

OPEN SESSION MEETING MINUTES

**Tuesday, February 23, 2021
6 p.m. – 8 p.m.
Via Zoom Webinar**

Click <https://www.youtube.com/watch?v=uh7EQomWYc4&feature=youtu.be> to view this meeting on YouTube.

Commissioners Present:

Brandon Hilpert, Chair
Doug Case, 1st Vice Chair
Poppy Fitch, 2nd Vice Chair
Patrick Anderson
Maxine Clark
Joe Craver (arrived at 6:08)
Andrea Dauber-Griffin
Sheila Holtrop

Steve Hsieh
Ernestine Neely
Chris Pink
Ernestine Smith
Robin Spruce
Duke Taylor
Nancy Vaughn
Marty Workman

Commissioners Absent:

Michael Chan
Diana Dent
Kevin Herington

Staff Present:

Sharmaine Moseley, Acting Interim Executive Director

San Diego Police Department (SDPD) Staff Present:

Steve Shebloski, Acting Captain Internal Affairs
Andrea Amato, Internal Affairs Detective
Corissa Pich, Internal Affairs Lieutenant

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- I. **CALL TO ORDER/WELCOME:** Chair Brandon Hilpert called the meeting to order at 6:01 p.m.
- II. **ANNOUNCEMENT ON PURPOSE OF THE COMMISSION**
Chair Brandon Hilpert announced that the purpose of the Community Review Board on Police Practices (CRB) 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 this personnel in a process that will be transparent and accountable to the community. The commission will also evaluate the review of all SDPC 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: Acting Interim Executive Director Sharmaine Moseley conducted the roll call.

IV. APPROVAL OF MEETING MINUTES

A. Minutes from CPP Open Meeting on January 26, 2021

The Commissioners reviewed the minutes. Commissioner Patrick Anderson moved for the Commission to approve its January 26, 2021 Open Meeting minutes. Commissioner Nancy Vaughn seconded the motion.

The motion passed with a vote of 12-0-2.

Yays: 1st Vice Chair Case, 2nd Vice Chair Fitch, Commissioners- Anderson, Clark, Dauber-Griffin, Holtrop, Hsieh, Neely, Smith, Spruce, Vaughn, Workman

Nays: None

Abstain: Chair Hilpert, Christopher Pink

Absent: Michael Chan, Joe Craver, Diana Dent, Kevin Herington, Duke Taylor

B. Minutes from Special Meeting on February 2, 2021

The Commissioners reviewed the minutes. Commissioner Anderson suggested changing section 5 that begins "Commission agreed..." since the sentence does not reflect the Commissioners who did not agree.

Commissioner Patrick Anderson moved for the Commission to approve its February 2, 2021 Special Meeting minutes with edits. 2nd Vice Chair Poppy Fitch seconded the motion.

The motion passed with a vote of 14-0-2.

Yays: 1st Vice Chair Case, 2nd Vice Chair Fitch, Commissioners- Anderson, Clark, Craver, Dauber-Griffin, Holtrop, Hsieh, Neely, Smith, Spruce, Taylor, Vaughn, Workman

Nays: None

Abstain: Chair Hilpert, Christopher Pink

Absent: Michael Chan, Diana Dent, Kevin Herington

- V. NON-AGENDA PUBLIC COMMENT: None
- VI. UNFINISHED BUSINESS (DISCUSSION) (Chair Brandon Hilpert)
 - A. Commission Closed Meetings (March Dates and Times) – The Commission will meet for Closed Session every second and fourth Tuesday at the regularly scheduled times for the month of March.
 - B. Case Review in Internal Affairs
 - i. Feedback on Prioritization of Case Reviews, Workflow, and Staffing – The Teams were reminded to prioritize any case that has a sustained finding and cases that are close to the one-year mark.
 - ii. Status of Redacted Case Summaries & Discipline Cases – The Teams were encouraged to draft their redacted case summaries as soon as possible so they can be put online for the annual report.
 - iii. Remote Case Access – The Teams are now using a secured google drive for case review.
 - iv. IA Office Hours/Schedule – Internal Affairs is open on weekends for case review.
 - v. Updates to Commission Computers in IA –The Commission computers in IA now have internet access and the software has been updated. Three bookmarks were added to Chrome: Octa login tool, webmail, and google drives folder. Teams were reminded to log off when done.
- VII. NEW BUSINESS (DISCUSSION/ACTION): None
- VIII. COMMITTEE CHAIR REPORTS (DISCUSSION/ACTION)
 - A. Continuing Education Committee (Nancy Vaughn)
 - i. List of Upcoming Educational Topics – The Commission will look into scheduling future educational presentations on AB392 and pretext stops.
 - B. Outreach Committee (Patrick Anderson)
 - i. Past Events/Virtual Meetings/Roundtable Discussions – Item Tabled
 - ii. Upcoming Events/Outreach Opportunities – Planning another community roundtable discussion that will focus on investigations. There will be a guest speaker who has been involved in doing investigations for different oversight commissions for over 30 years.
 - C. Rules Committee (Doug Case)
 - i. Update – The Committee will be writing interim standing rules and interim standing operating procedures to comply with the changes to the bylaws.
 - D. CRB Handbook Committee (Doug Case)
 - i. Update – This item is on hold.
 - E. Policy Committee (Chair Brandon Hilpert)
 - i. Status on Items being Considered Committee
 - 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
- ii. Schedule Next Policy Committee Meeting – The next meeting is scheduled for Thursday, February 25, 2021 at 4:30 pm to discuss SDPD’s protest procedure.
- F. Recruitment & Training Committee (Kevin Herington)
- i. Update on New Member Appointments & Confirmations – Six new members who were appointed by the City Council to the board in early December 2020. They went through the background checks and required training.
- G. Citizens Advisory Board on Police Community Relations (Chair Brandon Hilpert)
- i. Update – February 22, 2021 meeting focused on CAB plan to foster better relationships between the community and the police department. They provided an update on conversations with county supervisors regarding COVID vaccinations and having police officers be a part of the first responders group, and making police officers culturally aware when they go into someone’s home.
- H. Ad Hoc Transition Contingency Planning Committee (Doug Case)
- i. Update – On February 10, 2021, CPP leadership gave a presentation to Public Safety and Livable Neighborhoods (PS&LN) Committee. For the implementation ordinance, the Commission made several recommendations which included defining police misconduct, investigations, investigative proceedings, and defining review and evaluate. The city is not making any changes to their current budget until they find out the status of the federal stimulus. There seems to be growing support of having a full-time staff attorney as opposed to contracting out for legal counsel. The City is working on appointing the interim executive director. The interim standard operating procedures were required to go to POA for feedback. The Committee’s next step is to work on defining “investigations” and clarifying what type of investigative model will be used.
- IX. CHAIR’S REPORT (Chair Brandon Hilpert)
- A. Reminder – 3rd Quarter (January 1st – March 31st) Volunteer Hours Report – All Commissioners to log hours in for reporting purposes
 - B. Update on 2/10 PS&LN Committee Meeting Re: CPP – The Commission has been very active with the City Council to make sure they know what the Commission needs are.
 - C. Update on Meetings with City Leaders Re: Commission Budget – Leadership met with City leaders regarding the Commission’s proposed budget request for funding.
 - D. Scheduling of CPP Retreat – The Commission will poll the Commissioners to see what Saturdays in March/April works for everyone.

