

**COMMUNITY REVIEW BOARD ON POLICE PRACTICES**

**SPECIAL MEETING**

**Wednesday, July 22, 2020  
6 p.m. – 7:45 p.m.  
MS Teams Online**

**MINUTES**

Click <https://youtu.be/-IM6KzCU8Q> to view this meeting on YouTube.

**Members Present:**

Brandon Hilpert, Chair  
Doug Case, 1<sup>st</sup> Vice Chair  
Poppy Fitch, 2<sup>nd</sup> Vice Chair  
Patrick Anderson  
Maxine Clark  
Joe Craver  
Gregory Daunoras  
Diana Dent

Kevin Herington  
Sheila Holtrop  
Steve Hsieh  
Mary O'Tousa  
Ernestine Smith  
Pauline Theodore  
Nancy Vaughn  
Marty Workman

**Members Absent:** None

**Community Review Board on Police Practices (CRB) Staff Present:**

Sharmaine Moseley, Executive Director

- 
- I. **CALL TO ORDER/WELCOME:** Chair Brandon Hilpert called special meeting to order at 6:00pm.
  - II. **PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES:** Chair Brandon Hilpert explained the purpose and responsibilities of the Community Review Board on Police Practices (CRB) to the public.
  - III. **ROLL CALL:** Executive Director Sharmaine Moseley conducted the roll call.
  - IV. **EDUCATIONAL TOPIC:** “Overview of City of San Diego Charter Amendment to Establish an Independent Commission on Police Practices”: Chair Brandon Hilpert introduced Presenter: Andrea St. Julian, Esq.

Overview: The Independent Commission will provide the ability and support needed to fully meet the expectations of the community with respect to oversight of the police.

1. The Commission will be independent from the San Diego Police Department and Mayor's office.
2. It will be fully empowered with more support and power.
3. Charter amendment – In November, once the ballot measure is passed, an ordinance will be enacted by the City Council which will govern the Commission.
4. Main Duty of Commission – To receive all complaints regarding Police officers and Police department. Independently review and evaluate all complaints, findings, conclusions by Police department and its disciplinary decisions. The Commission will have certain duties and powers for investigation, review, and auditor/monitor. It is a hybrid model.
5. Investigatory duty: The Commission will be required to do a full investigation for in-custody death (ICD) and officer-involved shooting (OIS) cases which amounts to 6-12 cases yearly. They will be able to subpoena witnesses and documents. The Commission will have discretion to investigate any complaints that are not required to investigate (i.e. Miscellaneous Complaints, and/or repeated complaints).
6. Auditor/monitor functions: The Commission is to review/evaluate the police, procedures, practices, and actions. They will make specific recommendations to the Police department, Mayor, and City Council on any policies, procedures, practices and actions of the Police.
7. Transition: The CRB will transition over to the new commission. They will remain commissioners until he/she resigns or a new member is appointed by the City Council. The Commission will nominate the Executive Director. The Executive Director serves at the will of the Commission. The Commission will nominate and the City Council will appoint the Executive Director.
8. Commissioner Service: Commissioners will be appointed by the City Council.
9. Commission Support: The Commission will have independent legal counsel and will be able to hire/supervise investigators of their choosing, and policy analysts.
10. Commission Cost: 1.1 million – 2.3 million annually. This is reasonable considering the 4 million average annually spent on lawsuit payments.
11. Ordinance: San Diegans for Justices seeks input from CRB members and the community.

V. **QUESTIONS & ANSWERS REGARDING CHARTER AMENDMENT TO ESTABLISH AN INDEPENDENT COMMISSION ON POLICE PRACTICES (20 mins)**

**1. Member Marty Workman: Why is average pay out mentioned for police department lawsuits compared to the Commission's cost?**

A: With the Commission's recommendations to the police, our hope is that lawsuit payouts will decrease.

**2. Member Patrick Anderson: Did San Diegan Justice discuss the timings on when the Commission is to investigate the cases? Meaning will investigations be at the same rate or after Internal Affairs?**

A: It would make sense to have an investigation coextensive with the Police. These decisions can be dealt with when making the Ordinance.

**2a. Do you have ideas who will be taking complaints?"**

A: My assumption is the new Commission (CPP) will be receiving the complaints. I understand that some complaints will be made to the Police. It should be required that a complaint made to the Police Department be forwarded to the CPP.

**Member Anderson Comment: I urge we have staff to take in complaints with Executive Director Sharmaine Moseley.**

A: There will be staff that will meet and support the Executive Director and Commission's needs.

**3. Member Mary O'Tousa: What happened to the ordinance timeline?**

A: We had 90-120 days to propose an ordinance. However, the City Council took out the timeline because they do not want to be under pressure. The only thing we can do is make our voices heard. The charter amendment is self-executing and will go into effect once it is passed. Not sure if there is a date.

