

COMMUNITY REVIEW BOARD ON POLICE PRACTICES

A G E N D A

Tuesday, January 22, 2019
Cherokee Point Elementary School
3735 38th Street
San Diego, CA 92105

A quorum of twelve (12) board members is needed to conduct business. If you cannot attend, please call the CRB Complaint Coordinator at (619) 236-6296.

CLOSED SESSION 4:00 p.m. – 5:30 p.m.
Board Members and Staff Only

- I. Call to Order
- II. Legal Opinion(s) Request & Attorney/Client Privileged Response(s) (0)
- III. San Diego Police Department Feedback on Case Specific Matters Only
- IV. Shooting Review Board Reports (0)
- V. Category II Case Audit Reports (0)
- VI. Discipline Reports (5)
- VII. Case Review Team Reports (3)
- VIII. Case-Specific Recommendations to the Mayor (0)
- IX. Referrals to other governmental agencies authorized to investigate activities of a law enforcement agency (0)

Pursuant to California Government Code Section 54957 — To discuss community complaints brought against San Diego Police Department Officers under California Penal Code Section 832.7.

OPEN/PUBLIC MEETING 6:00 p.m. – 7:45 p.m.
Open to the Public

- I. CALL TO ORDER/WELCOME (Chair Joe Craver)
- II. PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES (CRB)
- III. APPROVAL OF MINUTES: CRB Open Meeting Minutes of November 27, 2018
- IV. NON-AGENDA PUBLIC COMMENT: (Speaker Slip Required)
- V. EDUCATIONAL TRAINING: “Maximum Restraint WRAP Demo Presentation”
Captain Alberto Leos & Defensive Tactics
Instructor Office Ken Kries- SDPD Training Unit
(20 mins)

- VI. UNFINISHED BUSINESS (DISCUSSION/ACTION): None
- VII. NEW BUSINESS (DISCUSSION/ACTION): None
- VIII. COMMITTEE REPORTS (DISCUSSION/ACTION)
- A. Continuing Education Committee (Taura Gentry)
 - Upcoming Education Topics/Guest Speakers
 - B. Outreach Committee (Mary O'Tousa)
 - Summary of Past Events
 - Upcoming Events/Outreach Opportunities
 - C. Rules Committee (Doug Case)
 - Status on Audit of Category II Case
 - Case Summaries for Publication Update
 - Status on Procedure for Shooting Review Board Reports
 - CRB Tactical Plan
 - D. Policy Committee (Brandon Hilpert)
 - Next Scheduled Meeting Date
 - E. Recruitment & Retention Committee (Maria Nieto-Senour)
 - Training of New Member Update
 - New CRB Training Academy Update
 - F. Citizens Advisory Board on Police Community Relations (Taura Gentry)
 - G. Red Binder (Doug Case)
 - H. 30th Anniversary Celebration Date (April 2019) (Brandon Hilpert)
- IX. CHAIR'S REPORT (Chair Joe Craver)
- A. Reminder-2nd Quarter Volunteer Hours Report (Due January 1, 2019)
 - B. Work Plan Update
 - C. Debriefing on CRB Leadership Meeting with Chief Nisleit & POA
 - D. CRB Work Retreat (January 26 at Skyline Branch Library)
- X. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)
- A. Caseload Update & Status of Case Reports
 - B. Status of Ride-Alongs for New Members
 - C. Board Decorum Reminder
 - D. Administrative Update: New Student Intern
 - E. Other Items/Reminders

- XI. SAN DIEGO POLICE DEPARTMENT REPORT (Executive Assistant Chief Todd Jarvis)
 - A. Updates
- XII. BOARD MEMBER RIDE-ALONG REPORTS (2 mins each)
- XIII. BOARD MEMBER ANNOUNCEMENTS/COMMENTS
- XIV. ADJOURNMENT

Materials Provided:

- Minutes from CRB Open Session Meeting on November 27, 2018

Public Comment on an Action/Discussion Item: If you wish to address the Board on an item on today's agenda, please complete a speaker form (on the table near the door) and give it to the Board's Executive Director before the Board hears the agenda item. You will be called to express your comment at the time the item is heard. Please note, however, that you are not required to register your name or provide other information to the Board in order to attend our public session or to speak.

Public Comment on Committee/Staff Reports: Public comment on reports by Board Committees or staff may be heard on items which are specifically noticed on the agenda.

