

COMMISSION ON POLICE PRACTICES

ONLINE MEETING AGENDA

Tuesday, September 28, 2021
Zoom Webinar

A majority of filled seats (10) on the Commission, with a minimum number of (7) Commissioners is needed to conduct business. If you cannot attend, please email the Interim Executive Director so we can plan accordingly.

~~CLOSED SESSION MEETING~~ CANCELLED

~~4:00 p.m. — 5:30 p.m.~~

Commissioners and Staff Only

- I. Call to Order
- II. Legal Opinion(s) Request & Attorney/Client Privileged Response(s) (0)
- III. San Diego Police Department Feedback on Case Specific Matters Only
- IV. Shooting Review Board Reports (0)
- V. Category II Case Audit Reports (0)
- VI. Discipline Reports (0)
- VII. Case Review Team Reports (0)
- VIII. Case-Specific Recommendations to the Mayor (0)
- IX. 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 SESSION MEETING

6p.m. – 8p.m.

Open to the Public

This meeting is open to the public. Click [HERE](#) to join/participate in this meeting at its scheduled time. Please see the rules/procedures for submitting public comment at the bottom of the agenda.

This meeting will be posted on YouTube the day after the meeting adjourns and can be accessed by clicking [HERE](#).

- I. CALL TO ORDER/WELCOME (Chair Brandon Hilpert)
- II. PURPOSE OF THE COMMISSION ON POLICE PRACTICES (CPP)

- III. ROLL CALL (Interim Executive Director Sharmaine Moseley)
- IV. APPROVAL OF MEETING MINUTES
 - A. MINUTES FROM CPP OPEN MEETING ON AUGUST 24, 2021
- V. NON-AGENDA PUBLIC COMMENT: (Fill out and submit comment using [webform](#). Please see instructions at the end of this agenda)
- VI. UNFINISHED BUSINESS (DISCUSSION/ACTION) (Chair Brandon Hilpert)
 - A. Commission Closed Meetings (October Dates and Times)
 - B. Case Review
 - 1. Status of Discipline Cases
 - 2. Feedback on Remote Case Access (Google Drive)
 - 3. Status of Case Summaries
 - 4. IA Office Hours/Schedule
- VII. NEW BUSINESS (DISCUSSION/ACTION) (Chair Brandon Hilpert)
 - A. CPP Teams & Case Assignments (Discussion/Action Item)
- VIII. COMMITTEE CHAIR REPORTS (DISCUSSION/ACTION)
 - A. Continuing Education Committee (Nancy Vaughn)
 - 1. List of Upcoming Educational Topics
 - 10/26/21 Presentation on Complaint Process, Blue Team and Documentation Used by SDPD
 - Presentation on Restraining Orders
 - B. Outreach Committee (Patrick Anderson)
 - 1. Past Events/Virtual Meetings/Roundtable Discussions
 - 2. Upcoming Events/Outreach Opportunities
 - C. Rules Committee (1st Vice Chair Doug Case)
 - 1. Update on Streamlined Team Reports
 - D. CPP Handbook Committee (1st Vice Chair Doug Case)
 - 1. Update – On Hold
 - E. Policy Committee (Chair Brandon Hilpert)
 - 1. Status on Items being Considered by Committee
 - 2. Schedule Next Policy Committee Meeting
 - 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
 - H. Ad Hoc Transition Planning Committee (1st Vice Chair Doug Case)
 - 1. Budget Update

2. Staffing & Legal Counsel Update
3. Draft Implementation Ordinance & Standard Operating Procedures Update
4. Office Space Update

IX. CHAIR’S REPORT (Chair Brandon Hilpert)

- A. Reminders for Commissioners
 1. 1st Quarter (July 1st – September 30th) Volunteer Hours Report –All Commissioners log hours in for reporting purposes
 2. Requirement for Commissioner Committee Assignments
- B. Update on Collaboration/Information Sharing with Statewide Oversight Groups
- C. Status on Upcoming CPP Joint Meeting with Citizens Advisory Board on Police Community Relations (CAB) Regarding CPE Data Study
- D. Other Items/Reminders

X. EXECUTIVE DIRECTOR’S REPORT (Sharmaine Moseley)

- A. Caseload Update & Status of Case Reports
- B. NACOLE Virtual Conference Update
- C. Requirements & Etiquette for City Virtual Public Meetings
- D. Other Items/Reminders

XI. SAN DIEGO POLICE DEPARTMENT REPORT (EA Chief Chris McGrath)

- A. Status on CPP Recommendations to SDPD
 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.)

