Update/Add categories, definitions to Discipline Manual & Matrix
 - 1. Need to revise manual to clarify dates/timelines of when employees are notified of disciplinary action vs. when they are given the disciplinary letter
 - 2. Need to clearly define “Minor Policy Violation”
 - 3. Need to add a new “Sustained Excessive Force (causing injury)” with a stronger discipline than “low level/Non-injury to suspect”
Suggestion: Excessive Force with injury should start at the 2nd offense for non-injury (suspension)
 - iv. Formal Review of SDPD’s disciplinary tracking for sustained findings
 - i. Previous motion was for CPP to review SDPD’s discipline tracking process to ensure officer discipline and make recommendations as appropriate
 - v. OC Usage (1.06)– Require a verbal warning before use
(Department has agreed to implement, but 1.06 has not been updated since January 2, 2018)
 - vi. Seatbelt Usage During Prisoner Transportation (6.01)
(Department has agreed to implement, but 1.06 has not been updated since October 7, 2020)
 - vii. BWC Auditing:
 - 1. Recommendation that supervisory staff audit BWCs by watching videos (6/24/2021). SDPD’s response to CPP conflicts with SDPD’s response to City Auditors.
 - b. SDPD Procedure 1.55- De-escalation: Discuss usage of profane language as a “de-escalation” tactic
 - c. Firearm Show of Force: Officers with firearm at “low ready” should be considered a show of force and should be reportable as a use of force.
 - i. Department is in process of including “show of force” as reportable (not yet implemented)


- VII. Future Agenda Items for Committee Consideration
- VIII. Adjourn

Materials Provided:

- CPP Policy Committee Minutes – April 20, 2022 DRAFT
- Body Worn Camera
SDPD Policy, BART Policy, section of BART procedures related to buffer
- Discipline Matrix
<https://www.sandiego.gov/sites/default/files/disciplinemanualdecemeber2019.pdf>
- Citizen Complaints etc. (1.10)
<https://www.sandiego.gov/sites/default/files/110-citizencomplaintsofficer-involvedshootingsandin-custodydeaths.pdf>

In lieu of in-person attendance, members of the public may participate and provide comment via virtual attendance or using the webform, as follows:

Virtual Testimony:

Members of the public may provide comment on the comment period for Non-agenda Public Comment or Agenda Public Comment during the meeting, following the  [Public Comment Instructions](#).

Written Comment through Webform:

In lieu of in-person attendance, members of the public may submit their comments using the [webform](#). If using the webform, indicate the agenda item number you wish to submit a comment for. Instructions for word limitations and deadlines are noted on the [webform](#). 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 below. To view a meeting archive video, click [here](#).

Only comments submitted no later than 4pm the day prior to the meeting using the public comment webform will be eligible to be read into the record. If you submit more than one comment on webform per item, only one comment will be read into the record for that item. **Comments received after 4pm the day prior and before 8am the day of the meeting** will be provided to the Commission or Committee and posted online with the meeting materials. All comments are limited to 200 words. Comments received after 8am the day of the meeting, but before the item is called, will be submitted into the written record for the relevant item.

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

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Policy Committee Online Meeting Minutes

Thursday, April 20, 2022
6:00 p.m. – 8:00 p.m.
Zoom Webinar

Click <https://www.youtube.com/watch?v=RDILAiwoF5o&t=67s> to view this meeting on YouTube.

Commissioners Present:

Brandon Hilpert, Chair
Doug Case, 1st Vice Chair
Andrea Dauber-Griffin
Robin Spruce

Commissioners Absent or Excused:

Patrick Anderson

Staff Present:

Sharmaine Moseley, Interim Executive Director
Alina Conde, Executive Assistant
Robin Recendez, Administrative Aide

San Diego Police Department (SDPD) Staff Present:

Executive Assistant Chief McGrath
IA Captain Dupree
Lieutenant Stephan Shebloski
Captain Jeff Jordan

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- I. C ALL TO ORDER/WELCOME: Chair Brandon Hilpert called the meeting to order at 6:04pm.
 - II. ROLL CALL: Interim Executive Director Sharmaine Moseley conducted the roll call.
 - III. APPROVAL OF THE MINUTES FROM THE OCTOBER 21, 2022 POLICY COMMITTEE MEETING
Commissioner Robin Spruce moved for approval of minutes from October 21, 2022. 1st Vice Chair Doug Case seconded the motion. The motion passed with a vote of 4-0-0. (Time 1:19)

Yays: 1st Vice Chair Case, Commissioner Dauber-Griffin, Chair Hilpert, and Commissioner Spruce.

Nays: None

Abstention(s): None

Absent: Commissioner Anderson

- IV. NON-AGENDA PUBLIC COMMENT: No public comment received.
- V. UNFINISHED BUSINESS (**ALL TABLED TO ADDRESS NEW BUSINESS**)
- A. Development of Third-Party Mediation This item is tabled until after the Commission on Police Practices is formally established/fully funded
Item tabled.
 - B. Review Homeless Encampment Sweep Procedures Pending Action: Policy Committee was going to research best practices from other departments and report back.
Item tabled pending research.
 - C. Discrimination/Non-Biased Policing
 - Propose removing the last sentence of SDPD's Courtesy Policy 9.20, replace with SDPD Non-Bias Policing Policy 9.31
 - Remove the reference to SDPD Courtesy Policy 9.20 from SDPD Non-Bias Policing Policy 9.31
 - Recommend adding "regardless of the intent of the officer" to the policy and include the behavior of the officer
Item tabled.
 - D. 4.17 "Protest" Policy - discuss categories of SDPD responses
Item tabled.

