



THE CITY OF SAN DIEGO

**CITIZENS' REVIEW BOARD ON POLICE PRACTICES
MINUTES**

Tuesday, June 28, 2016
City Heights/Weingart Branch Library
3795 Fairmount Avenue, 2nd Floor
San Diego, CA 92105

Members Present:

Lisa Sorce, Chair	Brandon Hilpert	Mary O'Tousa
Douglas Case, 2 nd Vice-Chair	Sheila Hiltrop (Alt)	Ernestine Smith
Joe Craver	Thomas Lincoln	Pauline Theodore
Diana Dent	Charlene McAdory	Kathy Vandenhuevel
Taura Gentry	Larry McMinn	Nancy Vaughn
Godwin Higa	Pieter O'Leary	Martin Workman

Members Absent:

William Beck, 1st Vice-Chair

Prospective Members Present:

John Sieger
Greg Daunoras
Hon. Jonathan T. Colby
Dr. Reinaldo Galindo
Shawn Fields
Dr. Darwin Fishman

Prospective Members Absent:

Brian Eshelman	Richard Stanford
Ramon Montana	
Dr. Maria Nieto-Senour	

Staff Present:

Sharmaine Moseley, Executive Director, CRB
Noah Brazier, Deputy City Attorney, City Attorney's Office
David Ramirez, Executive Assistant Chief, San Diego Police Department
Chris McGrath, Captain, San Diego Police Department
Marshall White, Lieutenant, San Diego Police Department
Mike Holden, Lieutenant, San Diego Police Department
Angelica Navarro - Mora, Detective, Internal Affairs, San Diego Police Department
Denise Sandoval, Executive Secretary, CRB Complaint Coordinator

- I. CALL TO ORDER/WELCOME – Lisa Sorce, Chair (6:30 p.m.)
Chair Lisa Sorce called the meeting to order. Chair Sorce announced that she would not be taking the Oath of Office because she was resigning from the CRB due to more responsibilities at her current job.
- II. OATH OF OFFICE: The swearing in of CRB members by Deputy City Clerk Sheila Beale were as follows: Doug Case, Joe Craver, Diana Dent, Taura Gentry, Brandon Hilpert, Charlene McAdory, Larry McMinn, Pieter O’Leary, Mary O’Tousa, Pauline Theodore, Ernestine Smith, Nancy Vaughn, Martin Workman
- III. APPROVAL OF MINUTES: CRB Open Meeting Minutes of May 26, 2016 were approved unanimously as written.
- IV. NON-AGENDA PUBLIC COMMENT: (Speaker Slip Required) - It was noted that there were no speaker slips
- V. RECOGNITION AND APPRECIATION
Board Member Tom Lincoln – 1 Year of Service on the Citizens’ Review Board
Board Member Kathy Vandenheuvel – 8 Years of Service on the Citizens’ Review Board
- VI. GUEST SPEAKER: Jonathan Herrera, Policy Advisor, Office of the Mayor
Mr. Herrera thanked the board for all of their hard work and dedication. He informed the Board about current Charter Amendments and recommendations. Mr. Herrera stated that at the March 23, 2016 Public Safety and Livable Neighborhoods (PS&LN) Committee meeting, Women Occupy presented several ballot measure proposals. Council Member Todd Gloria proposed modified language based on the measures and forwarded the recommendations to the Charter Committee for Review. Council Member Todd Gloria recommended four administrative changes to the CRB. Those recommendations were as follows:
 1. The current language in the charter is changed from “Citizens’ Review Board” to “Community Review Board.”
 2. Change “City Manager” to “Mayor.”
 3. Add to the Charter that the CRB review all Officer-Involved Shootings (OIS) and In-Custody Deaths (ICD).
 4. Change the current language from “Citizen” to “Community Member.”

Mr. Herrera stated that Women Occupy proposed the following ballot measures:

1. Changed members’ reappointment terms from one year to two-year terms.
2. Develop a process for the CRB to audit Category II complaints and specific cases for review.
3. Independent legal counsel shall be available to the CRB.
4. Request for additional administrative staff for the Neighborhood Services Branch. Mr. Herrera stated that this was accomplished in this last fiscal year, and the process is underway.

Chair Lisa Sorce requested that Rules Committee Chair Doug Case address those items that were referred to his Committee and Policy Committee Chair Joe Craver address the Policy items.

