

COMMISSION ON POLICE PRACTICES

ONLINE MEETING AGENDA

Tuesday, October 26, 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 SEPTEMBER 28, 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 (November Dates and Times)

 - B. Case Review
 - 1. Status of Discipline Cases
 - 2. Feedback on Remote Case Access (Google Drive)
 - 3. IA Office Hours/Schedule

- VII. NEW BUSINESS (DISCUSSION/ACTION) (Chair Brandon Hilpert)
 - A. Approval of Proposed Revised Template to Team Case Reports & Presentations on a Trial Basis

ACTION: Motion to approve proposed revisions to team case reports & presentations on a trial basis.

 - B. Approval of Amendment to the Commission's Interim Standard Operating Procedures Regarding Review of Officer-Involved Shootings and In-Custody Cases Not Independently Investigated within the One-Year Deadline

ACTION: Motion to delete the following sentence from Section 3 of the Interim Standard Operating Procedures: "For OIS and ICD incidents that occur after the effective date of December 18, 2020 that established the Commission, no determination of whether or not an officer-related shooting or in-custody death was within policy shall be made by the Commission until an independent investigation by the Commission has been concluded."

 - C. Approval of Policy Committee Recommendation Regarding BWC Usage

ACTION: Motion to recommend to SDPD that plain clothes (not undercover) officers and Watch Commander staff should have BWCs assigned and used. Field Lieutenant's should solicit a 2nd BWC-wearing officer assist to record when taking complaints or other enforcement activities. Any officer conducting a search must wear and utilize a BWC per standard policy.

- VIII. COMMITTEE CHAIR REPORTS (DISCUSSION/ACTION)
 - A. Continuing Education Committee (Nancy Vaughn)
 - 1. List of Upcoming Educational Topics/Presentations
 - Restraining Orders

- Overview of SDPD Complaint Process, Blue Team and Documentation Used by IA (11/23 Open Meeting)
 - 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 of 10/21 Committee Meeting and Items being Considered by Committee
 - a. Psychological review for officers involved in OIS
 - b. Use of profane language as de-escalation tactic
 - c. Use of political or membership affiliation under uniform policy
 - 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. 2nd Quarter (October 1st – December 31th) Volunteer Hours Report – All Commissioners log hours in for reporting purposes
 2. Requirement for Commissioner Committee Assignments
 3. Requirement for Cameras/Video on for CPP Meetings Open to the Public
 - 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 & In-Person Conference Update
 - C. 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 September 28, 2021 (DRAFT)
- Proposal for Revisions to the Team Case Report and Presentation

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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Please click this URL to join.

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OPEN SESSION MEETING MINUTES

**Tuesday, September 28, 2021
6 p.m. – 8 p.m.
Via Zoom Webinar**

Click <https://www.youtube.com/watch?v=te-1oWXo8s8> to view this meeting on YouTube.

Commissioners Present:

Brandon Hilpert, Chair
Doug Case, 1st Vice Chair
Patrick Anderson
Maxine Clark
Joe Craver
Andrea Dauber-Griffin
Diana Dent
Poppy Fitch (late arrival 6:12pm)

Kevin Herington
Sheila Holtrop
Steve Hsieh
Robin Spruce
Nancy Vaughn
Marty Workman

Commissioners Absent or Excused:

Michael Chan
Ernestine Neely
Chris Pink
Ernestine Smith

Staff Present:

Sharmaine Moseley, Interim Executive Director
Alina Conde, Executive Assistant

San Diego Police Department (SDPD) Staff Present:

IA Captain Dupree

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- I. **CALL TO ORDER/WELCOME:** Chair Brandon Hilpert called the meeting to order at 6:02pm.
 - 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 AUGUST 24, 2021

The Commissioners reviewed the minutes. Commissioner Joe Craver moved for the Commission to approve its August 24, 2021 Open meeting minutes. Commissioner Marty Workman seconded the motion.

