



THE CITY OF SAN DIEGO

CITIZENS' REVIEW BOARD ON POLICE PRACTICES
MINUTES

Tuesday, August 23, 2016
Valencia Park/Malcolm X Branch Library
5148 Market Street
San Diego, CA 92114

Members Present:

Douglas Case, Chair
Diana Dent
Brandon Hilpert, 2nd Vice-Chair
Dr. Reinaldo Galindo
Sheila Hiltrop (Alt)
Thomas Lincoln
Charlene McAdory

Larry McMinn-Ottinger
Pieter O'Leary
Mary O'Tousa
Ernestine Smith
Richard Stanford (Alt)
Pauline Theodore

Nancy Vaughn
Martin Workman

Members Absent:

Joe Craver
Taura Gentry
Godwin Higa

Prospective Members Absent:

John Sieger (Alt)
Shawn Fields

Prospective Members Present:

Dr. Maria Nieto-Senour
Judge Jonathan Colby
Greg Daunoras
Brian Eshelman
Dr. Darwin Fishman

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
Chris Knighten, Lieutenant, San Diego Police Department
Angelica Navarro - Moran, Detective, Internal Affairs, San Diego Police Department
Denise Sandoval, Executive Secretary, CRB Complaint Coordinator

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- I. CALL TO ORDER/WELCOME – Doug Case, Chair (6:30 pm)
 - II. PURPOSE OF THE CITIZENS' REVIEW BOARD ON POLICE PRACTICES
Chair Doug Case explained the purpose of the Citizens' Review Board on Police Practices to those in attendance.

(Chair Case asked that there be a moment of silence for fallen officer in the line of duty.)

III. APPROVAL OF MINUTES: CRB Open Meeting Minutes of July 26, 2016
Mary O'Tousa moved to approve the minutes. Larry McMinn-Ottinger seconded the motion. The meeting minutes of July 26, 2016 were unanimously approved.

IV. NON-AGENDA PUBLIC COMMENT: (Speaker Slip Required)
A. Kate Yavendith
B. Wanda Hodge-Vaughan

V. RECOGNITION AND APPRECIATION
A. New Prospective Members
Judge Jonathan Colby, Greg Daunoras, Brian Eshelman, Dr. Darwin Fishman
B. Former 1st Vice Chair William Beck was recognized for his 5 years of service.

VI. GUEST SPEAKER: Attorney Rick Pinckard & Director Tom Bostedt
San Diego Police Officers Association

“The Role of an Officer’s Union Representative during an Internal Affairs Investigation”

Mr. Pinckard gave a general but informative overview of a Police Officers Constitutional Rights, the Police Officers Bill of Rights and discussed case law such as the Lybarger Admonishment - and how this landmark case affects law enforcement personnel. The California Supreme Court determined that whenever the employer initiates interrogation of a peace officer and (a) it appears that the officer may be charged with a criminal offense as a result of his misconduct, or (b) the officer refuses to answer questions on the ground that the answers may be self-incriminating, the questioning must be preceded by a "Lybarger admonishment".

VII. COMMITTEE REPORTS (DISCUSSION/ACTION)

A. Continuing Education Committee (Charlene McAdory)
Upcoming Education Topics/Guest Speakers

- September – K-9 Facility Tour

B. Outreach Committee (Taura Gentry)

- Mass Service for Officer Jonathan De Guzman as well as the Officer Henwood Memorial Barbeque the following week
- OctoberFest Event
- Alliance is holding a Racial Profiling forum on August 25th at 4443 30th Street 6pm -7:30 pm
- Executive Director presentation at the Refugee Forum on 9/20/2016 at 10:30am

C. Rules Committee (Brandon Hilpert)
Operational Standing Rule: Case Review Procedure

- Currently reviewing the 2 year term limits for Mayoral appointments of board members.
- Process of reviewing Cat II complaints
- Next Rules Committee meeting is on September 6th

D. Policy Committee (Joe Craver)

- Seat Belting Policy (revised policy in meeting packets)
- BWC Policy (revised policy in meeting packets)
- Next meeting on September 6th meeting prior to the Closed Sessions Meeting.