Rules Committee Chair Doug Case summarized the work of the Committee as follows:

- Changing member terms limits from 1 year to 2 years - The Rules Committee proposed for the term to be changed to 4 years as a bylaw change in the past and the motion did not pass. The compromise was the 2-year term limit, but that motion failed to get the 2/3 majority vote to amend the bylaws. One rationale given by those in opposition was that a one-year term could be a tool to not reappoint members who were not performing their duties well.
- Develop a process for the CRB to Audit Category II complaints – Committee Chair Case stated that the Charter says the CRB shall review complaints, and does not mention categories. An audit instead of a full review of Category II complaints would allow the CRB to consider all complaints while still focusing on the more serious Category I complaints.

Policy Committee Chair Joe Craver summarized the work of the Policy Committee as it relates to the recommendations:

- Independent Legal Counsel to the CRB – Committee Chair Craver stated that after careful review, the Policy Committee feels that there is a conflict of interest in having the Deputy City Attorney advising the CRB.
- Provide additional administrative staff to the Neighborhood Services Branch
Kathy Vandenheuvel stated that record keeping is lacking due to current administrative staff stretched between three commissions.

Mr. Herrera requested a motion or feedback on how to proceed. Doug Case stated that a motion couldn't be made, as there was no notice on the agenda, so it would be in violation of the Brown Act.

Chair Lisa Sorce agreed. She stated that we could not take a motion on this at this time. We can continue to discuss the items.

Nancy Vaughn suggested that we notice these changes on the next agenda and allow more time for discussion.

Mr. Herrera apologized for the items not being properly noticed on the agenda. He further stated that the ballot measures from today's City Council meeting received approval by the majority of the Council and the City attorney will draft language for the next Council Meeting for the ballot.

Tom Lincoln asked Mr. Herrera if the Council approved the recommendation for independent legal counsel.

Mr. Herrera replied that they had approved that proposal. The logistics of how the independent counsel will work are still a matter of discussion.

Joe Craver made a Motion to adopt the proposal of having independent counsel. Seconded by Nancy Vaughn.

Discussion:

- Taura Gentry would like to have more discussion of the independent counsel.
- Joe Craver recommends a full-time outside independent counsel that sits in on CRB meetings.
- Mr. Herrera informs that they would need to tap existing funds for consulting services as a stop gap for the remainder of the new Fiscal year.
- Nancy researched the Ethics Commission language on how they retained their outside counsel and she wishes we could use the same language.
- Mr. Herrera stated that the City Council did not adopt the same language and what is being put forth does not include that that language. The Charter changes must be approved by the voters of San Diego

Vote: 15/0

Motion: passes unanimously.

The Rules Committee will agendize the other recommendations and propose a formal recommendation to the Executive Director to provide to the Mayor's Office.

Mr. Herrera mentioned that there was a recommendation by the Grand Jury to provide compensation to board members. He stated that there is discussion in the pipeline but if the Board would like to discuss the topic further and bring it to the Mayor's office as a formal recommendation that would be appreciated.

Kathy Vandenneuvel is strongly against compensation because she feels that it would compromise the volunteer nature of the board.

- Mr. Herrera informed that if the board had any ideas or suggestions as to how they wished to be compensated to present them.
- Kathy Vandenneuvel mentioned to be able to participate at a NACOLE Conference would be an acceptable compensation.
- Nancy is opposed to compensation and would be disappointed if it happened
- Pieter also opposed any compensation and would suggest the ability to waive compensation be given to the Board.
- Doug Case also opposes compensation
- Marty Workman takes pride in volunteering, and doesn't think that the City could afford to pay us for all we do.
- Taura is for compensation ... a lot of work.
- Brandon is for compensation also for compensation and shirts
- Kathy Vandenneuvel suggested possibly providing a public transit pass, would be appropriate.

Mr. Herrera would like to have the board vote on the issues recommended by the City Council and Grand Jury. (Note: The Grand Jury also recommended independent legal counsel.) A response to the Grand Jury report is due by the end of July.

Tom Lincoln confirmed that the independent counsel item vote is complete.

Kathy Vandeneuvel thanked Tom Lincoln for all the research he did on the conflict of interest between the Deputy City Attorney and having independent counsel.

