



COMMUNITY REVIEW BOARD ON POLICE PRACTICES

POLICY COMMITTEE MEETING MINUTES

Tuesday, December 10, 2019

4:00-5:00 PM

Mission Valley Branch Library

2123 Fenton Parkway, San Diego, CA 92108

Committee Members Present

Committee Chair Brandon Hilpert

Chair Joe Craver

Taura Gentry (arrival 4:12 p.m.)

Pauline Theodore

Douglas Case (arrival 4:10 p.m.)

Maria Nieto-Senour

Nancy Vaughn

Committee Members Absent

Poppy Fitch

Patrick Anderson

Ramon Montano

Staff Present

Sharmaine Moseley, Executive Director, CRB on Police Practices

Sonja Mack, Administrative Aide II

SDPD Staff Present

Wes Morris, Captain, San Diego Police Department

Charles Lara, Lieutenant, San Diego Police Department

- I. **Call to Order:** Policy Committee Chair Brandon Hilpert called the meeting to order at 4:09 p.m.
- II. **Purpose of the Policy Committee:** Committee Chair Hilpert waived the reading of the purpose of the Policy Committee.
- III. **Non-Agenda Public Comment:** None
- IV. **Approval of October 8, 2019 Committee Meeting Minutes**
Community Review Board on Police Practices (CRB) Chair Joe Craver moved for the Policy Committee to approve the meeting minutes of

October 8, 2019. CRB Policy Committee Member Pauline Theodore seconded the motion.

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

Yays: Hilpert, Vaughn, Craver, Nieto-Senour, and Theodore

Nays: None

Abstention(s): None

Absent: Patrick Anderson, Doug Case, Taura Gentry, Poppy Fitch, and Ramon Montano

V. Unfinished Business (Discussion/Action)

a. Procedure & Guideline for SDPD Complaint Intake of Informal/Formal Complaints (Committee Chair Brandon Hilpert)

Committee Chair Hilpert reported that Internal Affairs was going to provide an update regarding formal and informal complaints. Internal Affairs Captain Wes Morris stated that the update for SDPD's Policy and Procedures for the complaint intake process is still in process as it is also a part of SDPD Procedure 1.10, which encompasses the complete intake process. The procedure will need to go before the Municipal Employee Association (MEA), as well as the Police Officer's Association (POA). Captain Morris anticipates more progress in January 2020.

This item was tabled.

b. Modify SDPD Procedure 1.49: Axon Body Worn Cameras (BWC) – Section Q 7(N) (Committee Chair Brandon Hilpert)

CRB 2nd Vice Chair Taura Gentry reported that she discussed this concern with the member of the public who submitted the recommendation. She stated she explained to the community member that what the CRB Policy Committee suggests is to recommend that the language in the policy be modified to state that the viewing of BWC video by the complainant's support person will be at the discretion of the investigator. A support person will not automatically be able to view the BWC video with the complainant. CRB Policy Committee Chair requested that CRB 2nd Vice Chair Gentry draft language for the policy recommendation to be added to SDPD Procedure 1.49 and reviewed by the Policy Committee. 2nd Vice Chair Gentry agreed to draft the language for the policy recommendation.

This item was tabled.

c. Development of Third-Party Mediation (Nancy Vaughn)

Policy Committee member Nancy Vaughn recommended that the Committee table this item until she receives additional information. Captain Morris reminded the Committee that at a previous CRB Policy meeting this item was tabled until after the election. Committee Chair Brandon Hilpert agreed to keep this as an action item until after the election to ensure that the CRB Policy Committee will have a better idea of what recommendations to make.

This item was tabled.

d. Best Practices Research for Law Enforcement Investigations Involving Discrimination Allegations (Patrick Anderson)

Committee Chair Hilpert reported that this item was assigned to Committee member Patrick Anderson. Member Anderson was not present to discuss his research on the topic.

