

**OPEN SESSION MEETING MINUTES**

**Tuesday, May 25, 2021  
6 p.m. – 8 p.m.  
Via Zoom Webinar**

Click <https://www.youtube.com/watch?v=Hw4WyZmgvT8> to view this meeting on YouTube.

**Commissioners Present:**

Brandon Hilpert, Chair	Diana Dent
Doug Case, 1 <sup>st</sup> Vice Chair	Sheila Holtrop
Poppy Fitch, 2 <sup>nd</sup> Vice Chair (arrival 6:05)	Kevin Herington (left 7:02)
Patrick Anderson	Steve Hsieh
Maxine Clark	Ernestine Neely
Joe Craver	Nancy Vaughn
Andrea Dauber-Griffin	

**Commissioners Absent:**

Michael Chan  
Chris Pink  
Ernestine Smith  
Robin Spruce  
Duke Taylor  
Marty Workman

**Staff Present:**

Sharmaine Moseley, Interim Executive Director

**San Diego Police Department (SDPD) Staff Present:**

Chris McGrath, Executive Assistant Chief  
Anthony Dupree, Captain, Internal Affairs  
Steve Shebloski, Lieutenant, Internal Affairs

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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 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.

Commissioner Patrick Anderson stated that the purpose of the commission read by the Chair was incorrect. **Please note that after the meeting, the Chair and Executive Director confirmed that the purpose read at this meeting was the correct version.**

III. ROLL CALL: Interim Executive Director Sharmaine Moseley conducted the roll call.

IV. GUEST SPEAKER: “Greetings from Mayor Todd Gloria” – Mayor Gloria expressed his appreciation and thanks to the Commission for the work that they do to make the City a better place. He provided remarks to the Commission regarding the increased responsibility of the Commission and his proposal in the budget of 1.3mil to fund and staff the Commission. He reiterated his support of the work of the Commission and the importance of quickly staffing the Commission. His objective is to have the best police department in the United States of America. He will raise the bar for police officers to meet the needs of the community. He already started raising the bar by making 11 recommendations for reform one of which has already been implemented. There are many more recommendations that need to be done.

V. APPROVAL OF MEETING MINUTES

A. MINUTES FROM CPP OPEN MEETING ON MARCH 23, 2021

**The Commissioners reviewed the minutes. Commissioner Diana Dent moved for the Commission to approve its March 23, 2021 Open meeting minutes. Commissioner Joe Craver seconded the motion.**

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

**Yays: 1<sup>st</sup> Vice Chair Case, 2<sup>nd</sup> Vice Chair Fitch, Commissioners- Anderson, Clark, Craver, Dauber-Griffin, Dent, Herington, Holtrop, Hsieh, Neely, Vaughn,**

**Nays: None**

**Abstained: Chair Hilpert**

**Absent: Chan, Pink, Smith, Spruce, Taylor, and Workman**

B. MINUTES FROM CPP OPEN MEETING ON APRIL 27, 2021

**The Commissioners reviewed the minutes. Commissioner Diana Dent moved for the Commission to approve its April 27, 2021 Open meeting minutes. Commissioner Joe Craver seconded the motion.**

**The motion passed with a vote of 11-0-2.**

**Yays: 1<sup>st</sup> Vice Chair Case, 2<sup>nd</sup> Vice Chair Fitch, Commissioners- Anderson, Clark, Craver, Dauber-Griffin, Dent, Herington, Holtrop, Hsieh, Neely, and Vaughn**

**Nays: None**

**Abstained: Chair Hilpert**

**Absent: Chan, Pink, Smith, Spruce, Taylor, and Workman**

VI. NON-AGENDA PUBLIC COMMENT: (Fill out and submit comment using webform. Please see instructions at the end of this agenda)

- Greg Daunoras congratulated Executive Assistant Chief Chris McGrath on his promotion and trust that he will do a great job.
- Evie Kosower Mayor talk before this meeting added to the confusion of the community including herself because he mentioned working with the Commission for the next 8 years as if you are the new Commission. You give that impression because you get called Commissioner and not interim Commissioner every time. There is very little mention of interim even in the minutes. The community really does not know that you are not the new Commission. I don't understand why that is not made clearer and why it is put off in timing for another year. That is ridiculous. That should have been happening immediately after some community input for who the people were to choose the CEO for the whole thing to get started. It has just been put on hold and creating a lot of hassle and confusion in the community. I don't know how you are going to get that straightened up unless you yourselves take that on.

