

Policy Committee Meeting

Thursday, October 6, 2022

5:30p.m. – 6:30p.m.

Remote Zoom Webinar Platform

<https://sandiego.zoomgov.com/j/1616155900>

or

Phone: 1 669 254 5252 or 833 568 8864 (Toll Free)

Webinar ID: 161 615 5900

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 August 11, 2022 Policy Committee Meeting
- IV. Non-Agenda Public Comment
- V. Unfinished Business (Discussion/Action)

- 1) Development of Third-Party Mediation
(This item is tabled until after the Commission on Police Practices is formally established/fully funded)
- 2) 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)
- 3) Status of CPP Request for Reconsideration of CPP Recommendations to SDPD's Policies, Procedures, and Discipline Matrix & Manual (8.29.22)

VI. New Business (Discussion/Action)

- 1) Potential Recommendations from the CPP to SDPD
 - a. SDPD Handling of Officer BWC Violations in OIS Cases
 - b. Recategorization of "Untruthfulness" allegations/other findings to be classified as a Category 1 instead of a Category II case
 - c. Protest Procedure (SDPD Procedure 4.17) -Discuss Categories of SDPD Responses/Revisions
 - d. CPP to receive notification of policy/procedure changes at the same time as officers are notified
 - e. Use of Force (SDPD Procedure 1.04) – add a time requirement for when Use of Force report must be completed
 - f. Discipline Memos –since select past misconduct is not included in memos, prior accolades should be omitted as well
 - g. Mobile Crisis Response Team Referrals by SDPD

VII. Future Agenda Items for Committee Consideration


VIII. Adjourn

Materials Provided:

- CPP Policy Committee Minutes – August 11, 2022 DRAFT

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, August 11, 2022
5:30 p.m. – 6:30 p.m.
Zoom Webinar

Click <https://www.youtube.com/watch?v=cATtJM2IVik> to view this meeting on YouTube.

Commissioners Present:

Brandon Hilpert, Chair
Doug Case, 1st Vice Chair
Commissioner Andrea Dauber-Griffin
Commissioner Nancy Vaughn

Staff Present:

Sharmaine Moseley, Interim Executive Director
Alina Conde, Executive Assistant

San Diego Police Department (SDPD) Staff Present:

IA Captain Anthony Dupree
Lieutenant Tristan Schmottlach

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- I. CALL TO ORDER/WELCOME: Chair Brandon Hilpert called the meeting to order at 5:31pm.
 - II. ROLL CALL: Interim Executive Director Sharmaine Moseley conducted the roll call.
 - III. APPROVAL OF THE MINUTES FROM THE April 20, 2022 POLICY COMMITTEE MEETING

Commissioner Andrea Dauber-Griffin moved for approval of minutes from April 20, 2022. Chair Brandon Hilpert seconded the motion. The motion passed with a vote of 3-0-1. (Time 3:06)

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

Nays: None

Abstention(s): Commissioner Vaughn

Absent: None

- IV. NON-AGENDA PUBLIC COMMENT: No public comment received.
- V. UNFINISHED 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. (This item is tabled pending research)
Item tabled.
 - C. 4.17 "Protest" Policy – discuss categories of SDPD responses (Awaiting revisions from SDPD to procedure)
Item tabled.
- 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)
MOTION: To request the addition of audio to the BWC buffer and to include that with the meet and confer that were requested by the City Auditor.
 - ii. Investigation of Complaints involving SDPD Leadership (1.10) C. Discipline Manual and Matrix.
MOTION: To create a formal written process for investigating leadership. Chair Hilpert will also include the Conflict of Interest Points as examples.
 - 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)
MOTION: To define Minor Policy Violations and give examples of what would not be minor violations.
 - iv. Formal Review of SDPD's disciplinary tracking for sustained findings
 - 1. Previous motion was for CPP to review SDPD's discipline tracking process to ensure officer discipline and make recommendations as appropriate
MOTION: To re-recommend that excessive force causing injury to be added to the discipline matrix.

Cumulative Vote: Chair Brandon Hilpert moved for approval the motions above for items i.–iv. 1st Vice Chair Doug Case seconded the motion. The motions passed with a vote of 4-0-0. (Time 45:30)

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

Nays: None

Abstention(s): None

Absent: None

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)

MOTION:

vi. Seatbelt Usage During Prisoner Transportation (6.01) (Department has agreed to implement, but 1.06 has not been updated since October 7, 2020)

Cumulative Vote: Chair Brandon Hilpert moved for approval with agreement from the Commission on Police Practices, to send a memo urging the Department to immediately update these two procedures (v.-vi.). Commissioner Nancy Vaughn seconded the motion. The motions passed with a vote of 4-0-0. (Time 53:40)

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

Nays: None

Abstention(s): None

Absent: None

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.

1st Vice Chair Doug Case moved that the Commission ask the Department to reconsider the recommendation of the Departments agreement to accept the recommendation from the City Auditor regarding that issue. Commissioner Nancy Vaughn seconded the motion. The motions passed with a vote of 4-0-0. (Time 1:00:43)

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

Nays: None

Abstention(s): None

Absent: None

- b. SDPD Procedure 1.55– De-escalation: Discuss usage of profane language as a “de-escalation” tactic

The Policy Committee will reach out and see if a training can be set up between the Commission and someone in the Training Department to further explain and get a better understanding of de-escalation.

- 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)

The Department is currently in the process of including show of force as a reportable use of force, but it has not yet been implemented. Will find out a date when they think it will be implemented and become Policy since they are waiting on an update on Blue Team.

- VII. FUTURE AGENDA ITEMS FOR COMMITTEE CONSIDERATION: Request to add re-categorization of untruthfulness to be a Category I instead of a Category II.

- VIII. ADJOURNMENT: The meeting adjourned at 6:43pm.