

COMMUNITY REVIEW BOARD ON POLICE PRACTICES

OPEN/PUBLIC SESSION ONLINE MEETING AGENDA

**Tuesday, May 26, 2020
6p.m. – 7:30p.m.**

This meeting will be available live and online on YouTube. Click [here](#) to view this meeting at its scheduled time.

- I. CALL TO ORDER/WELCOME (Chair Joe Craver)
- II. PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES (CRB)
- III. ROLL CALL (Chair Joe Craver)
- IV. APPROVAL OF MINUTES: CRB Open Meeting Minutes of February 25, 2020
- V. NON-AGENDA PUBLIC COMMENT: (Fill out and submit comment using [webform](#). Please see instructions at the end of this agenda)
- VI. UNFINISHED BUSINESS (DISCUSSION): None
- VII. NEW BUSINESS (DISCUSSION/ACTION)
 - A. Renewal of Contract for Outside Counsel (Chair Joe Craver)

ACTION ITEM: Motion for the Board to approve the renewal of contract for legal services provided to the Board by Outside Counsel Devaney Pate Morris & Cameron LLP
 - B. Selection of Ad Hoc Nominating Committee
 - C. Status of CRB Closed Meetings
 - D. Status of CRB Case Review in Internal Affairs
- VIII. COMMITTEE REPORTS (DISCUSSION/ACTION)
 - A. Continuing Education Committee (Nancy Vaughn) **2 mins**
 - i. List of Upcoming Educational Topics
 - B. Outreach Committee (Brandon Hilpert) **5mins**
 - i. Summary of Past Events
 - ii. Feedback on Past Events (Discussion Item)

iii. Upcoming Events/Outreach Opportunities

- C. Rules Committee (Doug Case) **2 mins**
 - i. Status on Items being Considered Committee
 - ii. Next Rules Committee Meeting
- D. CRB Handbook Committee (Doug Case) **2 mins**
 - i. Distribution of Remaining Resource Handbooks
 - ii. Next Steps
- E. Policy Committee (Brandon Hilpert) **3 mins**
Items being Considered by Policy Committee
 - i. Status updates
 - ii. Next Policy Committee Meeting
- F. Recruitment & Training Committee (Kevin Herington) **2 mins**
 - i. Update on New CRB Training Academy -Training of New Members
 - *Completed All 3 Phases of Training
 - *Scheduling and Participating in Ride-Alongs
 - *3 Members Appointed by Mayor – 1 members withdrew his application so we have 2 members in waiting for confirmation.
 - *Next Step is Council Confirmation of 2 Members and Assignment to CRB Teams
- G. Citizens Advisory Board on Police Community Relations (Chair Joe Craver)
 - Update
- IX. CHAIR'S REPORT (Chair Joe Craver) **5 mins**
 - A. Reminders-4th Quarter (April 1-June 30) Volunteer Hours Report (**Due Date July 1, 2020**) -All members please make sure that you log your hours in for reporting purposes
 - B. Other Items/Reminders
- X. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley) **5 mins**
 - A. Caseload Update & Status of Case Reports
 - B. Status of Administrative Aide Position
 - C. Update on NACOLE Regional Meeting in San Diego
 - D. Update on 2020 NACOLE Conference
 - E. Other Items/Reminders
- XI. SAN DIEGO POLICE DEPARTMENT REPORT (EA Chief Al Guaderrama) **5 mins**
 - A. Updates
 - B. Status of CRB The CRB recommends that the SDPD establish a policy that would prohibit officers from viewing surveillance videos or Body Worn Camera (BWC) videos of other officers' videos prior to being interviewed by Internal Affairs.

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 February 25, 2020 DRAFT

Comment on Agenda Items must be submitted using [webform](#), checking the appropriate comment type box, and indicating the agenda item number they wish to submit their comment for. Instructions for word limitations and deadlines are noted on the [webform](#). On the [webform](#), members of the public should select Community Review Board on Police Practices (even if the public comment is for a Community Review Board on Police Practices Committee meeting). Only comments submitted no later than 4:00 p.m. the day prior to the meeting using the public comment form will be eligible to be read into the record. If you submit more than one form per item, only one will be read into the record for that item. **Comments received after 4:00 p.m. the day prior and before 8:00 a.m. the day of the meeting** will be provided to the Board and posted online with the meeting materials. All comments are limited to 200 words. Comments received after 8:00 a.m. the day of the meeting but before the item is called will be submitted into the written record for the relevant item.