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

A. Commission Closed Meetings (June Dates and Times) -There is still a backlog of case to go over. The Chair will send out a doodle poll to the Commissioners for the month of June.

B. Case Review

- i. Feedback on Prioritization of Case Reviews, Workflow, Staffing – Prioritizing cases that have sustained findings first.
- ii. Status of Discipline Cases – Working with IA to make sure disciplines are completed and evaluated by the Teams.
- iii. Feedback on Remote Case Access (Google Drive) – Commissioners can review cases remotely or in internal affairs
- iv. Feedback on New Case Presentation Format – Commissioners Patrick Anderson and Nancy Vaughn provided feedback. Also, Commissioner Anderson asked Commissioners to reach out to him if they need help with accessing the audio files. Recommended that IA save the audio files using the same format.
- v. IA Office Hours/Schedule – Reminder to email Det. Amado for case review in IA during the weekend.

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

A. Approval of CPP Proposed Transition Timeline (**Action Item**)

Public Comment: Kate Yavenditti commented that she does not understand why interim Commission needs to adopt this timeline. She thought it was just a working document that changes weekly. The community is upset with how slow everything is and hopes that things are pushed up. Adopting the timeline makes it sound like it's stuck. Her concern is that once something is adopted it can't be changed. What is the purpose? I work with the Transition Committee every week, so I understand where it came from and I'm not disputing what is in it. But I don't think it is a good idea to adopt it because it sounds unchangeable.

**The Commissioners reviewed and discussed the proposed timeline. Commissioner Joe Craver moved for the Commission to endorse the proposed CPP transition timeline. Commissioner Nancy Vaughn seconded the motion.**

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

**Yays: 1<sup>st</sup> Vice Chair Case, 2<sup>nd</sup> Vice Chair Fitch, Commissioners- Clark, Craver, Dauber-Griffin, Dent, Herington, Holtrop, Hsieh, Neely, and Vaughn**

**Nays: Anderson**

**Abstained: Chair Hilpert**

**Absent: Chan, Pink, Smith, Spruce, Taylor, and Workman**

B. Approval of Proposed Selection Process for Permanent Executive Director (**Action Item**)

**The Commissioners discussed the proposed selection process for the permanent Executive Director. 1<sup>st</sup> Vice Chair Doug Case moved for the Commission to recommend that the implementation ordinance state that the selection of the Executive Director be made by the Commission and appointed by the City Council. Commissioner Joe Craver seconded the motion.**

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

**Yays: 1<sup>st</sup> Vice Chair Case, 2<sup>nd</sup> Vice Chair Fitch, Commissioners- Anderson, Clark, Craver, Dauber-Griffin, Dent, Herington, Holtrop, Hsieh, Neely, and Vaughn**

**Nays: None**

**Abstained: Chair Hilpert**

**Absent: Chan, Pink, Smith, Spruce, Taylor, and Workman**

- C. **Approval of Proposed Procedure for Handling Disagreements Over Findings Between CPP & SDPD (Potential Action Item)**  
The CPP's Transition Planning Committee decided not to pursue this topic as an action item due to the advice from outside counsel.

Public Comment: Kat commented that she is happy to hear that the Commission will not deliberate on this item. She reiterated that as the Commission heard from Council that the public demanded that the CPP is the entity to hold the police accountable, to investigate critical incidents and complaints and to be sure that the police follow policy and that policies are fair and appropriate. The Commission is independent and there is no need for anyone else to decide whether the CPP finding is right when the CPP disagree with IA. The Commission decides whether SDPD is right. The Commission is the end of that road. The CPP should command the SDPD to make the proper finding just like the Mayor did before. Your Commission serves over the SDPD and occupies this role in place of the Mayor. The Mayor and the Chief must adopt your findings. You must also determine what happens next. What officers or the department should be disciplined by firings, canceling of pensions, etc. Those are the things we need to happen for accountability. If the CPP decides how policy should be changed but not how discipline should be handled, then how do we accomplish accountability and how do we rid ourselves of bad cops and bad policing. Most importantly, how do we achieve trust between police and community.

