

OPEN SESSION MEETING MINUTES

Tuesday, October 26, 2021
6 p.m. – 8 p.m.
Via Zoom Webinar

Click <https://www.youtube.com/watch?v=ONCAoMVom64> to view this meeting on YouTube.

Commissioners Present:

Brandon Hilpert, Chair
Doug Case, 1st Vice Chair
Andrea Dauber-Griffin
Diana Dent
Kevin Herington (Arrival at 6:46pm)
Sheila Holtrop

Steve Hsieh (Arrival at 6:15pm)
Ernestine Neely
Nancy Vaughn
Marty Workman

Commissioners Absent or Excused:

Patrick Anderson
Michael Chan
Maxine Clark
Joe Craver
Poppy Fitch
Chris Pink (Absent)
Ernestine Smith
Robin Spruce

Staff Present:

Sharmaine Moseley, Interim Executive Director
Alina Conde, Executive Assistant

San Diego Police Department (SDPD) Staff Present:

IA Captain Dupree

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- I. **CALL TO ORDER/WELCOME:** Chair Brandon Hilpert called the meeting to order at 6:15pm.
 - II. **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.

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

IV. APPROVAL OF MEETING MINUTES

A. MINUTES FROM CPP OPEN MEETING ON SEPTEMBER 28, 2021

The Commissioners reviewed the minutes. Commissioner Nancy Vaughn moved for the Commission to approve its September 28, 2021 Open meeting minutes. Commissioner Marty Workman seconded the motion.

The motion passed with a vote of 9-0-0.

Yays: Chair Hilpert, 1st Vice Chair Case, Dauber-Griffin, Dent, Holtrop, Hsieh, Neely, Vaughn, and Workman

Nays: None

Abstained: None

Absent/Excused: Anderson, Craver, Chan, Clark, Fitch, Herington, Pink, Smith, and Spruce

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

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

A. Commission Closed Meetings (November Dates and Times) – Potentially 4 more closed session meetings. Doodle Poll will be sent out to all Commissioners to see availability for November meetings. Request for Commissioner’s response to the doodle poll to accurately schedule the closed meetings for November.

B. Case Review

1. Status of Discipline Cases

Internal Affairs sent several discipline cases to the teams for their review. Once Commissioners have reviewed the disciplines, please let Interim Executive Director Sharmaine Moseley, Chair Brandon Hilpert, or Detective Andrea Amado know so the disciplines can be placed on a future agenda.

2. Feedback on Remote Case Access (Google Drive)

Scheduled Cabinet Meeting tomorrow with Chief of Police that will include discussing the difficulty with obtaining audio recordings. For the time being, it is suggested to burn the audio to a USB drive to hear it externally.

3. IA Office Hours/Schedule (Continuation of Saturday Hours) – Reminder that Internal Affairs has offered weekend hours for those who may need it. Commissioners should send an email and request the time if they need to go into Internal Affairs on the weekends.

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

A. Approval of Proposed Revised Template to Team Case Reports & Presentations on a Trial Basis

ACTION: Motion to approve proposed revisions to team case reports & presentations on a trial basis.

1st Vice Chair Doug Case motioned to approve proposed revisions to team case reports & presentations on a trial basis.

The motion passed with a vote of 8-0-0.

Yays: Chair Hilpert, 1st Vice Chair Case, Dauber-Griffin, Dent, Holtrop, Hsieh, Vaughn, and Workman

Nays: None

Abstained: None

Absent/Excused: Anderson, Craver, Chan, Clark, Fitch, Herington, Neely, Pink, Smith, and Spruce

B. Approval of Amendment to the Commission's Interim Standard Operating Procedures Regarding Review of Officer-Involved Shootings and In-Custody Death Cases Not Independently Investigated within the One-Year Deadline

ACTION: Motion to delete the following sentence from Section 3 of the Interim Standard Operating Procedures: "For OIS and ICD incidents that occur after the effective date of December 18, 2020 that established the Commission, no determination of whether or not an officer-related shooting or in-custody death was within policy shall be made by the Commission until an independent investigation by the Commission has been concluded."

Commissioner Andrea Dauber-Griffin motioned to delete the following sentence from Section 3 of the Interim Standard Operating Procedures: "For OIS and ICD incidents that occur after the effective date of December 18, 2020 that established the Commission, no determination of whether or not an officer-related shooting or in-custody death was within policy shall be made by the Commission until an independent investigation by the Commission has been concluded."

The motion passed with a vote of 9-0-0.