**4. Member Greg Daunoras: Because there will be more than 12 cases a year, what will happen to the rest of the cases that need to be reviewed?**

A: With the number of cases you must review annually, it is those cases you have the duty to fully investigate. Those cases are ICD and OIS cases. You all have the right review/evaluate other cases/, and it is up to your discretion if you think there's a need of a full/partial investigation.

**5. Second Vice Chair Poppy Fitch: Do you think auditor/monitor functions will address the complaints on discrimination?**

A: Based on the PD records/info on racial profiling, there is no doubt there is Racial Profiling with SDPD, and cannot imagine that it requires the Commission to address this problem with the help of the auditor/monitor function.

**5a. May you talk about the movement of the Police department budget reallocating to helpful resources that pertain to issues such as mental illness/homelessness?**

A: That auditor/monitor function will help you evaluate policies and practices and have the analysts help you figure out the best recommendations.

**6. Member Kevin Herington: When it comes to recommendations, would it directly go through the Executive Director, Police Department, or City Council?**

A: We can discuss the process when it comes down to making the ordinance. What are your thoughts on it?

**Comment: We should be able place recommendations in the departments hands.**

**6a. Will we be able instruct staff to help advertise/recruit for the Commission via social media?**

A: In the early start of the ordinance, it is the duty of the Commission to make everything as public as possible. Social media can be placed in the ordinance.

**7. First Vice Chair Doug Case: May you explain the scope of the review process and your vision on how reviewing cases would be different from how we do it currently?**

A: The ordinance can help to get all those complaints. The Commission will be able to make recommendations to Internal Affairs as well. The review process will hopefully be as thorough as you want it to be.

**7a. The ordinance will take effect 30 days after election. Given the experiences of the implementation of Measure G, how will the Commission operate between the waiting times. Could City Council enable the CRB to operate as usual until the Commission takes affect during the waiting period. Adopt an ordinance perhaps?**

A: It will be up to the City Council.

**7b. What will be the role of the Citizens Advisory Board on Police Community Relations (CAB)?**

A: If the City Council feels they need it, it will be up to them. It may not have a purpose anymore because the Commission will be taking care of CABs role with its audit/monitor function.

**8. Member Marty Workman: Is POBAR buying into the fact that we will be able to make recommends for police discipline?**

A: The new Commission recommendations are just recommendations. It will still be up to SDPD to evaluate and consider the recommendation. It will be fair because it will be balance. You will have professional experts to help you make those recommendation.

**9. Chair Brandon Hilpert: We should be exploring and having more talks with Internal Affairs about the Charter amendment because I think they believe once they make their investigation, they can make decisions on disciplines on their own and be done.**

A: IA need to read the charter amendment.

**9a. Our charter amend is not meshing well with their interpretation.**

A: The charter amendment is clear on how the Commission will be operating.

**10. Member Marty Workman: Will the Commission be having meetings similar to what CRB is currently doing (i.e open/closed) ?**

A: It will be up to the City council.

**11. Member Steve Hsieh: How will the new commission improve/increase accountability since recommendations are taken in discretion of Mayor/Chief of Police?**

A: The Commission will be backed up and supported with thorough evaluation by professional investigation/policy analyst. It can be difficult talking to the Police to try and understand what is right and what is best unless you have support and guidance from a professional. Because you will have access to professionals, this will help influence your recommendations through expertise.

**12. Member Patrick Anderson commented that what makes this proposal produce more accountability is in the investigatory powers. This will help the teams gain more knowledge/information in cases. Those were the limits we faced as board members due to unanswered questions.**

**13. First Vice Chair Doug Case: Can we make appeal recommendation to the civil service commission?**

A: We will see how it plays out in ordinance. However, I do not see it being a problem.

**14. Chair Hilpert: The Charter Amendment says we can subpoena all witness /police documents ?**

A: The new Commission can subpoena anybody period. Once the Commission has the power to do it, SDPD will enter in an MOA with the Commission.

**15. Member Nancy Vaughn commented that assuming this charter passes, the memoranda of agreement of complaints and records will disappear. This is something that takes time to work out and it will be a hard/long transition.**

A: Let's try to work together within the 6 months to make the process as smooth as possible by making proposals. This may be a good place to start planning a proposal and having transition committee. That way the transition goes smoothly and there is no wait.

- VI. PUBLIC COMMENT: No public comment received
- VII. NEXT STEPS FOR THE BOARD: Chair Brandon Hilpert stated that the creation of an Ad-Hoc subcommittee will be placed on the next open meeting agenda for discussion.
- VIII. CLOSING REMARKS & ADJOURNMENT: The meeting adjourned at 7:46 p.m.

