

REGULAR MEETING MINUTES

Tuesday, June 28, 2022
Via Zoom Webinar

Click <https://www.youtube.com/watch?v=IgdRpD7yWm4> to view this meeting on YouTube.

Commissioners Present:

Brandon Hilpert, Chair	Diana Dent
Doug Case, 1 st Vice Chair	Kevin Herington (left at 6:59)
Poppy Fitch, 2nd Vice Chair (arrived at 6:54pm)	Steve Hsieh
Maxine Clark (arrived at 6:07pm)	Chris Pink
Andrea Dauber-Griffin	Ernestine Smith
	Nancy Vaughn

Commissioners Absent or Excused:

Patrick Anderson
Robin Spruce

Staff Present:

Sharmaine Moseley, Interim Executive Director
Duane Bennett, CPP Legal Counsel
Alina Conde, Executive Assistant
Robin Recendez, Administrative Aide

San Diego Police Department (SDPD) Staff Present:

IA Captain Anthony Dupree
Lieutenant Dan Sayasane
Lieutenant Tristan Schmottlach

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- I. CALL TO ORDER/WELCOME: Chair Brandon Hilpert called the meeting to order at 6:03pm.
 - II. ROLL CALL: Interim Executive Director Sharmaine Moseley conducted the roll call.
 - III. DISCUSSION/ACTION (Chair Brandon Hilpert)
 - A. Adoption of Resolution Authorizing and Ratifying the Continuance of Teleconference Public Meeting Pursuant to Government Code 54953
Motion: The Commission on Police Practices will adopt this Resolution authorizing and ratifying the use of teleconferencing for all meetings including meeting of its ad hoc or standing committees, in accordance with Government Code Section 54953(e) and all other applicable

provisions of the Brown Act, for a period of thirty (30) days from the adoption of this Resolution, or such a time that the Commission adopts a subsequent Resolution in accordance with Government Code Section 54953 (e). The Interim Executive Director is directed to return no later than thirty (30) days after the adoption of this Resolution with an item for this legislative body's reconsideration of these findings.

Commissioner Nancy Vaughn moved for the Commission on Police Practices to adopt this Resolution. Commissioner Kevin Herington seconded the motion. The motion passed with a vote of 9-0-0. (Time 2:19)

Yays: Chair Hilpert, 1st Vice Chair Case, Commissioner Dauber-Griffin, Commissioner Dent, Commissioner Herington, Commissioner Hsieh, Commissioner Pink, Commissioner Smith, and Commissioner Vaughn

Nays: None

Abstained: None

Absent/Excused: 2nd Vice Chair Fitch, Commissioner Anderson, Commissioner Clark, and Commissioner Spruce

IV. PUBLIC COMMENT: No public comment received.

V. CLOSED SESSION (**CANCELED**)

VI. 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.

VII. APPROVAL OF MEETING MINUTES

A. CPP Open Session Meeting Minutes of May 24, 2022

Motion: Commissioner Nancy Vaughn moved for the Commission to approve its May 24, 2022 Open Session Meeting Minutes. Commissioner Kevin Herington seconded the motion. The motion passed with a vote of 9-0-0. (Time 6:20)

Yays: Chair Hilpert, 1st Vice Chair Case, Commissioner Dauber-Griffin, Commissioner Dent, Commissioner Herington, Commissioner Hsieh, Commissioner Pink, Commissioner Smith, and Commissioner Vaughn

Nays: None

Abstained: None

Absent/Excused: 2nd Vice Chair Fitch, Commissioner Anderson, Commissioner Clark, and Commissioner Spruce

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

IX. EDUCATIONAL/TRAINING TOPIC

“Closed Sessions & the Duty/Requirement of Confidentiality Under the Brown Act” - Part 2 of 2

Presenter: Duane E. Bennett, Esq. (CPP Outside Counsel) **(Time 8:09)**

CPP Outside Counsel, Duane Bennett presented information regarding the Brown Act. This presentation focuses on Closed Session Meetings and confidentiality. Outside Counsel Bennett discussed how Police Officer Personnel Files are confidential and went over the Brown Act Sanctions. He presented Penal Codes section 832.7 section 54957 (b)(2), and violations of section 54963.