Yays: Chair Hilpert, 1st Vice Chair Case, Dauber-Griffin, Dent, Holtrop, Hsieh, Neely, Vaughn, and Workman

Nays: None

Abstained: None

Absent/Excused: Anderson, Craver, Chan, Clark, Fitch, Herington, Pink, Smith, and Spruce.

C. Approval of Policy Committee Recommendation Regarding BWC Usage

ACTION: Motion to recommend to SDPD that plain clothes (not undercover) officers and Watch Commander staff should have BWCs assigned and used. Field Lieutenant's should solicit a 2nd BWC-wearing officer assist to record when taking complaints or other enforcement activities. Any officer conducting a search must wear and utilize a BWC per standard policy.

1st Vice Chair Doug Case motioned to recommend to SDPD that plain clothes (not undercover) officers and Watch Commander staff should have BWCs assigned and used. Field Lieutenant's should solicit a 2nd BWC-wearing officer assist to record when taking complaints or other enforcement activities. Any officer conducting a search must wear and utilize a BWC per standard policy. Motion to approve with the amendment of adding verbiage that includes that the Watch Commander staff would use their BWC's when in the act of taking a complaint or interacting with a detainee.

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

Yays: Chair Hilpert, 1st Vice Chair Case, Dauber-Griffin, Dent, Herington Holtrop, Hsieh, Neely, Vaughn, and Workman

Nays: None

Abstained: None

Absent/Excused: Anderson, Craver, Chan, Clark, Fitch, Pink, Smith, and Spruce

VIII. COMMITTEE CHAIR REPORTS (DISCUSSION/ACTION)

- A. Continuing Education Committee (Nancy Vaughn)
 - 1. List of Upcoming Educational Topics/Presentations
 - Restraining Orders
 - Overview of SDPD Complaint Process, Blue Team and Documentation Used by IA (11/23 Open Meeting)
- B. Outreach Committee (Patrick Anderson)
 - 1. Past Events/Virtual Meetings/Roundtable Discussions – No update
 - 2. Upcoming Events/Outreach Opportunities – No update
- C. Rules Committee (1st Vice Chair Doug Case)
 - 1. Update on Streamlined Team Reports – This item was discussed and passed earlier in the meeting.
- D. CPP Handbook Committee (1st Vice Chair Doug Case)

1. Update – On Hold
- E. Policy Committee (Chair Brandon Hilpert)
1. Status of 10/21 Committee Meeting and Items being Considered by Committee
 - a. Psychological review for officers involved in OIS- Meeting scheduled last Friday with Wellness Unit at Police Headquarters and it was canceled. Working on rescheduling. Tabled.
 - b. Use of profane language as de-escalation tactic - Want to discuss appropriateness on using profane language which can be used by officers as a command.
 - c. Use of political or membership affiliation under uniform policy
Waiting for this complaint to go through the process and will discuss further after.
- F. Recruitment & Training Committee (Kevin Herington)
1. Update – On hold until Council creates the implementation ordinance.
- G. Citizens Advisory Board on Police Community Relations (Chair Hilpert)
1. Update Past & Upcoming Meetings
Meetings have been canceled due to quorum issues.
- H. Ad Hoc Transition Planning Committee (1st Vice Chair Doug Case)
1. Budget Update – No current update
 2. Staffing & Legal Counsel Update – Completed the process of selecting the Administrative Aide position who is a current City employee and is currently on medical leave (to start position in end of November). Currently looking into the process of utilizing an Executive Search Firm to hire a Deputy Executive Director and we are waiting on input for next steps. We are unable to rollover our current contract with legal counsel due to budgeting. The remaining budget amount of \$135,000 went out to bid and no one bid on it within the 30-day period. We then resubmitted the bid that the RFP request our proposal and we are now in the 30 – day process for that. We would like to have a community representative on our selection committee and we learned that Commissioners can be considered City employees to sit on the committee. Chair Brandon Hilpert, 1st Vice Chair Doug Case, and a proposed attorney who was a member of the Human Relations Commission to serve as the 3rd person on the committee.
 3. Draft Implementation Ordinance & Standard Operating Procedures Update
The City Attorney’s Office has hired their own outside counsel who will be working with District 4 to come up with the second draft of the Implementation Ordinance. The transition committee is continuing to review the draft as well as the one proposed by San Diegans for Justice. We are making a series of recommendations to be considered. We are anticipating having a memorandum listing

those recommendations for the Commission to consider at our November meeting.

4. Office Space Update

The previous space at the Symphony Towers is no longer feasible since there is currently no IT infrastructure for the City. The current suite being used at Civic Plaza Blvd building is available and seems more promising. Chair Brandon Hilpert, 1st Vice Chair Doug Case, and Interim Executive Director Sharmaine Moseley will have a meeting with a space planner to see how we can convert that space and go over space needs.