Non-Agenda Public Comment must be submitted using [webform](#) and checking the appropriate comment type box in order to be eligible to be read into the record. The City staff will read the first 30 comments received by 4:00 p.m. the day before the meeting. However, if there are less than 30 comments submitted by 4:00 p.m. the day before the hearing, the City will read comments submitted by 8:00 a.m. on the day of the meeting up to a total of 30 comments. The maximum number of comments to be read into the record on a single issue will be 16. Comments submitted by 8:00 a.m. the day of the meeting will be provided to the Board or Commission, made a part of the record, and posted with the meeting materials. All comments are limited to 200 words. Comments received after 8:00 a.m. the day of the meeting but before Non-agenda comment is called will be submitted into the written record for the meeting.

If you attach any documents to your comment, it will be distributed to the Board in accordance with the deadlines described above.

MINUTES

**Tuesday, February 25, 2020
Malcolm X Branch Library
5148 Market Street
San Diego, CA 92114**

Members Present:

Joe Craver, Chair
Brandon Hilpert, 1st Vice Chair
Doug Case
Patrick Anderson
Maxine Clark
Gregory Daunoras
Kevin Herington
Sheila Holtrop

Alex Hu
Bonnie Kenk
Mary O'Tousa
Ernestine Smith
Pauline Theodore
Nancy Vaughn
Marty Workman

Members Absent:

Diana Dent
Poppy Fitch
Steve Hsieh

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

Sharmaine Moseley, Executive Director

San Diego Police Department (SDPD) Staff Present:

Al Guaderrama, Executive Assistant Chief
Mike Holden, Captain
Charles Lara, Lieutenant

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- I. **CALL TO ORDER/WELCOME:** Chair Joe Craver called the meeting to order at 6:02 p.m.
 - II. **PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES:** Chair Joe Craver explained the purpose and responsibilities of the Community Review Board on Police Practices (CRB) to those in attendance.
 - III. **APPROVAL OF MINUTES:** CRB Open Meeting Minutes of January 28, 2020

The Board reviewed the minutes. Board member Nancy Vaughn stated that on the 2nd page of the minutes, it should state 1st Vice Chair Brandon Hilpert instead of "Hilpert." Board member Nancy Vaughn moved for the Board's approval of its January 28, 2020 meeting minutes with the previously stated

correction. Board member Marty Workman seconded the motion. The motion passed with a vote of 12-0-3.

Yays: 1st Vice Chair Hilpert Members- Case, Clark, Daunoras, Herington, Holtrop, Kenk, O'Tousa, Smith, Theodore, Workman, and Vaughn

Nays: None

Abstain: Chair Craver, Patrick Anderson, Hu

Members Absent: Dent, Fitch, and Hsieh

IV. NON-AGENDA PUBLIC COMMENT:

- A. Anthony Conley commented on a complaint that he filed regarding next door neighbors who broke into his house. He spoke to Internal Affairs about this. They need a court order to do what they are doing. He is no longer on parole and should not be harassed by officers. Now he must move because of his next-door neighbors. They broke into his house and stole his wallet off the table. Mr. Conley stated that he is not a suspect and should not be treated like one.
- B. A community member spoke about an officer-involved shooting in Oak Park that involved her brother. The officers engaged in a poor choice of de-escalation when other techniques should have been used. The use of the chokehold should not have been used. She wants to see the video footage before the media sees it. She wants to make sure that her brother is not de-humanized by SDPD and the District Attorney. People make mistakes. This is awful. There is a lot going on in San Diego when it comes to mental health. She read SDPD's manual and it's unclear for use of force. There are so many loopholes. She is afraid of the police. This incident has broken her heart. She loves her brother to death and is here for Toby. She knows how de-escalation works. There are tons of ways to handle people. Her brother was her best friend.
- C. Robert Dillard commented that he grew up in this community. He is here on behalf of his brother who was recently killed. His life is here. He grew up in South Bay and Skyline. He is the voice for his brother. He was a good role model with understanding yourself and having patience. He would like to see things change. He appreciates the Board's help.
- D. Yusuf Miller (Racial Justice Coalition) commented that he was there to support the Dillard family. He urged SDPD to work diligently in releasing the Body Worn Camera video to the family. This is a tragic incident for the family. It will be traumatic for the family to see the video, but they need to see it for closure and to move forward. De-escalation is a problem but they still want to see the video. The family does not know what happened to their loved one. We want the release of the video to be expedited for justice sake.
- E. Richard Baker commented that he is present for support. We should not have to be here for this. Show us the proof and the reason for it.
- F. Jolene Baker commented that they want answers as to why Toby was stopped. We don't know what happened to him. He was a gentle and