XII. COMMISSIONER RIDE-ALONG REPORTS

XIII. COMMISSIONER ANNOUNCEMENTS/COMMENTS


XIV. ADJOURNMENT

Materials Provided:

- Minutes from Open Session Meeting on August 24, 2021 (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.

Joining the webinar as an attendee:

Please **click the link below** to join the webinar from a PC, Mac, iPad, iPhone or Android device:

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OPEN SESSION MEETING MINUTES

Tuesday, August 24, 2021
6 p.m. – 8 p.m.
Via Zoom Webinar

Click <https://www.youtube.com/watch?v=BB09ApCeIPk> to view this meeting on YouTube.

Commissioners Present:

Brandon Hilpert, Chair
Doug Case, 1st Vice Chair
Maxine Clark
Joe Craver
Diana Dent
Sheila Holtrop

Steve Hsieh
Ernestine Neely
Ernestine Smith
Nancy Vaughn
Marty Workman (left at 7:25)
Michael Chan

Commissioners Absent or Excused:

Patrick Anderson
Andrea Dauber-Griffin
Poppy Fitch
Kevin Herington
Chris Pink
Robin Spruce

Staff Present:

Sharmaine Moseley, Interim Executive Director
Alina Conde, Executive Assistant

San Diego Police Department (SDPD) Staff Present:

EA Chief Chris McGrath
Captain Wes Morris

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- I. **CALL TO ORDER/WELCOME:** Chair Brandon Hilpert called the meeting to order at 6:06pm.
 - 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 JULY 27, 2021

The Commissioners reviewed the minutes. Commissioner Joe Craver moved for the Commission to approve its July 27, 2021 Open meeting minutes. Commissioner Nancy Vaughn seconded the motion.

The motion passed with a vote of 11-0-1.

Yays: 1st Vice Chair Case, Chan, Clark, Craver, Dent, Holtrop, Hsieh, Neely, Smith, Vaughn, and Workman

Nays: None

Abstained: Chair Hilpert

Absent/Excused: Anderson, Dauber-Griffin, Fitch, Herington, Pink, and Spruce.

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

VI. EDUCATIONAL TOPIC: “Overview of SDPD’s Force Analysis Unit” (20 mins)
Guest Speaker – Sgt. Elias Estrada

SDPD’s new team “Force Analysis Unit” was created over a year ago. The team reviews use of force incidents and uses that to figure out ways to de-escalate or minimize uses of force. The purpose of the unit is to closely monitor how police use force, how force is used at a national level, and how it is used at a state level in order to track current trends and best practices. The tracking is to determine whether or not use of force practices need to be modified or to possibly start all over. The goal is to look at the effectiveness of the force, what went well, and what could be done better. If anything needs to be modified, they can implement change. Currently at the stage of collecting department wide data. By the time the CPP reviews a complaint this has already been reviewed by the team. Their goal is to review all cases with use of force instances within 60 days. Procedurally speaking, use of force incidents require a written report and a show of force incident only requires an entry to be made to the Blue Team that is subsequently fed into the IA Pro system. Use of Force and Show of Force definitions: If an Officer draws, displays, and exhibits any tools on belt but does not use it then that will now be used as a show of force. If an Officer when any tool on belt is utilized, then it will be categorized as a use of force.

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

A. Commission Closed Meetings (September Dates and Times) – Plan is to skip next Tuesday 8/31, but meet on Tuesday 9/7. The Commission has a lot of

cases coming up for review and does not want to delay any discipline for cases that have sustained findings. Chair Hilpert will send out a doodle poll for the meetings regarding the rest of the month.