The motion passed with a vote of 8-0-5.

Yays: 1st Vice Chair Case, Craver, Dent, Herington, Holtrop, Hsieh, Vaughn, and Workman

Nays: None

Abstained: Chair Hilpert Anderson, Clark, Dauber-Griffin, and Spruce

Absent/Excused: Chan, Fitch, Neely, Pink, and Smith

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

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

A. Commission Closed Meetings (September Dates and Times) – Doodle Poll was sent out to all Commissioners to see availability for Tuesday meetings. Request for Commissioners to respond to the doodle poll in order to accurately schedule the meetings for the rest of the month.

B. Case Review

1. Status of Discipline Cases

Internal Affairs has been working on getting memos of cases that previously had sustained findings sent over to the Commission in order to review and present to the Commissioners during its closed meetings.

2. Feedback on Remote Case Access (Google Drive)

- Meeting was held with the newest Commissioners to see if there was anything the CPP leadership could do to make it a little bit easier to do case reviews, remote access, etc.

- The Commissioners asked if all of the audio files could be in the same format so they could be easily accessed outside of Internal Affairs. Chair Brandon Hilpert explained that Internal Affairs has been reaching out to their tech teams to get this fixed, but this has been an ongoing issue. As a temporary solution, IA is willing to burn any of those files that are not easily accessible onto a CD/DVD disc or possibly a flash drive to take home for review then return them back

to IA. A budget line item has now been created for technology which may help in the future to have new or different technology to read these files.

3. Status of Case Summaries – No current updates.
4. 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 and to go in when scheduled.

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

A. CPP Teams & Case Assignments (Discussion/Action)

The Commissioners all shared concerns regarding remote access, the need for more Commissioners to alleviate workflow and backlog of cases and explained that it has been difficult. The number of Commissioners are currently low, and the numbers of cases are very high. A shared concern was in regard to retrieving the full audio files from Internal Affairs. Chair Brandon Hilpert expressed that CPP leadership will make sure they will do what they can to get Commissioners the audio files.

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

Commissioner Nancy Vaughn has expressed an expanded interest in the provisions on the George Floyd Act. Separately, an interest in speaking with the Kumeyaay Indians on Reservation as a minority and with the Police Department.

B. Outreach Committee (Patrick Anderson)

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

Commissioner Patrick Anderson shared that a panel will be put together to provide updates to the community on 10/12/21.

Commissioner Maxine Clark shared that the UN had a representative here for National Day of Peace. The Union Representation Queen Mother was there, and a ceremony was held. Commissioner Clark was presented with an award. She shared with attendees her work on the Commission.

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

1. Discussion of Streamlined Team Reports

1ST Vice Chair Doug Case reiterated the importance of giving a high-level summary on critical issues (reminder that this is case by case).

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 (Possibly 10/12/21)
Chair Brandon Hilpert will reach out to Committee members regarding a meeting. There are 3 potential items to discuss and a meeting invite will be sent.
- 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
CAB has not had many meetings lately, but Chair Brandon Hilpert would like to possibly set up a joint meeting with CAB and CPP leadership.
- H. Ad Hoc Transition Planning Committee (1st Vice Chair Doug Case)
1. Budget Update – The Commission was allocated from City Council around \$180,000 for outside legal counsel but could only apply \$25,000 to the current contract. The overbudgeted amount accumulated in FY21 will have to be applied in FY22. The deadline for the new contract was on 9/24 and there has been no response yet from the City. The current contract may have to go out for bid. The RFP went out and the plan is to have Chair Brandon Hilpert, 1st Vice Chair Doug Case, and Liaison of San Diegans for Justice Kate Yavenditti to review them.
 2. Staffing & Legal Counsel Update – Completed the process of selecting the Administrative Aide position who is a current City employee and is currently on medical leave. She will be starting her position in November. Looking for a Deputy Executive Director who specializes in Community Outreach. The goal is to use an executive search firm to fill the position. Having difficulty getting assistance from the City but still working on it.
 3. Draft Implementation Ordinance & Standard Operating Procedures Update
Looking for a couple of additional members for the Ad Hoc Transition Planning Committee. Currently meeting at 9:30am on Fridays virtually for 1 hour a week. This Committee is reimagining how the Commission is doing things to review cases and how the Commission is going to be set up. This is an opportunity to provide some input. If interested, please email 1st Vice Chair Doug Case or Interim Executive Director Sharmaine Moseley.
 4. Office Space Update
The previous space at the Symphony Towers is no longer feasible since there is currently no IT infrastructure for the City. The estimated costs were roughly \$45,000. The current suite being used on the 9th floor at the Civic Plaza Blvd building is available. Chair Brandon Hilpert, 1st Vice Chair Doug Case, and Interim Executive Director Sharmaine Moseley will be meeting with Real Estate Assets on Thursday to go over Commission space needs.