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

A. Commission Meetings

1. Reassessment of Closed & Open Sessions of Regular Meetings
Executive Assistant Alina Conde sent out a doodle poll for the month of July. The CPP has had another resignation and now will have 12 Commissioners instead of the allotted 23 Commissioners. The Commission has about 6 cases waiting for review. The Commission has been meeting almost every week (if not bi-weekly). Interim Executive Director Sharmaine Moseley will be sending out meetings links every Friday before the meeting.

Action Item: Approval of changing the meeting dates and/or times of the Commission’s Regular Meeting and the times of the Open & Closed Sessions

The Commission decided to keep the meeting dates the same and take no action to change the dates and times.

B. Case Review

1. Reassessment of Backlog of CPP Case Review & Evaluation of Disciplines

Commissioner Andrea Dauber-Griffin shared her feelings regarding how the numbers of Commissioners are dwindling. She claimed that it has a demoralizing effect on those who are still on the Commission and agrees that the Commission should not continue to accept new cases when there are not enough Commissioners to do the work.

1st Vice Chair Doug Case suggested a triage method for cases that will be prioritized. Possibly have each team leader give a summary of the status for backlog of cases during the Team Lead monthly meetings. Prioritize cases that have sustained findings from IA and cases that involve use of force allegations. 1st Vice Chair Case

claims it would be wise to still accept new cases, but it would be better to have a system in place. Commissioner Steve Hsieh agreed with the idea to triage and streamline cases.

1st Vice Chair Doug Case moved for the Commission to implement a 3-step process.

1. Team leaders will be responsible for doing a preliminary review of each of their cases which would entail reading the IA report and then summarize each of their cases to bring to the Team leader's monthly meeting and then to the CPP Closed Meeting.

2. At the monthly Team leader meeting, the Team leaders will agree to a prioritization of their cases. They will assess and report out on which cases will have a full review of the case or full review of an allegation in the case. The Team will also report out on the order for their case reviews.

3. For the cases that will not have a full review, the Team will write a memo with a very brief summary that the team agrees with IA findings. The Commission will vote on the Team's recommendation to agree with the IA finding(s) and the case will be closed out depending on the Commission's decision.

Commissioner Nancy Vaughn seconded the motion. The motion passes with a vote of 6-3-1. (Time 1:36:08)

Yays: Chair Hilpert, 1st Vice Chair Case, Commissioner Dent, 2nd Vice Chair Fitch, Commissioner Hsieh, and Commissioner Vaughn

Nays: Commissioner Clark, Commissioner Dauber-Griffin, and Commissioner Smith

Abstained: Commissioner Pink

Absent/Excused: Commissioner Anderson, Commissioner Herington, and Commissioner Spruce

XI. COMMITTEE CHAIR REPORTS (DISCUSSION/ACTION)

A. Continuing Education Committee (Nancy Vaughn)

1. List of Upcoming Educational Topics/Presentations

- Restraining Orders – The CPP has seen some complaints and cases that revolve around restraining orders and would like to be a little more educated around this.
- Interactions Between Kumeyaay People & Law Enforcement – Updates coming soon.
- Show of Force/Use of Force & Reporting Requirements – Chair Brandon Hilpert will send out a video link to the Commission covering what to do if an Officer displays use of force. More updates coming soon.

B. Outreach Committee (Patrick Anderson)

1. Past Events/Virtual Meetings/Roundtable Discussions -No update
2. Upcoming Events/Outreach Opportunities
Chair Brandon Hilpert stated that during the Budget Hearing Committee Meeting, there was a public comment from a member of the Oak Park Community asking the Commission to give a presentation about what the Commission does and how the CPP works and operates. Date TBD.

C. Rules Committee (1st Vice Chair Doug Case)
No current updates.

D. CPP Handbook Committee (1st Vice Chair Doug Case)
1. Update – This item is on hold.

E. Policy Committee (Chair Brandon Hilpert)
Update/Next Policy Committee Meeting
Last month, the Commission submitted recommendations to SDPD and is awaiting the responses to those recommendations. All Commission recommendations and responses to those recommendations are posted to the CPP website.