B. Case Review

1. Feedback on Prioritization of Case Reviews, Workflow, Staffing
The Commission is focusing on cases that have sustained findings first to get those cases finished to send to Internal Affairs in order to move forward with discipline before missing the one-year deadline.
2. Status of Discipline Cases
Internal Affairs is trying to package things together to compartmentalize and have one case as a package so the team can review them at one time.
3. Feedback on Remote Case Access (Google Drive)
The City's IT Help Desk is available for assisting Commissioners with remote access.
4. Feedback on New Case Presentation Format
The Commission is streamlining case reports by including the bare minimum; allegations, what the issues were, what happened, any applicable code or policies, and what the resolution was. This is to be concise and make it easier to report. Commissioner Nancy Vaughn requested that the reports include height and weight. Chair Hilpert will speak to Executive Assistant Chief McGrath about this. Interim Executive Director Sharmaine Moseley reiterated the importance of streamlining presentations to the Commissioners to cut down time during Closed Session Meetings.
5. Status of Case Summaries
Chair Hilpert will send a sample of the case summary to CPP Outside Counsel Chris Cameron and then send the summary to Internal Affairs for review. This will then be sent to IA's outside counsel for review. Then CPP will have a fully blessed case summary as an example to move forward with.
6. IA Office Hours/Schedule (Continuation of Saturday Hours) – Internal Affairs offered Sunday hours to the CPP Commissioners. Commissioners are to send an email and request time if they need to go to Internal Affairs on weekends. Chair Brandon Hilpert will create a doodle poll for the Commissioners on who needs to be there on a Saturday. The Commissioners were reminded to go in at their scheduled times and to be mindful of SDPD time and resources.

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

- A. Approval of Draft Public Memo on CPP Recommendations Regarding SDPD's Use of Force Opinions

Commissioner Joe Craver moved to approve content of Public Statement on Recommendations regarding SDPD's Use of Force Opinions. Commissioner Nancy Vaughn seconded the motion.

The motion passed with a vote of 11-0-1.

Yays: 1st Vice Chair Case, Chan, Clark, Craver, Dent, Holtrop, Hsieh, Neely, Smith, Vaughn, and Workman

Nays: None

Abstained: Chair Hilpert

Absent/Excused: Anderson, Dauber-Griffin, Fitch, Herington, Pink, and Spruce.

- B. Approval of proposed amendment to Article V. Section 5 of the CPP Interim Bylaws to replace the requirement of 12 members for a quorum with a **majority of filled seats** on the Commission, **with a minimum number of seven Commissioners needed to conduct business**

Commissioner Joe Craver moved to approve the amendment to Article V. Section 5 of the CPP Interim Bylaws to replace the requirement of 12 members for a quorum with a majority of filled seats on the Commission, with a minimum number of seven Commissioners needed to conduct business.

The motion passed with a vote of 10-1-1.

Yays: 1st Vice Chair Case, Chan, Clark, Craver, Dent, Holtrop, Hsieh, Neely, Smith, and Workman

Nays: Vaughn

Abstained: Chair Hilpert

Absent/Excused: Anderson, Dauber-Griffin, Fitch, Herington, Pink, and Spruce.

- C. Discussion & Possible Action Regarding CPP Interim Executive Director Compensation and Benefits
1. Approval of Salary Increase for Interim Executive Director
 2. Consider Recommending to City Council to Amend Exhibit G of the Salary Ordinance to revise eligible positions for Management Administrative Leave to include the CPP Executive Director
 3. Consider Recommending to City Council to amend Exhibit F of the Salary Ordinance to provide an automobile allowance to the CPP Executive Director

Commissioner Nancy Vaughn moved to approve the 4% salary increase for the CPP Interim Executive Director. Commissioner Joe Craver seconded the motion.

The motion passed with a vote of 11-0-1.

Yays: 1st Vice Chair Case, Chan, Clark, Craver, Dent, Holtrop, Hsieh, Neely, Smith, Vaughn, and Workman

Nays: None

Abstained: Chair Hilpert

Absent/Excused: Anderson, Dauber-Griffin, Fitch, Herington, Pink, and Spruce.

Commissioner Nancy Vaughn moved to approve memo that will be sent to City Council requesting to amend Exhibit G and F to provide the benefits for the Executive Director. Commissioner Joe Craver seconded the motion.

The motion passed with a vote of 11-0-1.

Yays: 1st Vice Chair Case, Chan, Clark, Craver, Dent, Holtrop, Hsieh, Neely, Smith, Vaughn, and Workman

Nays: None

Abstained: Chair Hilpert

Absent/Excused: Anderson, Dauber-Griffin, Fitch, Herington, Pink, and Spruce.