- VI. NEW BUSINESS (DISCUSSION/ACTION)
- A. Adding audio to Body Worn Camera Buffering
Chair Brandon Hilpert moved to recommend to SDPD that existing 2-minute BWC buffers be modified to include 2-minute audio. This would go to the full Commission for vote. 1st Vice Chair Doug Case seconded the motion. The motion passed with a vote of 4-0-0. (Time 31:50)

Yays: 1st Vice Chair Case, Commissioner Dauber-Griffin, Chair Hilpert, and Commissioner Spruce.

Nays: None

Abstention(s): None

Absent: Commissioner Anderson

- B. Investigation of Complaints involving SDPD Leadership (1.10)
Chair Brandon Hilpert moved to propose to the San Diego Police Department that they craft a procedure on how complaints against SDPD are handled. 1st Vice Chair Doug Case seconded the motion. The motion passed with a vote of 4-0-0. (Time 41:08)

Yays: 1st Vice Chair Case, Commissioner Dauber-Griffin, Chair Hilpert, and Commissioner Spruce.

Nays: None

Abstention(s): None

Absent: Commissioner Anderson

- C. Discipline Manual and Matrix. Update/Add categories, definitions to Discipline Manual & Matrix
- i. Need to formalize that discipline memos need to state original discipline, as well as any final discipline after appeals
 - ii. Recommendation that discipline memos must be completed within 14 days of serving discipline
 - iii. Need to revise manual to clarify dates/timelines of when employees are notified of disciplinary action vs. when they are given the disciplinary letter
 - iv. Need to clearly define “Minor Policy Violation”
 - v. Need to add a new “Sustained Excessive Force (causing injury)” with a stronger discipline than “low level/Non-injury to suspect” Suggestion: Excessive Force with injury should start at the 2nd offense for non-injury (suspension)

Chair Brandon Hilpert moved recommend to SDPD update the Discipline Manual and Matrix to: 1. Command shall complete discipline memo within 14 days after discipline has been issued. 2. Update Discipline Manual to indicate when officers must be notified and when discipline must be issued. 3. Add a description/definition of “Minor Policy Violation”. 4. Add a new category of “Sustained Excessive Force (causing injury)” with a recommended first offense being suspension. Commissioner Andrea Dauber-Griffin seconded the motion. The motion passed with a vote of 4-0-0. (Time 54:51)

Yays: 1st Vice Chair Case, Commissioner Dauber-Griffin, Chair Hilpert, and Commissioner Spruce.

Nays: None

Abstention(s): None

Absent: Commissioner Anderson

- D. Formal Review of SDPD’s disciplinary tracking for sustained findings.
- i. Motion for CPP to review SDPD’s discipline tracking process to ensure officer discipline and make recommendations as appropriate.

Chair Brandon Hilpert moved to recommend for SDPD to create and share with CPP for review a tracking system of pending discipline for department follow up to ensure Sustained findings result in appropriate and timely disciplinary action. Commissioner Robin

Spruce seconded the motion. The motion passed with a vote of 4-0-0. (Time 58:14)

Yays: 1st Vice Chair Case, Commissioner Dauber-Griffin, Chair Hilpert, and Commissioner Spruce.

Nays: None

Abstention(s): None

Absent: Commissioner Anderson

- E. SDPD Procedure 1.43: Require officers involved in officer-involved shootings must undergo a psychological review before returning to field duty
Item pulled from the agenda. Can add back on the agenda at a later date if needed. **(Time 1:12:46)**
- F. SDPD Procedure 1.55- De-escalation: Discuss usage of profane language as a “de-escalation” tactic
Item pulled from the agenda. Can add back on the agenda at a later date if needed. **(Time 1:27:07)**
- G. SDPD Procedure 5.10: Officers Uniform Policy
Item tabled. **(Time 1:29:45)**
- H. Be On Look Out (BOLO) Flyers - recommend date of issue and date of expiration on flyers
1st Vice Chair Doug Case moved to recommend to SDPD that BOLO’s be required to have an issue date. Commissioner Andrea Dauber-Griffin seconded the motion. The motion passed with a vote of 4-0-0. (Time 1:36:24)

Yays: 1st Vice Chair Case, Commissioner Dauber-Griffin, Chair Hilpert, and Commissioner Spruce.

Nays: None

Abstention(s): None

Absent: Commissioner Anderson

- I. OIS Reports
 - i. Recommend that Commission’s OIS Reports be submitted to SDPD for inclusion in package for Shooting Review Board to review
1st Vice Chair Doug Case moved to recommend to the Commission to forward OIS review/reports to SDPD, and SDPD to include said reviews/reports in package of information provided to the Shooting Review Board for consideration. Commissioner Andrea Dauber-

Griffin seconded the motion. The motion passed with a vote of 4-0-0. (Time 1:40:22)

Yays: 1st Vice Chair Case, Commissioner Dauber-Griffin, Chair Hilpert, and Commissioner Spruce.

Nays: None

Abstention(s): None

Absent: Commissioner Anderson

- J. Firearm Show of Force. Officers with firearm at “low ready” should be considered a show of force and should be reportable as a use of force Item tabled. Chair Brandon Hilpert will reach out through the proper channels to see if Captain Morris can give an update on this item and possibly do a quick training for a CPP Meeting. **(Time 1:56:08)**
- VII. FUTURE AGENDA ITEMS FOR COMMITTEE CONSIDERATION: None.
- VIII. ADJOURNMENT: The meeting adjourned at 8:01pm.