

OPEN SESSION MEETING MINUTES

**Tuesday, June 22, 2021
6 p.m. – 8 p.m.
Via Zoom Webinar**

Click <https://youtu.be/cSaMsHX6MuI> to view this meeting on YouTube.

Commissioners Present:

Brandon Hilpert, Chair
Doug Case, 1st Vice Chair
Michael Chan (left 7:06)
Maxine Clark
Joe Craver
Andrea Dauber-Griffin
Diana Dent
Sheila Holtrop

Steve Hsieh
Christopher Pink
Ernestine Smith
Robin Spruce
Duke Taylor
Nancy Vaughn (Arrive 6:05)
Marty Workman

Commissioners Absent:

Poppy Fitch, 2nd Vice Chair
Patrick Anderson
Kevin Herington
Ernestine Neely

Staff Present:

Sharmaine Moseley, Interim Executive Director

San Diego Police Department (SDPD) Staff Present:

Dan Sayasane, Lieutenant, Internal Affairs

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- I. CALL TO ORDER/WELCOME: Chair Brandon Hilpert called the meeting to order at 6:00 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.

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

IV. APPROVAL OF MEETING MINUTES

A. MINUTES FROM CPP OPEN MEETING ON MAY 25, 2021

The Commissioners reviewed the minutes. Commissioner Joe Craver moved for the Commission to approve its May 25, 2021 Open meeting minutes. Commissioner Andrea Dauber-Griffin seconded the motion.

The motion passed with a vote of 10-0-5.

Yays: Chair Hilpert, 1st Vice Chair Case, Commissioners- Clark, Craver, Dauber-Griffin, Dent, Holtrop, Hsieh, Taylor, and Vaughn

Nays: None

Abstained: Chan, Pink, Smith, Spruce, and Workman

Absent: 2nd Vice Chair Fitch, Anderson, Herington, and Neely

V. NON-AGENDA PUBLIC COMMENT: None

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

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

B. Case Review

- i. Feedback on Prioritization of Case Reviews, Workflow, Staffing – Prioritizing cases that have sustained findings first.
- ii. Status of Discipline Cases – Reminder for Commissioners to complete evaluations for disciplines.
- iii. Feedback on Remote Case Access (Google Drive) – Commissioners can review cases remotely or in internal affairs.
- iv. Feedback on New Case Presentation Format – Due to the increased backlog in cases, most of the Commissioners liked the new case presentation and write-up of cases.
- v. Status of Case Summaries – There is a plan to have all case summaries for the fiscal year completed by the end of the month or as soon as possible. A completed summary will be approved by the interim Executive Director and the Commission’s Counsel. Chair Hilpert will include the link to a sample case summary.
- vi. IA Office Hours/Schedule – Reminder to email Det. Amado for case review in IA during the weekend. Commissioners can go to IA during the weekend for case review.

B. Work Plan (Draft) – Updates Needed from Recruitment Committee Chair, Continuing Education Chair, and Policy Committee Chair – Chair Brandon Hilpert will commit to completing the Policy Committee section and work with Committee Chair Herington to update the

Recruitment section. He will send out a draft for the Commissioners to provide feedback and will work to approve it the month of July. Interim Executive Director, Sharmaine Moseley reminded the Commissioners that we will use the work plan to draft the tactical plan as it is a requirement for the City Clerk's Office.

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

A. Options for CPP Outside Counsel Contract/Hiring Permanent General Counsel (Potential Action Item)

The motion was made by 1st Vice Chair Doug Case to authorize the extension of the contract with Devaney Pate Morris & Cameron (DPMC) with an amount of \$180,000 per year effective July 1, 2021 to allow the Commission to continue its work. Commissioner Joe Craver seconded the motion.

The motion passed with a vote of 14-0-1.

Yays: 1st Vice Chair Case, Chan, Clark, Craver, Dauber-Griffin, Dent, Holtrop, Hsieh, Pink, Smith, Spruce, Taylor, and Vaughn, Workman

Nays: None

Abstained: Chair Hilpert

Absent: 2nd Vice Chair Fitch, Anderson, Herington, and Neely

B. New Requirement to File Statement of Interest Form 700- Due on July 15th

Interim Executive Director Sharmaine Moseley reached out to the Ethics Commission and confirmed there will be trainings to fill out the form. There will be an online training in July but will check to see if Commissioners will be able to attend this training. Commissioners were encouraged to reach out to the City Clerk's Office if they had any questions.

C. Approval of Draft Memo of Concern Regarding Officers Failing to Activate Body Worn Cameras

The motion was made by Commissioner Joe Craver to approve the Draft Memo of Concern Regarding Officers Failing to Activate Body Worn Cameras. Commissioner Taylor Duke seconded the motion.

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

Yays: 1st Vice Chair Case, Clark, Craver, Dauber-Griffin, Dent, Holtrop, Hsieh, Pink, Smith, Spruce, Taylor, and Vaughn, Workman

Nays: None

Abstained: Chair Hilpert

Absent: 2nd Vice Chair Fitch, Anderson, Chan, Herington, and Neely

- D. Draft Implementation Ordinance (Action Item)
The Commission will revisit the Draft Implementation Ordinance at its next Open Meeting in July. Requesting for a motion for PS&LN Committee to not make a vote until receiving public and community feedback.

Commissioner Doug Case moved to authorize that Chair Brandon Hilpert write a memo to the PS&LN Committee using his nine points. Commissioner Nancy Vaughn seconded the motions.