IX. 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 had a California Civilian Oversight Agency quarterly meeting last month. The next meeting will be sometime in November. 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. As previously told that CPE revisions can take up to 30-45 days which should be around this time. Chair Brandon Hilpert will reach out to the department.
- D. Other Items/Reminders
There are two bills that are pending the Governor's signature that will impact the CPP directly: Senate Bill 2 and Senate Bill 16.

X. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)

- A. Caseload Update & Status of Case Reports – As of today, the Commission has 76 cases assigned to its Teams.

In this fiscal year (beginning on July 1st), the Commission reviewed, deliberated on and closed out 34 Cat I cases and audited 4 Cat II cases and evaluated 13 disciplines.

The statistics for the Team assignments are as follows:

- Team 1 – Team 1 has 16 assigned cases. 12 are Cat I cases– three of which have sustained findings, 4 are Cat II cases. The Team has no OIS or ICD cases. Also, Team 1 plans to have 2-3 cases ready for next Tuesday's Closed Meeting.
- Team 2 – Team 2 has 4 assigned cases. Of the 4 cases, 2 have sustained findings. One of the cases that has a sustained finding is a Cat II. The Team has no Category II, OIS or ICD cases.
- Team 3 – Team 3 has 6 assigned cases. Of the 6 assigned cases, 4 are Category I cases, 1 is a Category II case that has a sustained finding. The Team has 1 OIS case and no ICD cases.
- Team 4 – Team 4 has 20 assigned cases. Of the 20 cases, 13 are Category I cases, 5 are Category II cases and 3 cases have sustained findings. Team 4 has 1 SRB report to evaluate, 2 OIS cases– 1 of which has 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 Category II case is ready for next week's

meeting. The Team has 2 OIS cases to review and 0 ICD cases. Team 5 has 1 SRB report and 1 discipline to evaluate.

Team 6 – Team 6 has 21 assigned cases. Of the 21 cases, 17 cases are Category I, 7 cases have sustained findings, and 4 of the 21 cases are Category II cases. The Team has no ICD or OIS cases. Team 6 has 2 disciplines to evaluate and one case that will be ready for the Commission’s deliberation soon.

Team 7 – Team 7 has 2 assigned cases. 2 cases have sustained findings. One case is a Category II.

