

OPEN SESSION MEETING MINUTES

**Tuesday, April 27, 2021
6 p.m. – 8 p.m.
Via Zoom Webinar**

Click <https://www.youtube.com/watch?v=B7shHBSyKyg&t=3s> to view this meeting on YouTube.

Commissioners Present:

Doug Case, Acting Chair
Poppy Fitch, 2nd Vice Chair
Patrick Anderson
Maxine Clark
Andrea Dauber-Griffin
Diana Dent
Sheila Holtrop
Kevin Herington
Steve Hsieh

Chris Pink
Ernestine Smith
Duke Taylor (left 7:26pm)
Nancy Vaughn
Marty Workman

Commissioners Absent:

Brandon Hilpert, Chair
Michael Chan
Joe Craver
Ernestine Neely
Robin Spruce

Staff Present:

Sharmaine Moseley, Interim Executive Director

San Diego Police Department (SDPD) Staff Present:

Mike Holden, Captain, Internal Affairs
Steve Shebloski, Lieutenant, Internal Affairs

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- I. **CALL TO ORDER/WELCOME:** Acting Chair Doug Case called the meeting to order at 6:00 p.m.

 - II. **ANNOUNCEMENT ON PURPOSE OF THE COMMISSION**
Acting Chair Doug Case explained 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 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 CPP OPEN MEETING MINUTES OF March 23, 2021

There was no motion on the floor for approval of this item, so this item will be voted on at the next Open Meeting of the Commission.

V. NON-AGENDA PUBLIC COMMENT: None

Acting Chair Doug Case explained that a public comment is a time for Commissioners to listen only. They cannot respond to questions during the public comment period. The non-agenda public comment is an opportunity to address the Commission on a matter within its jurisdiction, but not on the agenda for this evening. Note that the Commission can only discuss specific allegations against SDPD officers during a closed meeting.

VI. UNFINISHED BUSINESS (DISCUSSION) (Acting Chair Doug Case)

A. Commission Closed Meetings (May Dates and Times)

The next Closed Meeting will take place on Tuesday, May 4, 2021. The Commission will resume its regular schedule of having Closed Meetings on the second and fourth Tuesdays of every month. Unless there is a case that needs to be complete by a specific deadline, in which there will be an additional meeting called.

Due to the City's Budget Hearing, the Closed Meeting scheduled for Tuesday, May 11, 2021 will be from 6:00pm – 8:00pm.

B. Case Review

i. Feedback on Prioritization of Case Reviews, Workflow, Staffing –

There has been feedback and concern related to the number of cases the Commission has outstanding, which is increasing. It has been suggested that the Commission consider revising the way the Teams draft its reports so it is less time consuming and look at the ways that the teams can more efficiently review cases. Suggestions included assigning one person on the team the duty of looking at all the body worn camera and all the interviews and then pointing out to the other team members those items that are essential. Another suggestion is that written case reports should be made more along the lines of the Commission's audit reports that would not include all the details that are included in the case reports. Category 1 case reports would probable still be more comprehensive. Commissioner Nancy Vaughn suggested enforcing the rules about writing the

reports and making them concise and to the point and getting rid of unnecessary parts of the report. Commissioner Kevin Herington recommended that the Commission only write long reports if there is a disagreement with IA or find another finding/allegation that was not included in the investigation.

Commissioner Maxine Clark stated that the Commission need to be as thorough as we used to be. Second Vice Chair Poppy Fitch explained that the executive team meets weekly to talk about ways the Commission can rise to the challenge of an increasing workflow, decreased resources, new members, remote case review, changing dynamic from board to commission. This is more about being more efficient, not watering down the review of investigations.

- ii. Status of Discipline Cases – There are several discipline cases that have been sent out to the Teams but have not been read at the last couple of meetings. The Teams were encouraged to check their files for any discipline cases and to complete evaluations.
- iii. Feedback on Remote Case Access (Google Drive) – Internal Affairs still need to resolve the issue of the audio for remote case access.
- iv. Feedback on New Case Presentation Format – The new format includes having a summary with the essential items pointed out and then the Commissioners would go into the discussion.
- v. IA Office Hours/Schedule – Commissioners who want to review cases in IA were asked to let Detective Amado know in advance for reservation purposes. She should also be notified of any changes.