IX. COMMITTEE CHAIR REPORTS (DISCUSSION/ACTION)

A. Continuing Education Committee (Nancy Vaughn)

1. List of Upcoming Educational Topics
 - Presentation on Blue Team and Documentation Used by SDPD
 - Presentation on Restraining Orders

Commissioner Nancy Vaughn highly encourages the Commission to sign up for the NACOLE virtual part of the conference this year. Recommends one session that is coming up on August 31st on Oversight Commission and Boards on how member selection criteria and processes can impact effectiveness.

B. Outreach Committee – Item Tabled (Patrick Anderson)

1. Past Events/Virtual Meetings/Roundtable Discussions
2. Upcoming Events/Outreach Opportunities

C. Rules Committee (1st Vice Chair Doug Case)

1. Discussion of Streamlined Team Reports-Discussed earlier in meeting

D. CPP Handbook Committee (1st Vice Chair Doug Case)

1. Update – On Hold

E. Policy Committee (Chair Brandon Hilpert)

1. Status on Items being Considered by Committee
2. Schedule Next Policy Committee Meeting on 9/7/2021
SDPD Report gave an update on past Committee recommendations and broke it down into three categories: what will be implemented, what

needs to have more research, and what they will not do. Chair Hilpert will bring this back to the Policy Committee and then back to the Commission to review for any responses and official feedback.

F. Recruitment & Training Committee (Kevin Herington)

1. Update - No current updates given.

G. Citizens Advisory Board on Police Community Relations (Chair Hilpert)

1. Update Past & Upcoming Meetings

Chair Hilpert was not able to review the last meeting. However, we are trying to set up a joint meeting to go over the CPE report that the police department is working on. The idea is to get the two groups that interface with the Police Department to do a presentation about what the CPE report is, what the data shows, and try to come up with a solution to make changes.

H. Ad Hoc Transition Planning Committee (1st Vice Chair Doug Case)

1. Budget Update - No current updates.
2. Staffing & Legal Counsel Update - Completed the process of filling the Administrative Aide position with a current City employee who is currently on medical leave. Looking into the possibility of getting a temporary position to fill. In regard to the Deputy Executive Director position who will serve as the Commission's primary community engagement officer, we are looking into utilizing the services of an executive search firm to fill the position.
3. Draft Implementation Ordinance & Standard Operating Procedures Update - Purchasing and Contracts have completed the RFP. Unsure of the status of the City Attorney's Office in completing the task of drafting and reviewing the Implementation Ordinance. The Commission's current outside counsel is eligible to apply for the new contract.
4. Office Space Update
We are looking at office space at 750 B St (The Symphony Towers). This suite is shared with the SD Tourism Authority.

X. CHAIR'S REPORT (Chair Brandon Hilpert)

A. Reminders for Commissioners

1. 1st Quarter (July 1st - September 30th) Volunteer Hours Report - All Commissioners need to log in their hours for reporting purposes.
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.

B. Update on Collaboration/Information Sharing with Statewide Oversight Groups - San Francisco Department of Police Accountability is having a California Civilian Oversight Agency quarterly meeting tomorrow. The idea is to eventually open it up to the Commission to attend.

C. Status 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 to host a joint meeting to present their data and come up with some solutions.

Putting a hold on that until we see what the CPE revisions are to the report which can take up to 30-45 days.

D. Other Items/Reminders – N/A

XI. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)

A. Caseload Update & Status of Case Reports

It was reported that prior to tonight's closed meeting, the Commission had 73 cases assigned to the Teams. Out of the 73 active cases, the Commission had 5 Category I cases and 1 Category II case on its closed meeting agenda (earlier tonight) and closed out 5 of those cases. The Commission now has 68 active cases. The 1 Cat II case will be carried over to a future meeting.

In this fiscal year, that began on July 1st, the Commission reviewed, deliberated on and closed out 28 Cat I cases, audited 3 Cat II cases, and evaluated 8 disciplines. The teams are being assigned at least 3-4 cases per month.

The statistics for the Team assignments are as follows:

Team 1 – 13 cases assigned to the Team. Of the 13 cases –11 are Cat I cases (three of which have sustained findings) and 2 are Cat II cases. The Team had one case on tonight's closed meeting agenda.