E. Recruitment & Retention Committee (Joe Craver)
Training has started for the prospective members. They will attend an all-day training on Saturday at the Miramar Regional Training Facility. Nancy Vaughn encouraged all members to attend as a refresher.

VIII. CHAIR'S REPORT (Doug Case)

A. CRB Work Plan

- i. Updated work plan provided to everyone. The Executive Committee will meet after closed session meeting on the second Tuesday of the month.
- ii. CRB presentation is now being given to all new recruits.

B. Status of Charter Change Amendments Re: CRB Amendments to the charter will be on the Ballot

- i. Changing the Name of the Board
- ii. Codifying current practices of investigating In Custody Deaths and Officer Involved Shooting being a permanent part of duties
- iii. Changing City Manager to Mayor and City Council.
- iv. Upcoming presentation for the Board regarding ballot measures and what the Board can and cannot do in their respective positions.

IX. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)

Director Moseley introduced San Diego State University student Jennifer Gutierrez to the Board. Ms. Gutierrez is the new CRB student assistant for the summer semester. Ms. Gutierrez gave the Board an update of what she has been working on over the last couple of weeks.

A. Caseload Update – 19 cases have been assigned to CRB teams. 4 of those 19 cases were reviewed and closed by the Board earlier tonight. In FY 2016, the CRB reviewed and closed out a total of 79 cases. In FY 2017, the CRB reviewed and closed out a total of 11 cases.

- i. Team 1 - 2
- ii. Team 2 - 4
- iii. Team 3 - 2
- iv. Team 4 - 4
- v. Team 5 - 2
- vi. Team 7 - 0

B. Educational Opportunity Forms - *Reminder* - These statistics are important and are included in the CRB's Annual Report.

C. Team Leaders - CRB Current Prospective Member Status Update - The Board has 3 prospectives that are currently alternates. Possible prospective appointments will be made in September.

D. CRB Calendar on Website- *Reminder*

E. Annual Report for FY17¹- The deadline for the draft of the Annual Report is September 1st.

F. September Meeting Date Changed – It was reported that the September meeting date was changed to September 20, 2016 at Cherokee Point Elementary School.

G. Grand Jury Report/Response - It was reported that the Grand Jury response to the Grand Jury report will be given to the Public Safety and Livable Neighborhoods Committee on September 28, 2016. Sharmaine has been working on a response with the Independent Budget Analyst.

X. SAN DIEGO POLICE DEPARTMENT REPORT (Executive Assistant Chief David Ramirez)
Nothing to Report

XI. CITY ATTORNEY REPORT (Noah Brazier)
Nothing to Report

XII. OLD BUSINESS (DISCUSSION/ACTION) None

XIII. NEW BUSINESS (DISCUSSION/ACTION)

¹ Annual Report FY17 was reported in error. The Annual Report in reference is FY16.

A. Two-year appointments for Board members

Tom Lincoln moved to change the Mayoral appointment/reappointment terms from one year to two years. (Changes to four paragraphs in Article III (membership)) Charlene McAdory seconded the motion. The motion passed with a vote of 12/0. No abstentions.

Nancy Vaughn asked how the 2 year terms will be handled. Will we be on a 2 year cycle or will we have appointments every year? How will this be implemented?

Rules Committee Chair Brandon Hilpert will add this question to the Rules Committee's agenda for discussion.

B. Conceptual plan for auditing Category II complaints –Brandon Hilpert

2nd Vice Chair Hilpert reported that the Charter currently does not state that only Category I complaints be reviewed by the CRB. The Committee would like to propose that Category II complaints be reviewed. He explained that they would like to see it done on a rotation of the teams and divided equally. This would not be an in depth report but a summary of the case. They would also like to see the numbers added to the Annual Report statistics.

XIV. BOARD MEMBER ANNOUNCEMENTS/COMMENTS

Board member Larry McMinn-Ollinger went on an ABLE (helicopter patrol) ride along
Chair Doug Case attended a ride along with a Field Lieutenant

XV. ADJOURNMENT: The meeting adjourned at 7:53 p.m.

Materials Provided:

- Minutes from CRB Open Session Meeting of July 26, 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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