- E. Status of SDPD Protest Policy (3/23 CPP Open Meeting Agenda) – The next Policy Committee Meeting is on 2/25 from 4:30–6pm. Commissioners may attend the webinar as attendees. On March 23, 2021, the full commission will review the information gathered from the roundtable. This meeting is open to public comment.
- F. Commission Committee Assignments – New and former Commissioners were encouraged to join the CPP committees.
- G. Other Items/Reminders

X. EXECUTIVE DIRECTOR’S REPORT (Sharmaine Moseley)

- A. **Caseload Update & Status of Case Reports** – It was reported that prior to tonight’s meeting, 55 cases were assigned to the Teams. Out of the 55 cases, 3 Category I cases, 1 officer-involved shooting case and 2 Category II cases were on the Closed meeting agenda. At that meeting, the Commission deliberated on and closed 2 cases leaving the Commission with 53 cases assigned to the Teams. Teams were encouraged to revise the cases that need revisions first and reassess caseloads so that cases are completed by the year end date or sooner. In this fiscal year, the Board closed out 80 cases. Team 5 is now actively reviewing cases again. Team 4 is also active, and Team 7 will be inactive due to the resignation of Commissioner Theodore.

The statistics for the Team assignments are as follows:

Team 1 – 9 cases were assigned to the Team. One case was sent back for further review. Of the 9 cases, 1 case is a Category II, 3 cases have sustained findings, 0 OIS cases, 0 ICD cases.

Team 2 – 12 cases were assigned to the Team. (2 cases were sent back to the Team for revisions). Of the 12 cases 3 are Category II cases, 5 cases have sustained findings. The team does not have any OIS/ICD cases. 4 of the 12 cases are completed and one case was closed out tonight.

Team 3 – 9 cases were assigned to the Team (8 cases were assigned during COVID & 1 reassigned from Team 5 pre-COVID). Of the 9 cases, 4 are Category II cases, 5 cases have sustained findings. The team does not have any OIS/ICD cases. 1 case was closed out tonight.

Team 4 – 6 cases were assigned to the Team (6 cases reassigned from Team 1). Of the 6 cases, 2 are Category II cases, 2 cases have sustained findings, 1 OIS case, 0 ICD cases.

Team 5 – 1 case was assigned to the Team. The case is a Category I with a sustained finding. The Team does not have any OIS/ICD cases.

Team 6 – 8 cases were assigned to the Team. Of the 8 cases, 4 have sustained findings and 1 is OIS. The Team does not have any Category II or ICD cases.

Team 7 – 11 cases were assigned to the Team. This Team is inactive due to the resignation of Commissioner Theodore. Chair Hilpert is wrapping up most of the cases. However, 2 cases will be reassigned to the other Teams.

- B. Commission Vacancies/Resignations – It was reported that after serving as a member for almost 8 years, Commissioner Pauline Theodore resigned from the Commission. As a result, the Commission has 19 members and 4 vacancies.
 - C. Status of Work Accounts – All commissioners should have a sandiego.gov account and will be expected to use that account.
 - D. Administrative Support (SDSU Intern) – Ashley Soo Hoo will be joining the Commission as an intern. She will be primarily responsible for processing the complaints.
 - E. 2021 NACOLE Conference Update – This year NACOLE is hosting 2 conferences. The first conference will be virtual and take place from August 16–October 1, 2021. The second conference will be a smaller in-person conference scheduled for December 12–16, 2021 in Tucson, Arizona.
 - F. Other Items/Reminders - None
- XI. SAN DIEGO POLICE DEPARTMENT REPORT (EA Chief Al Guaderrama)
- Updates – Currently, the SDPD has 47 recruits in the October Academy. In January, 50 new recruits started the Junior Academy. The Protest Policy is now posted on the city’s website.
- XII. COMMISSIONER RIDE-ALONG REPORTS: On hold due to COVID
- XIII. COMMISSIONER ANNOUNCEMENTS/COMMENTS: (Chair Brandon Hilpert)
- XIV. ADJOURNMENT: The meeting adjourned at 7:48 p.m.