F. Recruitment & Training Committee (Kevin Herington)
1. Update – Currently on Hold

G. Citizens Advisory Board on Police Community Relations (Chair Hilpert)
1. Update Past & Upcoming Meetings
Chair Brandon Hilpert was unable to attend Monday’s CAB meeting. Interim Executive Director Sharmaine Moseley stated that CAB’s 1st Vice Chair sent out an email regarding recommendations that SDPD put together a Sergeant’s training class.

H. Ad Hoc Transition Planning Committee (1st Vice Chair Doug Case)
1. Budget Update – Everything in the preliminary budget for CPP was approved by the City Council.
2. Staffing and Legal Counsel Update – The CPP is making progress on the hiring process for the Deputy Executive Director. The hiring committee has gone through the preliminary applicant review. 7 applications will be sent forward. The next step of the process would be a community panel (Outreach Chair Patrick Anderson will schedule). Then confidential meetings will be held with the semi-finalists.
3. Draft Implementation Ordinance & Standard Operating Procedures Update – The Implementation Ordinance is currently in meet and confer.
4. Office Space Update – Interim Executive Director Sharmaine – The landlord for 525 B St. has accepted the proposal and CPP leadership is continuing working with DREAM. Possible move in time frame would be November.

XII. CHAIR’S REPORT (Chair Brandon Hilpert)

A. Reminders for Commissioners

1. 1st Quarter (July 1st – July 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. Internal Affairs Office Hours/Schedule
Reminder that Internal Affairs has offered weekend hours for Commissioners who may need it. Commissioners should send an email and request the time if they need to go into Internal Affairs on the weekends.

B. Updates

1. Collaboration/Information Sharing with Statewide Oversight Groups – Chair Hilpert has been attending most of these meetings. There have been regional meetings for SoCal and state-wide. They have asked for volunteers. Chair Hilpert plans to eventually work on a presentation to go over what is going on in San Diego.
2. Update & Next Steps on CPP Special Joint Meeting with Citizens Advisory Board on Police/Community Relations (CAB) 4/21/22 – Chair Brandon Hilpert will reach out to the Sherriff’s Office to schedule a conversation and meeting with the CPP to go over the Countywide MOU Between County Chiefs & Sheriff Association.
3. Update on the Creation CPP Social Media Pages & Training – The CPP has created social media accounts but have not used them too much yet.
4. Update on CPP Presentation to Newest Officer Academy (June 16th) – Chair Brandon Hilpert stated that the presentation went well and there were about 45 new recruits.

C. Other Items/Reminders – None.

XIII. EXECUTIVE DIRECTOR’S REPORT (Interim ED Sharmaine Moseley)

- A. Caseload Update and Status of Case Reports- It was reported that as of today, the CPP started out with 120 total cases assigned to its teams. Thirty-four of those cases are Category II cases. At the March meeting of the Commission, the Commission agreed to suspend its audit of Category II cases due to the backlog of cases. As a result, the Commission has 86 active cases assigned to its Teams which is 16 more cases since the end of May. There are at least 7 Category I cases, and 6 disciplines ready to be heard by the Commission.

In closing out this fiscal year, that ends on June 30, the Commission reviewed, deliberated on and closed out a total of 103 cases. The breakdown of the 103 cases is: 94 Category I cases, 8 OIS cases, and 1 ICD case. The Commission audited 17 Cat II cases and evaluated 115 disciplines. The Commission also evaluated 2 shooting review board reports.

The statistics for the Team assignments are as follows:

The teams have no in-custody death cases assigned for review. There are also no Commissioners assigned to teams 2 and 7 so those teams are inactive.

Team 1 has 16 active cases in their queue (14 are Category I cases– two of which have one or more sustained findings, and 1 OIS case). The team also has 7 Category II cases which are on hold. Team 1 has 1 case ready for the Closed Meeting agenda.

Team 2 is inactive. However, Chair Hilpert evaluated 4 disciplines that are ready for the next Closed Meeting agenda.

Team 3 has 10 active cases in their queue. Of the 10 cases, 7 are Category I cases – three of which have sustained findings. The team has 2 OIS cases. The team also has 2 Category II cases which are on hold.