- B. NACOLE Virtual Conference Update – The Commission has 5 Commissioners participating in this year’s virtual conference. With 32 sessions, NACOLE is up to Session 25. The last day is scheduled for October 7th. Interim Executive Director Sharmaine Moseley has been invited to participate as one of the panelists for Session 32 which will focus on newly established agencies that are transitioning to entities with more authority/power. On that panel will be Conor Reynolds of the Rochester Police Accountability Board and Andrea Kersten from Chicago’s Office of Police Accountability. Commissioner Patrick Anderson and Commissioner Nancy Vaughn both highly recommend these virtual conferences to all Commissioners. They explained that there is always something new and interesting to learn and there will be a range of perspectives.
 - C. Requirements & Etiquette for City Virtual Public Meetings – Interim Executive Director Sharmaine Moseley reminded the Commissioners to turn on their cameras for the Commission’s public meetings. Since the meetings are public, the public should be able to see who is on the Commission. As we continue to hold our meetings virtually, this is a city etiquette requirement. Also, if cameras are turned off during the meeting, then the names or images of Commissioners will not show up at all during the recorded meeting. This is at the direction of the Mayor and the Office of Boards and Commissions.
 - D. Other Items/Reminders – Last week the Governor signed an executive order authorizing public agencies to continue holding public meetings virtually beyond September 30, 2021.
- XI. SAN DIEGO POLICE DEPARTMENT REPORT (EA Chief Chris McGrath)
- A. Status on CPP Recommendations to SDPD – No current updates
 - 1. Protest Policy
 - 2. Warnings Prior to OC Usage
 - 3. Time Limits in Maximum Restraints
 - 4. Seatbelt Usage during Transportation
 - 5. Observation of Detainees in Sally Port
 - B. Updates (Staffing in IA, Training, etc.) - No current updates.
- XII. COMMISSIONER RIDE-ALONG REPORTS: Process is very easy to schedule. All Commissioners are highly encouraged to schedule ride-alongs and/or sit-alongs (both emergency and non-emergency). Possibility of shirts being made with

Commission logo.

XIII. COMMISSIONER ANNOUNCEMENTS/COMMENTS: None

XIV. ADJOURNMENT: The meeting adjourned at 7:39pm.

DRAFT

Proposal for Revising the Team Case Report and Presentation

(This would be on an interim basis. Once new Commissioners are seated, they will determine their own procedures.)

We propose the following procedures to be done on a trial basis, with Doug, Diana and Brandon each doing one case as a sample. We would get feedback at the November open meeting and determine whether to use the procedures (or a variation thereof) for future cases.

1. Review of cases by teams would remain the same, encouraging teams to appoint one person who would take the lead on each case. The lead would review all materials and identify case materials that all team members need to review.
2. IA case reports will be placed in the closed meeting folder 48 hours prior to the meeting for members to review if they need further information after reading the team report.
3. The verbal presentation by the team would be the same as present and may include additional details not included in the team's written report.
4. Content of the team report:
 - A. Header would remain the same
 - B. The face sheet would include the complainant and subject officers only. If it is a third party complaint, it could also include information on the subject.
 - C. Allegation table would remain the same, with a column for the CPP Finding (including the vote)
 - D. Case Notes would remain the same, but might also include things in the in the IA report that the team would like to note.
 - E. Resources Table would remain the same, but add the total number of hours that the team spent reviewing the case
 - F. Incident Summary – This would be much briefer and be similar to the incident summaries currently used for audit reports. As is currently the case for audit reports, if a case is complex or controversial, additional details may be added as needed for the Commission to have a full understanding of the issues involved (keeping in mind that the team may further elaborate during their verbal presentation).
 - G. Summary of each allegation – This would essentially be an “executive summary” of each allegation and would include the rationale for IA's findings and whether the team agrees or disagrees. Include the basis of the team's determination (BWC footage, witness statements, etc.) If the team Disagrees or Agrees with Comment, the comment would be included. The text of SDPD policies and procedures and applicable statutes would not be included (although the policy/statute title and number can be referenced, and if there is a key phrase, that might be included). Commission members who want to read the full policy, procedure or statute and look it up in the IA report.
 - H. The Changes Made During Case Review Table would remain the same.
 - I. The CPP Team Endorsements section would remain the same.
 - J. Team Issues and Concerns would remain the same.

The team's time sheet would also be attached. In addition the team's draft of the redacted case study would also be attached. In most cases, the information needed for the redacted case summary can be copied directly from the report itself, with names and personally identifiable information removed.