Public Comment on Matters Not on the Agenda: If you wish to address the Board on any matter within the jurisdiction of the Board that is not listed on today's agenda, you may do so during the PUBLIC COMMENT period during the meeting. Please complete a speaker form (on the table near the door) and give it to the Board's Executive Director. The Board will listen to your comments. However, California's open meeting laws do not permit the Board to take any action on the matter at today's meeting. At its discretion, the Board may refer the matter to staff, to a Board committee for discussion and/or resolution, or place the matter on a future Board agenda. The Board cannot hear specific complaints against named individual officers at open meetings.

Comments from individuals are limited to two (2) minutes per speaker, or less at the discretion of the Chair. At the discretion of the Chair, if a large number of people wish to speak on the same item, comment may be limited to a set period of time per item. If you would like to have an item considered for placement on a future Board agenda, please contact the Executive Director at (619) 236-6296. The Director will consult with the Board Chair who may place the item on a future Board agenda. If you or your organization would like to have the Board meet in your neighborhood or community, please call the Executive Director at (619) 236-6296.

This agenda will be made available in alternate formats upon request, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Requests for disability related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, should be forwarded to communityreviewboard@sandiego.gov, or call (619) 236-6296.



COMMUNITY REVIEW BOARD ON POLICE PRACTICES

MINUTES

**Tuesday, November 27, 2018
Malcom X Branch Library
5148 Market Street
San Diego, CA 92114**

Members Present:

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| Joe Craver, Chair | Alex Hu |
| Brandon Hilpert, 1 st Vice Chair | Bonnie Kenk |
| Patrick Anderson | Ramon Montano |
| Doug Case | Maria Nieto-Senour |
| Maxine Clark | Mary O'Tousa |
| Gregory Daunoras | Ernestine Smith |
| Diana Dent | Pauline Theodore |
| Poppy Fitch | Nancy Vaughn |
| Taura Gentry | Marty Workman |
| Kevin Herington | Marissa Yenpasook |
| Steve Hsieh | |
| Sheila Holtrop | |

Members Absent: None

Staff Present:

Sharmaine Moseley, Executive Director, CRB on Police Practices
Wes Morris Captain, San Diego Police Department
Mark Bennett, Lt. San Diego Police Department
Paul Phillips, Lt. San Diego Police Department

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- I. **CALL TO ORDER/WELCOME:** Chair Joe Craver called the meeting to order at 6:00 p.m.
 - II. **PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES:**
Chair Joe Craver explained the purpose of the Community Review Board on Police Practices (CRB) to those in attendance.
 - III. **APPROVAL OF MINUTES:** CRB Open Meeting Minutes of October 30, 2018

It was noted that the following corrections were needed to the minutes. Board member Patrick Anderson and not 1st Vice Chair Hilpert made suggestions to the Chief. Second Vice Chair Taura Gentry's suggested adding other officers to the staff members present.¹ Board member Nancy Vaughn stated that she wanted recognition for suggesting Chief David Nisleit's presentation be moved up on the agenda for October 30 meeting. The suggestive change was noted.

Mary O'Tousa moved for the Board's approval of the October 30, 2018 Meeting Minutes with amendments. 2nd Vice Chair Taura Gentry seconded the motion. The motion passed with a vote of 20-0-2.

Yays: 1st Vice Chair Hilpert, Members Anderson, Case, Clark, Daunoras, Dent, Gentry, Fitch, Herington, Hsieh, Holtrop, Hu, Kenk, Montano, O'Tousa, Smith, Theodore, Vaughn, Workman, and Yenpasook

Nays: None

Abstain: Chair Craver and Member Neito-Senour

Members Absent: None

IV. NON-AGENDA PUBLIC COMMENT: (Speaker Slip Required)

A. Sylvia Santos: Ms. Santos commented on her case of assault and the alleged laughing incident involving CRB Member Workman. She reiterated that she wanted Member Workman removed from the CRB. Executive Director Sharmaine Moseley gave Ms. Santos her business card.

V. UNFINISHED BUSINESS (DISCUSSION/ACTION): None

VI. NEW BUSINESS (DISCUSSION/ACTION): None

VII. COMMITTEE REPORTS (DISCUSSION/ACTION):

- A. Continuing Education Committee (Taura Gentry)
- Upcoming Education Topics/Guest Speakers – Ms. Gentry reported that she is looking forward to the public speakers for the CRB's January and February meetings. One of the speakers will be presenting on the Neighborhood Policing Unit. Executive Director Moseley requested that Ms. Gentry put together a list of all upcoming events to be added to the CRB calendar.
- B. Outreach Committee (Mary O'Tousa)
- Summary of Past Events – Ms. Tousa reported that members attended the Southeastern Division Better a Block on November

¹ The other officers Ms. Gentry was referring to were not staff for the CRB. Only staff names are listed as being present.