Team 4 has 20 active cases in their queue all of which are Category I cases. Five of the Category I cases have one or more sustained findings. The Team has no OIS or ICD cases to review. The team also has 13 Category II cases which are on hold. Team 4 has 2 cases ready for the Commission’s next Closed Meeting.

Team 5 has 15 active cases in their queue. All of the 15 cases are Category I cases. Team 5 has disciplines to evaluate, so the team should check the IA case folder in the Google Drive. Four of the Category I cases have one or more sustained findings. The team also has 5 Category II cases which are on hold.

Team 6 has 25 active cases in their queue. 23 of which are Category I cases and 1 is an OIS related investigation. Of the 25 cases, four have sustained findings. The team also has 7 Category II cases which are on hold. Team 6 has 5 cases and 1 discipline ready for the next Closed meeting agenda.

Team 7 is inactive.

- B. Commission Resignation/Vacancies – Earlier today, Interim Executive Director Sharmaine Moseley sent out an email to the Commissioners and IA regarding the resignation of the Commission’s 2nd Vice Chair Poppy Fitch effective in a couple of days. At the end of this week, the CPP will be down to 12 Commissioners.
- C. Planning for CPP Former Member Appreciation/Acknowledgements– Chair Brandon Hilpert and Interim Executive Director Sharmaine Moseley met with the Commission’s administrative team Alina Conde and Robin Recendez, to discuss and finalize the plans for recognizing former CRB members and Commissioners. Since the CPP will most likely be moving into the new office space in November, the event might be during an Open House combined with an appreciation/acknowledgement ceremony for members who resigned just prior to the passage of Measure B up until recently. The building has a large meeting room in the lobby, so it should be able to use that space as well as bring up attendees to our new offices for a tour.
- D. NACOLE Annual Conference in Fort Worth, Texas (September 2022) –This year’s conference will be in-person and virtual. The in-person conference will take place from September 11–September 15 in Fort Worth, Texas. The virtual conference is scheduled to take place all day on October 26th, November 2nd, and November 9th. The CPP has a few Commissioners who have already been signed up to attend the in-person conference. Also, on July 11th, NACOLE will hold a webinar on “Analyzing BWC Video”. These training opportunities are geared towards the momentum of the last 2 years while creating better oversight models and systems by strengthening the work of jail, prison, and police oversight. There has been a huge increase in the development of oversight in various cities and municipalities. Interim Executive Director Sharmaine Moseley participated in numerous conversations with Universities, Colleges, and cities that are interested in the

changes coming down the pipeline for San Diego as well as what goes into creating these oversight entities. The NACOLE conference is the place to be for networking, sharing or learning about best practices.

E. Other Items/Reminders – No other items/reminders

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

A. Status of SDPD Written Responses to CPP Recommendations Submitted on March 30, 2021 – 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. Status of SDPD Written Response to CPP Recommendations Submitted on August 12, 2021 Regarding Procedure for Approval of Use of Force Opinions – No current updates.

C. Status of SDPD Written Responses to CPP Recommendations Submitted on May 10, 2022 – No current updates.

1. BWC Buffering Enhancements
2. Investigation of Complaints Involving SDPD Leadership
3. Discipline Manual and Matrix Changes
4. Formation of SDPD's Disciplinary Tracking System
5. Be on Lookout (BOLO) Flyers
6. Transmittal of Commission's OIS Reports to Shooting Review Board

D. Status of CPP Cabinet Meeting with SDPD Training Captain Regarding Use of Force & Show of Force Reporting – No current updates.

E. Status of CPP Cabinet Meeting with SDPD Training Captain Regarding Use of Force & Show of Force Reporting – No current updates.

F. Updates (Staffing in IA, Training, etc.) – Still at the same staffing level in Internal Affairs. They may need to fill just one position but it will possibly take a while.

XV. COMMISSIONER RIDE-ALONG REPORTS: It was reported that Commissioners can start doing ride-a-long's again.

XVI. COMMISSIONER ANNOUNCEMENTS/COMMENTS: No announcements or comments.

XVII. ADJOURNMENT: The meeting adjourned at 8:04pm.