- C. Commission Work Retreat for Work and Tactical Plans – In lieu of a Commission work retreat, interim Executive Director Moseley will revise the previous work plan and have a draft ready for the Commission’s May Open Meeting for discussion and approval in June.

VII. NEW BUSINESS (DISCUSSION/ACTION): (Acting Chair Doug Case)

- A. Attendance / Participation of SDPD at Commission Closed Meetings (Action Item)

Acting Chair Case explained the current practice where the department is present for the presentation of the case and available to answer any questions. They are then put in a waiting room on Zoom, comments are made, and the vote is taken while they remain in the waiting room. We will reconvene and if there is a new team concerned, those comments are presented at that point in time. Feedback from Commissioners who would like the Department there during the comments portion, to answer questions or to listen to the unfiltered comments. The Commissioners discussed this item and Acting Chair Case recommended that this item be referred to the Cabinet on how to proceed since there was no consensus.

- B. Approval of Modifications to Mayor’s Proposed Budget for the Office of the Commission on Police Practices (Action Item)

Several proposed amendments to the initial budget was sent out with the agenda. The Commission needs to officially vote to approve the budget recommendations, so they are coming from the Commission

and not just the Transition Committee. The changes the Commission made are:

- The Executive Director salary be \$180,000 rather than \$122,000. The Executive Director of the Ethics Commission's salary is \$180,000 and the Commission will have more than twice as many employees as the Ethics Commission and the Commission will also be three times as large as the Ethics Commission, so given the duties required and additional duties it would be equitable to have a salary comparable to that of the Ethics Commission.
- The Supervising Investigator start on September 1st rather than January 1st to give them time to prep cases and to be involved in the hiring of the second investigator who would begin on January 1st.
- Changing the investigators to be exempt. Personnel told us that those positions needed to be exempt, which means that they are not an hourly position.
- The Budget Analyst on boarded sooner rather than later. The earliest possible time would be September 1st since this is an exempt position, which must be created by ordinances and must first go through a Civil Service Commission process.
- Amount for subject matter experts/consultants be changed from \$20,000 to \$30,000 for the current fiscal year which would end in June 30, then increased to \$40,000 in the next fiscal year when investigations would increase.
- Add an additional \$200,000 for contract investigators. These would not be employees, but would be contracted as needed since we don't know what the workload is going to be. If the case load is greater than our staff can handle, or the investigations take more time than expected, it is important to be able to hire additional contract investigators on a case by case basis.
- Increase Conference Registration Fees from \$2,500 to \$7,500 allowing both staff and commissioners to attend NACOLE.
- Increase Travel/Conference from \$9,824 to \$19,824 allowing both staff and commissioners to attend NACOLE.
- Increase Cellular Phone Operating Costs from \$1,300 to \$3,697 with the understanding that we will have additional staff that may require a work phone.
- Increase Transportation Allowance to \$2,500 which would be for staff.
- Increase Information Technology (Software) for Fiscal year 2023 match Fiscal year 2022 (\$35,000) since the software used is licensing software that requires an annual fee.
- Transition committee recommended at our budget hearing that we recommend the City Council adopt the policy to allow volunteer Commissioners to receive childcare and mileage reimbursement to attend meetings and other activities.
- Increase outside counsel budget from \$25,000 to \$180,000. We did not put the General Counsel hiring until June of next year because we thought it was important for the new Executive

Director and the new Commission to be involved in the hiring of the General Counsel.

- Change the Independent Counsel Staff base salary to \$165,000.

The Commissioners reviewed the CPP Proposed Budget. Commissioner Nancy Vaughn moved for the Commission to recommend this budget to the city as presented. Commissioner Patrick Anderson seconded the motion.

The motion passed with a vote of 13-0-1.

Yays: 2nd Vice Chair Fitch, Commissioners- Anderson, Clark, Dauber-Griffin, Dent, Herington, Holtrop, Hsieh, Pink, Smith, Taylor, Vaughn, Workman

Nays: None

Abstain: Acting Chair Case

Absent: Chair Hilpert, Chan, Craver, Neely and Spruce

- C. Approval of Proposed Outline of Investigation Procedures (**Action Item**)
Commissioner Nancy Vaughn noted an accidental typo on the 2nd page and top of the 3rd page.