IX. COMMITTEE CHAIR REPORTS (DISCUSSION/ACTION)

- A. Continuing Education Committee (Nancy Vaughn)
- i. List of Upcoming Educational Topics – Presentation on restraining orders at a future meeting of the Commission
- B. Outreach Committee (Patrick Anderson)
- i. Past Events/Virtual Meetings/Roundtable Discussions – Participated and presented at several events/forums (Tom Holmann LGBT Law Foundation, Raza Legal, Pan Asian Legal, Earl B. Gilliam Bar Association, San Diego Asian American for Equality)
  - ii. Upcoming Events/Outreach Opportunities -Potentially host a bystander training and provide a presentation for the reentry community
- C. Rules Committee (1<sup>st</sup> Vice Chair Doug Case)
- i. Streamlining Case Reports (trial) – Due to the workload of the Commission, the case reports will be streamlined on a trial basis. It will look like an audit report with more detail. Commissioners Case, Herington and Vaughn will streamline the first case and get feedback from the Commissioners.
  - ii. Presence of Police Representatives during CPP Deliberations – It was reported that there was no consensus at the Rules Committee meeting to change how the Commission have been operating since January.

- D. CPP Handbook Committee (1<sup>st</sup> Vice Chair Doug Case)
  - i. Update – On Hold
  
- E. Policy Committee (Chair Brandon Hilpert)
  - i. Status on Items being Considered Committee – It was reported that the Chair and interim Executive Director received a preliminary response from SDPD regarding the recommendations to the protest policy.
  - ii. Schedule Next Policy Committee Meeting – A doodle poll will be sent to the Committee members to schedule the next meeting.
  
- F. Recruitment & Training Committee (Kevin Herington)
  - i. Update – It was reported that the new Commissioners received training (like Inside SDPD) on use of force, detentions, and firearm simulation.
  
- G. Citizens Advisory Board on Police Community Relations (Chair Hilpert)
  - Update – May 17, 2021 Meeting (Cancelled)
  
- H. Ad Hoc Transition Planning Committee (1<sup>st</sup> VC Doug Case)
  - i. Budget Update – It was reported that on May 11<sup>th</sup>, the Commission presented at the Council’s budget hearing. Last week, the Council held a presentation on the Mayor’s Revised Budget. The Commission received everything they requested. The City Council will adopt the budget on June 14<sup>th</sup>.
  - ii. Staffing Update –It was reported that the Commission is in the process of hiring an Executive Assistant and Administrative Aide II.
  - iii. Implementation Ordinance & Standard Operating Procedures Update  
It was reported that PS&LN will hold a special meeting on June 24<sup>th</sup> regarding the ordinance. The Commission is not sure when they will see the draft. The Transition Committee will draft the standard operating procedures.
  - iv. Office Space Update – It was reported that Commission leadership met with Real Estate Assets to discuss staffing needs for the Commission.
  
- X. CHAIR’S REPORT (Chair Brandon Hilpert)
  - A. Reminder–4<sup>th</sup> Quarter (April 1<sup>st</sup> – June 30<sup>th</sup>) Volunteer Hours Report –All Commissioners log hours in for reporting purposes
  - B. Commission Committee Assignments – Reminder that Commissioners should be on at least one subcommittee. There can only be 7 Commissioners per Committee.
  - C. Work Plan (Draft) – Chair Hilpert will reach out to the Committee Chairs to get the plan updated. We need section updates from the Chairs of the Policy Committee, Recruitment & Training Committee, and Continuing Education Committee
  - 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 meeting, 63 cases were assigned to the Teams. This number continues to fluctuate from high 50's to high 60's. Of the 63 active cases, 3 Category I cases and 1 Category II case were deliberated on and closed out earlier tonight at the closed meeting. The Commission now has 59 active cases. Of the 59 active cases assigned to the team's, 21 cases have sustained findings. In this fiscal year, the Commission closed out 112 Category I cases and audited 34 Category II cases.