10th. Ms. Moseley has a video of the event. The members talked about who the CRB is and what they do. Members also attended the South East Building Trust Education Workshop Series on Stops and knowing what your rights are as a civilian. Members O'Tousa and Dent were present. Executive Director Moseley and member Clark attending the second series on Immigration Policy on October 29.

- Upcoming Events/Outreach Opportunities – Trauma in the Community event on Monday December 3rd at Lincoln High School. The contact person is Daniel Orth, USD. This event will begin at 6:30 pm.
- Stop the Hate event with District Attorney's Office was involved will take place on November 28th in the Santa Fe room at Balboa Park. Public Safety and Livable
- Public Safety & Livable Neighborhoods meeting will take place on December 5 at City Hall on the 12th Floor. The meeting will be recorded and the link of the video of the meeting will be emailed to the Board.

C. Rules Committee

(Doug Case)

- Status on Audit of Category II Case – A meeting with team leaders will be scheduled to train them on an audit of a sample case.
- Update on Case Summaries for Publication – The Board asked its Outside Counsel how to allow more information to the public. CLERB has better details about their cases compared to CRB. Based on the Outside Counsel's response, it is possible. Member Vaughn volunteered to draft a summary of a case for the Board to see.
- Status on Procedure for Shooting Review Board Reports – A few months ago, the Board reviewed a case where it did not agree with the Shooting Review Board. However, there was no process as to how to handle these types of disagreements. Doug Case reported that he agreed to draft a plan modeled after the CRB's discipline review procedure.
- CRB Tactical Plan – The Office of Boards and Commissions was asked to develop a tactical plan for each of its Boards and Commissions. This plan would include objectives and goals. This item will be discussed at the Board's retreat.

D. Policy Committee

(Brandon Hilpert)

- Next Scheduled Meeting Date– Committee Chair Hilpert reported that at the last Policy Committee meeting there were two policy recommendations regarding formal vs. informal complaints that were going to be merge into one. Mr. Hilpert commented on the importance of helping the community understands how the process works and what qualifies. The next meeting will take place before

the CRB's Closed Session on December 11 at the Mission Valley Branch Library.

Member Herington asked for clarity on the process of formal and informal complaints. Committee Chair Hilpert explained that there are cases where IA wanted a formal complaint to be changed to informal. Members feel that its inappropriate behavior on the part of IA to coerce a civilian to change his/her complaint. 2nd Vice Chair Gentry added that the second part of policy where team 4 came up with a way to help those who don't understand the complaint process and to inform them. Member Herington asked that once this policy is done will it be made available on the CRB website. Committee Chair Hilpert replied that will be determined upon recommendation by the CRB.

E. Recruitment & Retention Committee (Maria Nieto-Senour)

- Training of New Member Update – Committee Chair Nieto-Senour reported that a previous training for new members was held in Balboa Park. Many board members were unable to attend. We will make the training available again. The training was on competency and trauma informed work. Executive Director Moseley suggested that the Board invite the speakers to the CRB's next retreat in January.
- New CRB Training Academy Update – It was further reported that the training of new member Maxine Clark was held. It consists of an introductory to CRB and IA. We still need to schedule Component 3 of the training which consists of the IA process, ride along, and member etiquette.

F. Citizens Advisory Board on Police Community Relations (Taura Gentry)

Second Vice Chair Gentry reported that she was unable to attend last night's Citizens Advisory Board on Police Community Relations (CAB) meeting. She stated that Executive Director Moseley and Chief Jarvis attended the meeting. At the meeting, the Office of Boards and Commissions new Executive Director of CAB was introduced to the members. The SWAT team gave a presentation and Captain Tina Williams also gave an update on happenings covering within the Northern Division boundary.

G. Red Binder (Doug Case) – Member Poppy Fitch was added to the Ad Hoc Committee

Committee Chair Case reported that he was tasked with decreasing the volume size of the binder and summarize it as a training manual.

H. 30th Anniversary Celebration

(Brandon Hilpert)

Committee Chair Hilpert reported that this will be an anniversary type party with past members. He is in the process of getting this done. He will request assistance from the members.