good person. She had to explain to her children that their Uncle Toby was killed by SDPD. She needs answers for herself and her children.

- G. Lupe Diaz (Oak Park resident) commented that she would like to extend her condolences to Toby's family. We will attend every meeting to get answers. She will meet with Shirley Weber and Monica Montgomery as well. She commended SDPD for neighborhood policing. We need police officers to be a part of our communities so we can trust them. She knows about police brutality in the minority communities but she wants to continue building relationships. It should not take a year and a half to release the video.

V. UNFINISHED BUSINESS (DISCUSSION): None

VI. NEW BUSINESS (DISCUSSION/ACTION) (Chair Joe Craver)

- A. **Action Item:** Motion for the Board to amend CRB Bylaws Article IV Section 3 on the Powers & Duties of CRB Officers to give the CRB First or Second Vice Chair the power to Chair CRB Executive Committee Meetings in the absence of the Chair.

Rules Committee Chair Doug Case is a revision to the CRB bylaws regarding the duties of the CRB 1st Vice Chair and 2nd Vice Chair. The amendment would give both officers the power to chair the CRB's Executive Committee Meetings in the absence of the Chair. This is currently not in the CRB bylaws.

Board member Mary O'Tousa moved for the Board to amend CRB Bylaws Article IV Section 3 on the Powers & Duties of CRB Officers to give the CRB First or Second Vice Chair the power to Chair CRB Executive Committee Meetings in the absence of the Chair. Nancy Vaughn seconded the motion. **The motion passed with a vote of 14-0-1.**

Yays: 1st Vice Chair Hilpert Members- Anderson, Case, Clark, Daunoras, Herington, Holtrop, Hu, Kenk, O'Tousa, Smith, Theodore, Workman, and Vaughn

Nays: None

Abstain: Chair Craver

Members Absent: Dent, Fitch, and Hsieh

- B. **Action Item:** Motion for the Board to amend its Operational Standing Rule on Category 2 Case Audits to include the template for the Board to follow when auditing Category 2 Cases.

Rules Committee Chair Doug Case explained that the Committee developed and refined the template for doing the audits. The Committee added the comments to the template. This motion is to officially add the template to the Operational Standing Rule.

Board member Nancy Vaughn moved for the Board to amend its Operational Standing Rule on Category 2 Case Audits to include the template for the Board to follow when auditing Category 2 Cases. Board member Bonnie Kenk seconded the motion.

The motion passed with a vote of 14-0-1.

Yays: 1st Vice Chair Hilpert Members- Anderson, Case, Clark, Daunoras, Herington, Holtrop, Hu, Kenk, O'Tousa, Smith, Theodore, Workman, and Vaughn

Nays: None

Abstain: Chair Craver

Members Absent: Dent, Fitch, and Hsieh

C. Election for CRB Second Vice Chair Position (Term 2/26/20 -6/30/20) (Chair Joe Craver) – Chair Joe Craver explained that with the resignation of 2nd Vice Chair Taura Gentry, the Board has a vacant officer position. This position will be from tomorrow until June 30, 2020.

i. Nominations from the floor -Board member Greg Daunoras nominated Board member Doug Case. Board member Doug Case accepted the nomination.

Chair Joe Craver stated that there were no more nominations from the floor.

ii. Elections – Chair Joe Craver moved for the Board to elect Board member Doug Case as 2nd Vice Chair for a term that expires on 6/30/2020. Greg Daunoras seconded the motion.

The motion passed with a vote of 14-0-1.