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

Yays: 1st Vice Chair Case, Clark, Craver, Dauber-Griffin, Dent, Holtrop, Hsieh, Smith, Spruce, Taylor, and Vaughn, Workman

Nays: None

Abstained: Chair Hilpert

Absent: 2nd Vice Chair Fitch, Anderson, Chan, Herington, Neely, and Pink.

III. COMMITTEE CHAIR REPORTS (DISCUSSION/ACTION)

- A. Continuing Education Committee (Nancy Vaughn)
- i. List of Upcoming Educational Topics
 - i. Presentation on Blue Team and Documentation Used by SDPD
 - ii. Presentation on Restraining OrdersCommissioner Nancy Vaughn requested elaboration from IA on the meaning of “Blue Team” be added to the continuing education topics.
 - ii. Release of Center for Policing Equity & SDPD Police Data StudyChair Brandon Hilpert would like to propose a CAB and CPP meeting to go over the CPE data and SDPD report. Interim Executive Director Sharmaine Moseley added that there was a townhall discussion regarding this report and there will be a presentation to the City Council on June 29th.
- B. Outreach Committee (Patrick Anderson)
- i. Past Events/Virtual Meetings/Roundtable Discussions
 - ii. Upcoming Events/Outreach Opportunities
- Chair Brandon Hilpert explained that it is of high importance to go over the draft of the Implementation Ordinance and schedule outreach.
- C. Rules Committee (1st Vice Chair Doug Case)
- i. Status of Streamlining Case Reports (trial)
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- Vice Chair, Doug Case explained that once consensus is reached on the streamlined reports then the rules committee will meet.
- D. CPP Handbook Committee (1st Vice Chair Doug Case)
- i. Update – On Hold
- E. Policy Committee (Chair Brandon Hilpert)
- ii. Status on Items being Considered by Committee

iii. Schedule Next Policy Committee Meeting
Proposed to meet on Thursday, July 1st to discuss the 5 points.
There is also a plan to create a list of policy recommendations (tracking piece with what was recommended for policy change, dates of recommendation, and responses) with the goal to post on the website.

F. Recruitment & Training Committee (Kevin Herington)

i. Update

Chair Brandon Hilpert explained that until the Draft Ordinance is solidified then recruitment and training can be scheduled.

G. Citizens Advisory Board on Police Community Relations (Chair Hilpert)

• Update – June 21, 2021 Meeting

Currently working on filling up some vacancies for CAB and working on getting more public interest and outreach. Chair Brandon Hilpert will review and give updates at the next open meeting in July.

H. Ad Hoc Transition Planning Committee (1st VC Doug Case)

i. Budget Update - The Mayor has approved and signed the \$1.3 million budget.

ii. Staffing Update - The positions of the General Counsel, Supervising Investigator, Investigators, Policy Analyst, and Performance Auditor have been approved to be exempt from Civil Service by the Civil Service Commission. All position will be created by Ordinance and are going to the City Council on consent. Executive Assistant position has been filled by Alina Conde. Next on the list will be to fill vacancy position for Administrative Aide II position. Additionally, the job description for Assistant Executive Director has been created.

iii. Draft Implementation Ordinance & Standard Operating Procedures Update - The City Attorney's office has asked the Committee to draft the Stand Operating Procedures on how investigations are done and how hearings are conducted. Plan to draft both Implementation Ordinance & Standard Operating Procedures as a package.

iv. Office Space Update- Space for the Office of the Commission on Police Practices has been found in the City Tourism Office at the Symphony Towers. Plans have been made to view the space next week.

IV. CHAIR'S REPORT (Chair Brandon Hilpert)

A. Reminder-4th Quarter (April 1st – June 30th) Volunteer Hours Report
All Commissioners log hours in for reporting purposes

B. Reminder – Requirement for Commissioner Committee Assignments
Committee Assignments can now start for the new fiscal year.

Quarterly Meeting with SDPD Chief & IA Staff

The meeting will take place the 8th of July and report back at the Commission's next Open Meeting in July.

C. Other Items/Reminders - None

V. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)

- A. Caseload Update & Status of Case Reports
As of today, the teams had 77 active cases (possibly 2-3 more need to be assigned). There were 5 cases on tonight's meeting agenda and 4 were closed out (1 case will be carried over to the next meeting). The Commission now has 73-76 active cases. This fiscal year, the Commission reviewed, deliberated, and closed out 120 Category I cases and audited 36 Category II cases.
 - B. 2021 NACOLE Conference Update
Registration is now open for this year's conference. The link was sent to the Commission yesterday. The virtual conference will take place from August 16th – October 7th and the in-person meeting will take place from December 12th – 16th. Members can register for both.
 - C. Other Items/Reminders
- VI. SAN DIEGO POLICE DEPARTMENT REPORT (EA Chief Chris McGrath)
Commission Chair Hilpert reported that EA Chief McGrath was at another meeting so he was not able to be at this meeting. He stated that he will send a follow up with the department on recommendations for the protest policy. The department responded and broke it down into (3) pieces. Items they were going to do, areas that require more research and areas that had legal issues. This item will be discussed during the next Policy Committee Meeting.
- 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.)
- VII. COMMISSIONER RIDE-ALONG REPORTS: Chair Hilpert will ask Chief Nisleit if the Commissioners can resume ride-alongs.
- VIII. COMMISSIONER ANNOUNCEMENTS/COMMENTS
- Commissioner Nancy Vaughn explained that the Chief of Police believes that discipline for not turning on BWC's will go beyond verbal reprimand. It will now be a written warning that will go into their file.
- Interim Executive Director Sharmaine Moseley announced that each team will now receive 3-4 new cases per month.
- IX. ADJOURNMENT: The meeting adjourned at 7:57pm.