IX. CHAIR'S REPORT (Chair Brandon Hilpert)

A. Reminders for Commissioners

1. 1st Quarter (October 1st – December 31st) Volunteer Hours Report – All Commissioners need to log in their hours for reporting purposes.
2. Requirement for Commissioner Committee Assignments
All Commissioners need to be on at least one Committee. They need to select what Committee they want to be on.
3. Requirement for Cameras/Video on for CPP Meetings Open to the Public

B. Update on Collaboration/Information Sharing with Statewide Oversight Groups

Chair Brandon Hilpert had a conversation with LAPD's Office of Inspector General for Police related stuff and they have a regional meeting for their oversight group. They will send an invitation for Chair Hilpert to attend (and open it to Commissioners to attend) and will come back with updates. San Francisco Department of Police Accountability has a California Civilian Oversight Agency meeting next month. More updates to come.

C. Status on Upcoming CPP Joint Meeting with Citizens Advisory Board on Police Community Relations (CAB) Regarding CPE Data Study
CPP Leadership had conversations with the Police Department and the Chief to host a joint meeting to present their data and come up with some solutions. Previously were told that CPE revisions can take up to 30-45 days which should be around this time. Chair Brandon Hilpert will reach out to the department.

D. Other Items/Reminders - None

X. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)

A. Caseload Update & Status of Case Reports – It was reported that the Commission did not a closed meeting last week and this afternoon. The Commission started off with 73 active cases and received 3 new cases to assign to the Teams. Those cases were assigned to the Teams yesterday, so the Commission now has 76 active cases. Any cases that have to be heard at the Commission's next Closed Meeting, would have to be on the agenda and sent over to IA by Thursday morning.

In this fiscal year, that began on July 1st, the Commission reviewed, deliberated on and closed out 42 Cat I cases, audited 8 Cat II cases, and evaluated 11 disciplines.

The statistics for the Team assignments are as follows:

Team 1- assigned 16 cases (12 are Cat I cases- two of which have sustained findings, 4 are Cat II cases). The Team has no OIS or ICD cases.

Team 2 – assigned 8 cases – Of the 8 cases, 3 are Category II cases and 3 of the cases has sustained findings. The Team has no OIS or ICD cases.

Team 3 – assigned 7 cases- Of the 7 assigned cases, 6 are Category I cases. The Team has 1 OIS case that has a sustained finding and no ICD cases.

Team 4 –assigned 19 cases. Of the 19 cases, 12 are Category I cases, 5 are Category II cases and 3 cases have sustained findings. Team 4 has 1 SRB report to evaluate, 2 OIS cases- 1 of which has a sustained finding and no ICD cases to review.

Team 5 –Team 5 has 5 assigned cases. Of the 5 cases, 1 is a case that was heard at the 10/12 Closed Meeting. The Team need to fill out the resource table. Two of the 5 assigned cases are Category I cases and 2 are OIS cases. The Team has no OIS cases to review. Team 5 has 1 SRB report and 1 discipline to evaluate.

Team 6 – assigned 21 cases. Of the 21 cases, 17 cases are Category I, 7 cases have sustained findings, 4 of the 21 cases are Category II cases. The Team has no ICD or OIS cases. Team 6 has 4 disciplines to evaluate.

Team 7 – Team 7 is inactive.

- A. NACOLE Virtual Conference Update – NACOLE wrapped up a productive and successful Virtual Conference on October 7th with over 300 attendees for each session. NACOLE held 32 sessions that focused from a range diversity/equity inclusion movement, community policing, legislative updates & best practices, white supremacy groups, oversight in corrections, alternatives to incarceration, arbitration, selection of members/commissioners, transparency during COVID, data collection, and more. NACOLE is now planning for the in-person conference that will take place from December 12th-16th in Tucson, Arizona.
 - B. Other Items/Reminders – None
- XI. SAN DIEGO POLICE DEPARTMENT REPORT (EA Chief Chris McGrath)
- A. Status on CPP Recommendations to SDPD – 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. Updates (Staffing in IA, Training, etc.) – No current updates.
- XII. COMMISSIONER RIDE-ALONG REPORTS: Process is very easy to schedule. All

Commission is highly encouraged to schedule ride-along and/or sit-along (both emergency and non-emergency).

XIII. COMMISSIONER ANNOUNCEMENTS/COMMENTS: None

XIV. ADJOURNMENT: The meeting adjourned at 7:30pm.