The Commissioners reviewed Outline of Investigative Procedures. Commissioner Nancy Vaughn moved for the Commission to approve the proposed outline of investigative procedures with the amendments. Commissioner Marty Workman seconded the motion.

The motion passed with a vote of 12-0-1.

Yays: 2nd Vice Chair Fitch, Commissioners- Anderson, Clark, Dauber-Griffin, Dent, Herington, Holtrop, Hsieh, Pink, Smith, Vaughn, Workman

Nays: None

Abstain: Acting Chair Case

Absent: Chair Hilpert, Chan, Craver, Neely, Spruce, Taylor

VIII. COMMITTEE CHAIR REPORTS (DISCUSSION/ACTION)

- A. Continuing Education Committee (Nancy Vaughn)
i. List of Upcoming Educational Topics – Committee Chair Vaughn asked the Commissioners for topics. She will also reach out to NACOLE to get information and training us in that direction.
- B. Outreach Committee (Patrick Anderson)
i. Past Events/Virtual Meetings/Roundtable Discussions – Committee Chair Anderson reported that he is coordinating with Kate Yavenditti about possibly co-hosting another roundtable with San Diegans for Justice regarding job ads that the Committee is

- beginning to think about writing. He suggested that the Community be involved in writing that job ad. He wants to also start doing monthly roundtables with the public.
- ii. Upcoming Events/Outreach Opportunities – N/A
- C. Rules Committee (Doug Case)
 - i. Update – Committee Chair Case reported that he will schedule a meeting sometime in May giving enough time to come back with a recommendation regarding case review and presentations for next month’s open meeting.
 - D. CRB Handbook Committee (Doug Case)
 - i. Update – No update given
 - E. Policy Committee (Chair Brandon Hilpert)
 - Status on Items being Considered Committee – No update given
 - Schedule Next Policy Committee Meeting – No update given
 - F. Recruitment & Training Committee (Kevin Herington)
 - i. Update on Virtual Training on Pretext Stops, Detentions, Arrest (4/8) – SDPD IA Lt. Charles Lara
 1. There was a training on April 8th, which was given virtually to new members as well as existing members by Lt. Charles Lara
 - ii. Update on SDPD Academy Training on Use of Force, BWC Video, Simulators (4/10)
 1. There was a training on April 10th.
 - G. Citizens Advisory Board on Police Community Relations (Doug Case)
 - i. Update – April 19, 2021 Meeting
Interim Executive Director Moseley reported that CAB held a meeting on April 19th. CAB’s Executive Director encouraged CAB to go through SDPD’s use of force training and Inside SDPD trainings. Community member Tasha Williamson was a guest speaker. She spoke to CAB about South Eastern division racial concerns. There was a lot of dialogue and conversations regarding her issues. There was some discussion on Campaign Zero’s ProTEC initiatives as well as the mayor’s release of his priorities. They went over their recommendations that they made two years ago and recommended that the Ad Hoc committee go over those recommendations again and bring it back to the board.
 - H. Ad Hoc Transition Contingency Planning Committee (Doug Case)
 - i. Update – City council meeting held on Monday, April 26, 2021. They approved three items which had been previously approved by the PS &LN committee. These items included the creation of the Office of the Commission on Police Practices, hiring Sharmaine Moseley as our Interim Executive Director, and approving the interim standing operating procedures that the Commission recommended. The next step is the budget meeting on May 11th, in which we will be making a presentation before the budget review committee, which is a

committee of the whole of the city council. Our Transition Committee meets every Friday. This Friday we will be discussing what the process should be when the Commission and the department disagree on a finding regarding a particular case.