Yays: 1st Vice Chair Hilpert Members- Anderson, Case, Clark, Daunoras, Herington, Holtrop, Hu, Kenk, O'Tousa, Smith, Theodore, Workman, and Vaughn

Nays: None

Abstain: Chair Craver

Members Absent: Dent, Fitch, and Hsieh

VII. COMMITTEE REPORTS (DISCUSSION/ACTION)

A. Continuing Education Committee (Ernestine Smith)

i. List of Upcoming Educational Topics – Committee Chair Nancy Vaughn stated that 2nd Vice Chair Doug Case had some suggestions

for upcoming topic on pre-text stops and SB 392. She said will work on setting these trainings up soon.

- ii. Appointment of New Chair of Continuing Education Committee – Chair Craver stated that a chair is needed for this committee. He selected Board member Nancy Vaughn as chair of this committee.

B. Outreach Committee (Brandon Hilpert)

- i. Summary of Past Events – Committee Chair Brandon Hilpert mentioned that the Outreach Calendar was given to the Board. We want to make sure that members attend a minimum of at least 1 event. He encouraged members to make an effort to do so.
- ii. Feedback on Past Events (Discussion Item) – No report given
- iii. Upcoming Events/Outreach Opportunities – No report given

C. Rules Committee (Doug Case)

- i. Items being Considered Committee – Committee Chair Doug Case reported that the Committee has only one item left on its work plan. The item is to explore the possibility of having their case reports online so the Teams can read it prior to the meeting. Another item was raised earlier tonight for the Committee to consider is on the redacted case summaries to make the individuals gender neutral rather than Mr. A and Mr. B.
- ii. Schedule Next Rules Committee Meeting – The next meeting will be scheduled either prior to or after a CRB Closed Meeting.

D. CRB Handbook Committee (Doug Case)

- i. Distribution of Resource Handbook – The Committee completed its first assignment which was to revise the Red Book.
- ii. Next Steps – The next step for the Committee is to work on revising and adding information to the CRB website.

E. Policy Committee (Brandon Hilpert)

Items being Considered by Policy Committee

- i. Status updates – Committee Chair Hilpert reported that a couple items were being tabled until after the November election where there might be a ballot measure that would reshape the Board into a Commission. The committee is looking at the complaint intake process as it relates to informal versus formal complaints. Follow-up is needed with Internal Affairs. There were a couple of citizen related generated complaints that were assigned to former 2nd Vice Chair Taura Gentry. These complaints already have existing policy. The Committee also tabled the development of 3rd party mediation until after the election. Board member Anderson was researching best practices for investigating discrimination complaints. The Committee is looking at how other departments are investigating these types of complaints. The Committee was also looking at a complaint card script. Changes will be made to the card.
- ii. Next Scheduled Meeting Date – No date selected

F. Recruitment & Training Committee (Kevin Herington)

- i. Update on New CRB Training Academy -Training of New Members
 - *Completed All 3 Phases of Training
 - *Scheduling and Participating in Ride-Alongs (will report out next month)
 - *Next Step is Council Confirmation which should take place the middle of March. After confirmation new members will be assigned to CRB Teams

G. Citizens Advisory Board on Police Community Relations (Chair Joe Craver)

- Update on February 24th Meeting -CAB Executive Director Gerald Brown provided the report on this item. It was reported Norma Sandoval was appointed by the Mayor to be the new Chair of CAB. She is a principal, youth expert, and has been a member of CAB since its inception. CAB also has a new Vice Chair. Samantha Jenkins is the new Vice Chair. She is a veteran and a member of the NAACP. Bob Iko will continue being the secretary of CAB. He is a former San Diego police officer. Over the next few months, CAB will start training on de-escalation which is one of the major issues in the community. CAB will also look at smart streetlights. Executive Director commended the CRB on its recent retreat.