VII. COMMITTEE REPORTS (DISCUSSION/ACTION)

- Continuing Education Committee (Charlene McAdory)
Upcoming Education Topics/Guest Speakers
 - July – Detective Richard Fox, Recruiting for the San Diego Police Department
 - August through November is pending confirmation for OIS training and facial recognition training.
- Outreach Committee (Taura Gentry & Ernestine Smith)
 - North Park Street Fair
 - Complainant's referred without details
 - 2nd Annual Unity Games - Willie Henderson Park (4/5 park)
 - Battle of the Midway Gala Veterans event
 - Brochure draft provided for editing of the board
 - Commendations as well on PD
 - Taura and Ernestine are available to attend functions
- Rules Committee (Doug Case)
Committee Chair Case reported that the Committee will continue to work on what was discussed earlier in the meeting. The committee is still working on the Operational Standing Rules on Case Review. He further stated that the redacting issue was discussed with IA. IA could delete the findings without much effort and the last paragraph as well.

Charlene McAdory, Taura Gentry, and Ernestine Smith expressed opposition to redacting anything from reports. Committee Chair Case explained that the redacting would only be for the team preliminary review. The team would be able to view and discuss IA findings prior to making their own determination.

- Policy Committee (Joe Craver)
 - Transportation procedures of subjects with regards to their well-being and safety.
 - Exploration of Police Procedures and resources regards to officers confronted by individuals with mental challenges.
 - Recommend any supplemental investigation material gathered by the DA office involving OIS be provided to SDPD IA and CRB for their review, investigation and finding.
 - SDPD policy of officer's representatives representing many officers on the same case.
 - SDPD policy of allowing complainants third party mediation.

- Recruitment & Retention Committee (William Beck)
In the absence of Committee Chair Bill Beck, Executive Director Sharmaine Moseley gave the report. She reported that 6 new prospective were selected by the Mayor. She acknowledged the four new prospective who were present at tonight's meeting and welcomed them to the CRB.
- Nominating Committee (Pieter O'Leary)
 - Overview of CRB Officer Job Responsibilities
 - Presentation of Nominees for Fiscal Year 2017 CRB Officers

VIII. Election of CRB Officers for Fiscal Year 2017

- Doug Case for Chair – Unanimous Vote 16/0
- Joe Craver for 1st Vice Chair – Unanimous Vote 16/0
- Brandon Hilpert for 2nd Vice Chair – Unanimous Vote 16/0

Chair Lisa Sorce stated that the Nominating Committee would be disbanded after today's elections

IX. CHAIR'S REPORT (Lisa Sorce)

- CRB Work Plan Update handout

X. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)

- CRB Caseload Update - As of yesterday, the CRB teams had a total of 19 cases currently assigned. Out of the 14 cases that were assigned, 6 cases were on tonight's agenda for review. For FY 2016, the CRB reviewed and closed out a total of 79 cases.
- Community Events/Forums/Meetings – Reiterate the importance of having a presence at Community Events & Forums. Sharing of information about the CRB and increasing our recruitment efforts.
- Previous Community Events/Meetings
Town Hall Meeting on Debunking Anti-Islam Myths
SD Unity Softball Game
- Upcoming Outreach Efforts
SD African Cultural Festival
Refugee Forum Advocacy Taskforce
- Educational Opportunity Forms – Reminder that educational forms for the 4th quarter will be due on July 1st.
- CRB Board Member Status Update
 - Thank you Kathy Vandenheuvel & Tom Lincoln
 - Thank you Taura Gentry for the Brochure and Community Outreach
 - Special Thank You to CRB Leadership –CRB Chair Sorce

- Reappointments
- Prospective Member Appointments
- PERT Academy Training – Feedback
 - Larry McMinn informed that it was very informative
 - Mary O’Tousa presentations were professional
- CRB Website – Status of Online Complaint Form Submittal and CRB Calendar Went LIVE on June 1, 2016!
- FY 2017 Annual Report – September 28, 2016 PS&LN

XI. SAN DIEGO POLICE DEPARTMENT REPORT (Executive Assistant Chief David Ramirez)

- Chief Ramirez reported that Lieutenant Marshall White would be moving over to the Gang Suppression Team and that this would be his last meeting.

XII. CITY ATTORNEY REPORT (Noah Brazier for William Gersten) Mr. Brazier stated that he had nothing new to report

XIII. OLD BUSINESS (DISCUSSION/ACTION)

- Operational Standing Rules (see above)

XIV. BOARD MEMBER ANNOUNCEMENTS/COMMENTS

XV. ADJOURNMENT 7:45 p.m.

Materials Provided:

- Minutes from CRB Open Session Meeting of May 24, 2016

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 five (5) 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.

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