

## COMMUNITY REVIEW BOARD ON POLICE PRACTICES

### SPECIAL MEETING MINUTES

Tuesday, February 14, 2017  
Mission Valley Branch Library  
2123 Fenton Parkway  
San Diego, CA 92108

#### **Members Present:**

Douglas Case, Chair	Sheila Holtrop	Pauline Theodore
Joe Craver, 1 <sup>st</sup> Vice Chair	Thomas Lincoln	Nancy Vaughn
Brandon Hilpert, 2 <sup>nd</sup> Vice-Chair	Pieter O'Leary	Martin Workman
Diana Dent (4:54 pm)	Mary O'Tousa	
Darwin Fishman	John Sieger	
Reinaldo Galindo	Ernestine Smith	
Taura Gentry	Richard Stanford	

#### **Members Absent:**

Greg Daunoras  
Goodwin Higa (LOA)  
Maria Nieto-Senour  
Jonathan Colby  
Shawn Fields (LOA)

#### **Prospective Members Present**

#### **Prospective Members Absent:**

#### **Staff Present:**

Sharmaine Moseley, Executive Director, CRB  
Denise Sandoval, Complaint Coordinator, CRB  
William Gersten, Deputy City Attorney, City Attorney's Office

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- I. CALL TO ORDER/WELCOME: Chair Doug Case (4:10 p.m.)
  - II. PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES
  - III. NON-AGENDA PUBLIC COMMENT: (Speaker Slip Required)
  - IV. UNFINISHED BUSINESS (DISCUSSION/ACTION)
    - A. Operational Standing Rule: Case Review Procedure
      - i. Chair recapped that a previous motion regarding Independent Legal Counsel failed with a vote of 8/7. Since the minimum 10-vote requirement was not met, it would typically come back at the Board's next meeting. However, there have been

some recent developments regarding using the funds that are set aside for the ability to use Independent Legal Counsel. Tabled until next Open Session Meeting of the Board.

- ii. Some members of the Board and the Deputy City Attorney recalled that there was a motion made to accept the language. Previously there was a motion made by Member John Sieger to approve the Rules Committee recommendations as presented and leave Page 11 modifications to the last sentence of the last paragraph to read as “In this way, the concerns of the Board will be considered.” And delete “~~as part of the disciplinary process.~~” The motion passed with a vote of 12-3-1.
- iii. Page 6 –Currently the CRB Case Report is only kept in the CRB Office and not with the actual I.A. case file. The Board would like the I. A. case file to also contain the CRB Report.

City Attorney Bill Gersten stated that the Peace Officer Bill of Rights (POBR) would be triggered. Chair of the Rules Committee Brandon Hilpert, explained the purpose of having the CRB report included with the case file. The CRB report is a part of the process.

The Board agreed that the CRB Report topic and the Independent Counsel topic will be added to the CRB’s Open Session Meeting agenda.

Chair Case explained the meaning of the first paragraph on page 12. If there is a sustained finding or comment on an allegation, this report will be sent to the commanding officer. Currently, the CRB does not send correspondence to the Chief of Police.

“Regardless of the outcome of the vote, a copy of the CRB Case Review Report (1) will be sent to the responsible Commanding Officer(s) when there is a sustained finding or a CRB comment and (2) will be sent to the Chief of Police when there is a disagreement even if no further action is taken by the Board.”

**Motion made by Member Taura Gentry** to add “Regardless of the outcome of the vote.”

**Motion made by Member Nancy Vaughn** to add “CRB” in front of the word “comment.”

**Motions passed unanimously**

Chair Case stated that at the CRB’s Retreat, a recommendation was made that the CRB invite to its meeting, the homicide investigator will **forward** the following **request to the Rules Committee**. It was recommended at the Retreat that, **we invite the homicide investigator to our meeting when we are discussing officer involved shooting and in-custody death cases.**

In reference to page 6 line 10 “if the conflict is deemed significant by the Executive Director ~~in consultation with the~~ and Board Chair, the affected Team member must be excused for review of this case or the case may be reassigned to a different Case Review Team. If the Executive Director and the Board Chair cannot agree then the 1st Vice Chair will be consulted and break the tie.”

**Motion made by Member Tom Lincoln** to strike everything from “in” to “Board Chair” and replace it to say: “and Board Chair. If the Executive Director and the Board Chair cannot agree then the 1st Vice Chair will be consulted and break the tie.”

**Vote: 15/0/A (Diana Dent abstained due to her late arrival)**

**Motion Passed**

ADJOURNMENT: 5:00 pm

**Materials Provided:**

- Draft Operational Standing Rule on Case Review Procedure
- Rules Committee Proposed Changes to Operational Standing Rule on Case Review Procedure