VIII. CHAIR'S REPORT (Chair Joe Craver)

- A. Reminders-3rd Quarter (January 1-March 31) Volunteer Hours Report (Due Date April 1, 2020)
- B. Debrief on CRB Working Retreat (February 22, 2020) – It was reported that the CRB held a retreat this past Saturday in which half the Board attended. The retreat was outstanding because of the speakers and the comments from the public. Deputy District Attorney Tia Quick gave an educational presentation on laws of arrest, probable cause, and detention. We will invite her back for those Board members who were not present. The second guest speaker was professor Khalid Alexander from City College who is also a founder of Pillars of the Community. He had a co-presenter with him. They explained the challenges that people have in Southeast San Diego. The last speaker was Francine Maxwell. She is the acting president of the NAACP. Her presentation was informative, on point, and well received by the Board.
- C. Other Items/Reminders – None given

IX. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)

- A. Caseload Update & Status of Case Reports -Executive Director Sharmaine Moseley reported that as of today the Board started off with 27 active cases. This number includes audits of 4 Category II cases. On tonight's Closed Session Meeting agenda, the Board closed 2 Category I cases which leaves the Board with 25 active cases. The CRB deliberated on and closed out a total of 23 cases for fiscal year 2020. The breakdown of active cases are as follows:

Team 1 – 3 cases; Team 2 – 4 cases; Team 3 – 4 cases (2 were pulled); Team 4 – 5 cases (1 on the shelf); Team 5- 4 cases; Team 6 –3 cases; Team 7- 2 cases

- B. Administrative Staff Changes – The Board was reminded that the Administrative Aide position is now vacant. Sonja Mack was promoted to the Office of Boards and Commissions Budget Analyst position. In the meantime, her workload will be handled by Ms. Moseley. There will be a search for a new Administrative Aide. The next step will be to cull through the transfer list which is an extensive list. CRB leadership are invited to sit on the interview panel.
 - C. CRB Office Update – The CRB office is still over at the Civic Center Plaza (CCP). There are no new updates on when we will be returning to the Ash Street location. Chair Joe Craver shared that the estimate to return to Ash Street is approximately six months. The City is working through this.
 - D. CRB Hosting NACOLE Regional Meeting in San Diego (Tentative Date 10/16/2020) – The CRB will be hosting this one-day meeting in San Diego on October 16, 2020. Ms. Moseley has been working with NACOLE’s Director of Training in confirming a location and sponsorships for the meeting. Board member Nancy Vaughn volunteered to assist with this item. This is an excellent opportunity for the CRB to bring a national audience and topics on civilian oversight of law enforcement to the communities in San Diego.
 - E. Other Items/Reminders – None reported
- X. SAN DIEGO POLICE DEPARTMENT REPORT (Executive Assistant Chief Al Guaderrama)
- Updates -Executive Assistant Chief Al Guaderrama reported that the graduating class of 46 SDPD recruits which will take place tomorrow. Usually SDPD will see a loss of 10% in the Academy and 10% in field training, but that is not happening. The applicants are outstanding. Thirty-nine percent of the class is diverse which is good for San Diego.
 - SDPD has another class starting a week from Friday. That class has approximately 45-50 recruits. It will be a 6 month long academy. We are also getting laterals back in and have been making progress over the last couple of years. Although SDPD will have between 1910-1920 officers, SDPD still have a long way to go. A lot of it has to do with the community organizations and SDPD’s Background Unit. The hiring of lateral officers makes it easier for SDPD because they can receive an abbreviated field training course.
 - The De-escalation Policy will be published as a part of its Use of Force Policy on Monday.
 - Captain Mike Holden, Lieutenant Steve Shebloski, and Sgt. Larry Adair are returning to work in Internal Affairs.
- XI. BOARD MEMBER RIDE-ALONG REPORTS
- Board member Mary O’Tousa reported that she did a ride-along in Mid-City during second watch. The officer remembered her from the de-escalation role

playing training. She observed a detention for a fourth waiver search and an arrest for an outstanding warrant.

New board member Ernestine Neely reported that she did a ride-along in Southeast during second watch. The ride-along gave her a chance to learn more about the community she lives in. While there were not any incidents per se, she was able to see the amount of calls that came in on a single shift and the wide range of issues/concerns that the police must respond to. She was also able to witness the knowledge/experience that comes along with policing a certain area. She thinks she had taken that aspect of police work for granted or completely disregarded it. For example, the officer may know what the tags mean, and can be alerted of the potential of a rival gang moving in on another gang's area. Overall, it was very informative and educational for her.

- XII. BOARD MEMBER ANNOUNCEMENTS/COMMENTS: Board member Ernestine Smith announced that she attended member Maxine Clark's play which had 40 cast members. Over 300 people attended. She was given 2-3 minutes to talk about the CRB.
- XIII. ADJOURNMENT: The meeting adjourned at 7:04 p.m.