- IX. CHAIR'S REPORT (1st Vice Chair Doug Case)
- A. Reminder – 4th Quarter (April 1st – June 30th) Volunteer Hours Report – All Commissioners log hours in for reporting purposes
 - B. Update on 4/26 City Council Meeting Re: CPP – Report given earlier
 - C. City Budget May Hearings (CPP Presentation on May 11 at 2pm)
 - D. Commission Committee Assignments – It is requirement of the bylaws that every Commissioner serves on at least one Committee.
 - E. 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, 65 cases were assigned to the Teams. The same time last month, we had approximately 68 cases assigned to the teams, so this number remains constant. Of the 65 cases, 3 Category I cases that included an officer-involved shooting and 3 Category II cases were deliberated on and closed out earlier tonight at the closed meeting. Of the 65 active cases assigned to the team's 28 have sustained findings. As of last week, IA sergeants were working on 78 cases that will eventually go to the teams. In this fiscal year, the Commission closed out 107 cases.

The Team Updates are as follows:

Team 1 – Commissioner Pink was temporarily assigned to Team 1 for training purposes. 12 cases assigned to the Team. Of the 12 cases: 1 case was a reassignment that was sent back to the team in November for further review, 4 Category II cases, 5 cases have sustained findings. The Team also has two disciplines to evaluate.

Team 2 – 11 cases assigned to the Team. Of the 11 cases, 6 are Category II cases, 2 were sent back to the Team for revisions, 5 cases have sustained findings. 2 cases were closed out tonight. The Team does not have any OIS or ICD cases and has 3 disciplines to evaluate.

Team 3 – 8 cases assigned to the Team. Of the 8 cases, 2 are Category II cases, and 2 cases have sustained findings. Two cases were closed out tonight. The Team has 1 OIS case, no ICD cases, and 5 disciplines to evaluate.

Team 4 – 11 cases assigned to the Team. Of the 11 cases, 2 are Category II cases, 6 cases have sustained findings, and the Team has 1 shooting review board report to evaluate. The Team does not have any OIS/ICD cases.

Team 5 – Team 5 was made inactive for at least two weeks. One case with a pressing deadline was reassigned to Team 3. Four cases are left

for the Team. Of the 4 cases, 1 case is a Category I, and 1 case has sustained findings. The team has no OIS/ICD cases. The team has one shooting review board report and 1 discipline to evaluate.

Team 6 – This team no longer has a team lead. Twelve cases are assigned to this team. Of the 12 cases, 1 case has sustained findings, 1 case (an OIS) was closed out tonight, 3 cases are Category IIs. The team does not have any ICD cases. The team has 2 disciplines to evaluate.

Team 7 – 9 cases assigned to the Team. Of the 9 cases, 4 cases have sustained findings, 4 cases passed the 1-year deadline, 1 case is a Category II. This is a training team led by the Chair.

- B. Status of Work Accounts – It was reported that sanDiego.gov accounts were assigned to all the Commissioners two to three months ago. All emails regarding Commission business will now be going through the sandiego.gov accounts.
 - C. Administrative Support – A report was given earlier in the meeting.
 - D. 2021 NACOLE Conference Update – It was reported that this year NACOLE will hold two conferences. The first conference will be virtual and take place August 16th – October 7th. The second conference will be a small in-person conference and is scheduled from December 13th – December 16th in Tucson, Arizona. The conference committee reviewed over 60 proposals that were submitted for consideration. Each week will have a theme, such as reform and innovation, jail and prison oversight, strengthening the work of oversight, and collaboration. There will be a final schedule on May 19th.
 - E. Other Items/Reminders - N/A
- XI. SAN DIEGO POLICE DEPARTMENT REPORT (Captain Mike Holden)
- A. Status on CPP Recommendations to SDPD –They received the Commission’s recommendations on the below items. It is extensive so they have been sent out to the originating units for review and consideration. The Commission will be updated as IA receive responses back from those units.
 - Protest Policy
 - BWC Usage in Secure Facilities
 - Warnings Prior to OC Usage
 - Time Limits in Maximum Restraints
 - Seatbelt Usage during Transportation
 - Observation of Detainees in Sally Port
 - B. Updates –Executive Assistant Chief Al Guaderrama will be retiring on May 20th. The process for selecting his replacement is still in process.
- XII. COMMISSIONER RIDE-ALONG REPORTS: On hold due to COVID

XIII. COMMISSIONER ANNOUNCEMENTS/COMMENTS: No announcements/comments given.

XIV. ADJOURNMENT: The meeting adjourned at 7:58 p.m.