The statistics for the Team assignments are as follows:

Team 1 – 14 cases assigned to the Team. Of the 14 cases, 3 cases were on the Closed Meeting agenda, 4 were Category II cases, and 2 cases have sustained findings.

Team 2 – 7 cases assigned to the Team. Of the 7 cases, 2 are Category II cases—one of which was on the Closed Meeting agenda earlier tonight. One case was sent back to the Team for revisions. The Team has no OIS or ICD cases and zero disciplines to evaluate.

Team 3 – 5 cases assigned to the Team. Of the 5 cases, 3 cases have sustained findings and 1 case is an OIS. The Team has zero OIS cases and 1 discipline to evaluate.

Team 4 – 13 cases assigned to the Team. Of the 13 cases, 3 are Category II cases, 5 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 is actively reviewing case again. The Team has 5 assigned cases. The Team has 1 case with sustained findings that is due by June 10. Of the 5 active cases, 1 is a Category II. The Team has no OIS/ICD cases, 1 shooting review board report and 1 discipline to evaluate.

Team 6 – 14 cases are assigned to this team. Of the 14 cases, 6 cases have sustained findings and 4 cases are Category II cases. The team does not have any OIS and ICD cases. The team has 2 disciplines to evaluate.

Team 7 – 5 cases assigned to the Team. Of the 5 cases, 3 cases have sustained findings, 3 cases passed the 1-year deadline, and 1 case is a Category II case. This is a training team led by the Chair.

- B. Feedback on Work Accounts – Commissioners were given an opportunity to slowly transition to sandiego.gov new account for Commission business. Commissioners were asked to check their city accounts for emails and invitations for meetings.
- C. Administrative Support– CPP intern completed her internship and are now going through the process of hiring an Executive Assistant & an Admin Aide II. Interviews for the Executive Assistant position were held, and that process is being finalized. The Commission received a list of 429 applicants for the Admin Aide position.

- D. 2021 NACOLE Conference Update –This year the NACOLE Conference will take place virtually and in person. The first conference will be virtual from August 16<sup>th</sup> – October 7<sup>th</sup>. The second conference will be a smaller in-person conference scheduled for December 13<sup>th</sup> -16<sup>th</sup> in Tucson, Arizona. A final schedule will be released on May 19<sup>th</sup>.
  - E. Other Items/Reminders - N/A
- XII. SAN DIEGO POLICE DEPARTMENT REPORT (EA Chief Chris McGrath)
- A. Status on CPP Recommendations to SDPD
    - i. Protest Policy
    - ii. BWC Usage in Secure Facilities
    - iii. Warnings Prior to OC Usage
    - iv. Time Limits in Maximum Restraints
    - v. Seatbelt Usage during Transportation
    - vi. Observation of Detainees in Sally Port
  - B. Updates (Staffing in IA, Training, etc.) – Chief McGrath reported that Captain Mike Holden and Lt. Corissa Pich were reassigned to enhance their careers. Captain Anthony Dupree is now overseeing Internal Affairs. Also, Lt. Dan Sayasane will be joining Internal Affairs. Chief McGrath also reported that his first day was officially yesterday. He was briefed by Captain Jeff Jordan to develop responses to the Commission’s recommendations. He fully expected the Commission’s response that the department can do better. He requested that the Commission Give them the opportunity for the Commission to review the report with the responses and continue the conversation. They are still working on the additional recommendations from the Commission.
- XIII. COMMISSIONER RIDE-ALONG REPORTS: On Hold Due to COVID. The Commission cabinet will look into seeing when the Commissioners will be allowed to participate in ride-alongs again.
- XIV. COMMISSIONER ANNOUNCEMENTS/COMMENTS - Commissioner Holtrop recommended that the Commission Cabinet follow-up with the status of the Commissioners being allowed to do sit-alongs in the SDPD’s Communication’s department.
- XV. ADJOURNMENT: The meeting adjourned at 7:51pm.