VIII. **CHAIR'S REPORT**

(Chair Joe Craver)

- A. 1st Quarter Volunteer Hours Report – **Due October 1st, 2018** – Chair Craver and Executive Director Moseley reiterated the importance of submitting volunteer hours by the due dates.
- B. Work Plan Update – Vice Chair Hilpert is working on this update. It will be posted online once completed.
- C. Status of CRB Relationship Building Session – The Board will look at this after the first of the year due to the upcoming holiday party and work retreat.
- D. CRB Holiday Party (December 4th) – Invites went out to Board. It will take place at the American Red Cross. There is no cost at this location.
- E. CRB Work Retreat – The Board agreed to hold its next working retreat on Saturday January 26.

IX. **EXECUTIVE DIRECTOR'S REPORT**

(Sharmaine Moseley)

- A. Caseload Update & Status of Case Reports

Earlier today, the Board started off with 11 active cases. Four of those active cases were placed on the Closed Meeting agenda for review and all four cases were deliberated on and closed. As a result, the Teams now have a total of 7 active cases. In fiscal year 2019, the CRB has deliberated on and closed out a total of 23 cases.

Team 1- 1 case; Team 2 – 1 case ; Team 3 - 1 case; Team 4 - 4 cases with one case being revised; Team 5 - no cases assigned yet; Team 6 - 1 case; and Team 7 - 0 cases

- B. NACOLE Annual Conference (September 30-October 4, St. Petersburg, FL) It was reported that Executive Director Moseley, Member Doug Case, and Internal Affairs Captain Wes Morris attended the conference. This year's conference had over 400 attendees and numerous concurrent sessions. The County's CLERB staff and investigators also attended. This year's highlights were the Youth Roundtable, Police Union panel. Denver's proactive approach to less lethal policies and tactics, law enforcement & the unsheltered population, and the addition of a new track that covers the oversight of correction facilities.

The next conference will be held in Detroit, Michigan from September 22-September 26. Member Case added that Executive Director Moseley will send out a link to the conference that has the schedules, sessions

and handouts. IA Captain Morris added that he appreciated the fact he was able to attend. It struck him that this was an international conference. There are different models and whatever works in your community is promoted. It was a welcoming environment for him. The take away for him was the front-end accountability and prevention and outreach with community. Executive Director Moseley added that the CRB has an organizational membership with NACOLE so all CRB members are NACOLE members. Member Vaughn mentioned she has her own personal membership.

- C. Response to Grand Jury Report Re: CRB – On November 13, the City's' Independent Budget Analyst and CRB staff presented the City Council with the City's response to the Grand Jury Report on the CRB. At that meeting, the Council accepted the response. The response can be found on the Grand Jury and CRB websites.
- D. CRB Annual Presentation on Public Safety & Livable Neighborhoods: This item was already reported by CRB Outreach Chair Mary O'Tousa.
- E. Status of Ride-Alongs for New Members: Member's Kenk, Herington, Yenpensook, Hshieh, Hu completed their ride-alongs. Members Fitch and Montano must follow up.
- F. Other Items/Reminders: Spanish brochures have been printed and are available and are now available. The CRB Annual Report has been finalized. The Communications Department are putting final touches on it. It will be published before the next Public Safety and Livable Neighborhoods meeting on December 5.

SDSU Student Intern Keith Warner was acknowledged and introduced to the Board. Mr. Warner spoke about his duties while filling this position for the semester.

It was reported that Reverend Gerald Brown is the new Executive Director for CAB and Pastor Jesus Sandoval is the new Executive Director of Commissions on Gang Prevention and Intervention. It was further reported that Chantai Bradford is the new Executive Assistant for the Office of Boards and Commissions.

- X. **SAN DIEGO POLICE DEPARTMENT REPORT (Executive Assistant Chief Todd Jarvis):** None
- XI. **BOARD MEMBER RIDE-ALONG REPORTS:** None
- XII. **ANNOUNCEMENTS/COMMENTS**

- Member Vaughn mention CRB bylaws (Article 2 Section 2 –A).
- Chair Craver thanked everyone for letting him have the privilege to chair the CRB and thanks everyone for their dedication to letting the public hear what they need to hear.
- Second Vice Chair Gentry volunteered to bring a portable audio unit to ensure everyone in the public can hear the meetings.

XIII. ADJOURNMENT: 7:02 pm

DRAFT