Team 2 – 7 cases assigned to the Team. Of the 7 cases – 5 have sustained findings (4 of which were on tonight's closed meeting agenda). The Team has no Category II, OIS or ICD cases.

Team 3 – 5 cases assigned to the Team. Of the 5 assigned cases –4 are Category I cases and 1 is a Category II case that has a sustained finding. The Team has no ICD or OIS cases.

Team 4 –18 cases assigned to the Team. Of the 18 cases –13 are Category I cases, 4 of the 18 cases are Category II cases, and 5 cases have sustained findings. Team 4 has 1 SRB report to evaluate, 1 OIS case with a sustained finding and no ICD cases to review.

Team 5 –Team 5 has 7 assigned cases. Of the 7 cases, 4 are Category I cases and 1 is a Category II case. The Team has 2 OIS cases to review and 0 ICD cases.

Team 5 also has 1 SRB report and 1 discipline to evaluate.

Team 6 – 20 cases assigned to the Team. Of the 20 cases –16 cases are Category I cases, 8 cases have sustained findings, 4 of the 20 cases are Category II cases.

The Team has no ICD or OIS cases. Team 6 has 2 disciplines to evaluate. One case was on tonight's closed meeting agenda earlier tonight.

Team 7 – 3 cases assigned to the Team. 2 cases have sustained findings and 1 case is a Category II.

B. Other Items/Reminders – N/A

XII. SAN DIEGO POLICE DEPARTMENT REPORT (EA Chief Chris McGrath)

A. Status on CPP Recommendations to SDPD

1. Protest Policy – If a juvenile is protesting, they are expected to follow the policies and will be doing everything in accordance to those policies.
2. BWC Usage in Secure Facilities –BWC's should be turned on when interviewing and transporting detainees. As well as when writing a report, intelligence, or information or even if the detainee is not being

cooperative. Currently, SDPD cannot change the policy.

3. Warnings Prior to OC Usage – SDPD will put in the procedure that states when using chemical agents, they should provide a warning. SDPD will change policy and language.
4. Time Limits in Maximum Restraints – Time limits cannot be estimated on when someone is in a wrap. Due to their excitement, hostility, or delirium they need to stay in restraint for safety of those working with them. The persons are monitored and in a safe place. Chief and EA Chief has decided they cannot put a time limit.
5. Seatbelt Usage during Transportation – SDPD agreed officers should clearly articulate their reasoning in a police report why they were not seat belted. If a person is in a wrap and not seat belted, then the officer will be in violation of the code.
6. Observation of Detainees in Sally Port – Detainees must be continuously monitored at all times. It is the responsibility of the officer to check on them as is the welfare of that detainee. Officers are required to sign in another officer to watch over them if they are unable to.

B. Updates (Staffing in IA, Training, etc.)

Roll Call lineup- Captains have now instructed Lieutenants to have required line up. Specific training on BWC and have put up a training bulletin with reminders of responsibilities. In the process of going through Success Factors with video for SDPD and are requiring the training and signature of understanding for each officer. SDPD has implemented that and completed it by August 6th. They had Sergeants sit down and take a look at the policy and review it. Also, they implemented the instructional video where all officers were required to sign off that they viewed the video.

Lastly, they were required to sign off and say that they understood the BWC policy. AOT generally every 2 years but directly after will be a BWC training. This will be implemented BWC Training in the next AOT cycle.

Supervisors in command staff will audit to make sure there is compliance by actually watching the BWC. Can just continue to confirm the videos align.

Incentives for Officers – SDPD does not incentivize Officers for following the rules. They are required to follow the rules.

EA Chief Chris McGrath reported that there was a women's recruiting event over the weekend which included SWAT, Canine Training, Patrol, and Academy with females from all over the United States. Chief Keith Lucas and his recruiting team put this event together and used social media platforms to get the word out. Women make up to 17% of the department and are proud that the numbers have increased.

- XIII. COMMISSIONER RIDE-ALONG REPORTS: Process is very easy to schedule. All Commissioners are highly encouraged to schedule ride-along and/or sit-along (both emergency and non-emergency).
- XIV. COMMISSIONER ANNOUNCEMENTS/COMMENTS: None
- XV. ADJOURNMENT: The meeting adjourned at 8:08pm.