This item was tabled.

e. Complaint Process Guide Card Issued to All Sworn Personnel (Taura Gentry)

The development of the Complaint Process Guide Card was discussed. 2nd Vice Chair Taura Gentry provided a sample design of the Complaint Process Guide Card to the Committee. 2nd Vice Chair Gentry, stated that the card would not be a requirement to provide the card to complainants however, the card will be made available to SDPD officers to have on hand to use if needed. CRB Policy Chair Hilpert suggested to add the complaint web address to the card. 2nd Vice Chair Gentry agreed to update the card with the web address and heading and provide a draft to the Committee.

This item was tabled.

f. Require that SDPD officers provide and/or call for medical assistance in all situations where a person shows signs that they might be in medical distress (Committee Chair Brandon Hilpert)

2nd Vice Chair Taura Gentry stated that she spoke with SDPD Chief of Police David Nisleit. Based on their conversation, there is already a policy regarding SDPD officers canceling medical

assistance. CRB Policy Chair Brandon Hilpert recommended to the Policy Committee to close this item without action because there is a current policy already in place regarding this topic.

Chair Joe Craver moved to close out item (V.f) without action, because SDPD has a policy. Committee member Nancy Vaughn seconded the motion.

The motion passed with a unanimous vote of 7-0-0.

Yays: Case, Craver, Gentry, Hilpert, Nieto-Senour, Theodore, and Vaughn

Nays: None

Absentention(s): None

Absent: Patrick Anderson, Poppy Fitch and Ramon Montano

g. Prohibit Officers from Viewing Body Worn Camera Videos of Others

At its April 24, 2018 open meeting, the CRB made a recommendation to SDPD that SDPD establish a policy that would prohibit officers from viewing surveillance videos or body worn camera videos of other SDPD officers prior to being interviewed by Internal Affairs.

Captain Wes Morris of SDPD Internal Affairs stated that this topic was addressed verbally however, it was not formally closed out with a memo or a letter. Captain Morris stated he will speak with SDPD Chief of Police Nisleit in regard to drafting a formal letter. Captain Morris explained that there is not a specific policy about this, however, there is a practice in place which the Homicide Unit and Internal Affairs follows when conducting their investigations. Captain Morris stated that if any officer watches the BWC video of another officer, an approval is required from a supervisor over that investigating entity. There must be a reason for it. Generally, it is prohibited.

Policy Committee member Nancy Vaughn inquired how to prevent SDPD officers from gaining access to view another officer's BWC out in the field. Captain Morris stated that SDPD officers should not have access to view another officer's BWC outside of an SDPD supervisor who is overseeing the incident, which implies there is an investigation taking place.

Policy Committee Member Nancy Vaughn stated this should be included in an SDPD policy.

Captain Morris stated that currently it is being practiced without a policy in place.

Policy Committee Chair Brandon stated that the Policy Committee had a recommendation in place a couple of years ago when Shelley Zimmerman was Chief of Police. The recommendation suggested that prior to watching their BWC video, an officer shall write their reports based on their recollection at the time, to prevent them from creating a narrative that justified what happened. If the officer were to watch the BWC video afterward, they could file a supplemental/addendum report after if they were to see additional information to add.

Policy Committee Chair Hilpert reported that the recommendation was not accepted by SDPD as a policy revision.

Captain Morris stated that there is a letter in place that outlines SDPD Chief Nisleit's rationale with regard to the previous recommendation. He will do more research and discuss the topic with Chief Nisleit and report back to the CRB Policy Committee in January.

This item was tabled

VI. New Business (Discussion/Action)

- a. Required a defined SDPD and Procedure and possibly a guide card to provide hearing impaired individuals and SDPD officers for officers to use in the field.**

Captain Wes Morris stated that SDPD policy 1.37 is in place which discusses the details of interviewing the hearing impaired. The entire SDPD policy defining procedures regarding interacting with hearing impaired individuals can be located on the SDPD website.

This item was tabled for the Committee to look at the SDPD policy.

VII. Adjourned: 4:42 p.m.