



COMMUNITY REVIEW BOARD ON POLICE PRACTICES

MINUTES

**Tuesday, October 22, 2019
Valencia Park/Malcolm X Branch Library
5148 Market Street
San Diego, CA 92114**

Members Present:

Brandon Hilpert, 1st Vice Chair
Taura Gentry, 2nd Vice Chair
Doug Case
Gregory Daunoras
Diana Dent
Poppy Fitch
Kevin Herington
Sheila Holtrop
Steve Hsieh
Alex Hu

Bonnie Kenk
Ramon Montano
Mary O'Tousa
Maria Nieto-Senour
Ernestine Smith
Pauline Theodore
Nancy Vaughn
Marty Workman
Patrick Anderson
Maxine Clark

Members Absent:

Joe Craver, Chair

CRB Staff Present:

Sharmaine Moseley, Executive Director, CRB on Police Practices

SDPD Staff Present:

Wes Morris, Captain, San Diego Police Department
Charles Lara, Lt., San Diego Police Department

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- I. **CALL TO ORDER/WELCOME:** 1st Vice Chair Brandon Hilpert called the meeting to order at 6:05 p.m.
 - II. **PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES:** Chair Joe Craver explained the purpose of the Community Review Board on Police Practices (CRB) to those in attendance.
 - III. **APPROVAL OF MINUTES:** CRB Open Meeting Minutes of August 27, 2019

The Board reviewed the minutes. Board member Patrick Anderson moved for the Board's approval of its August 27, 2019 meeting minutes. Board member Bonnie Kenk seconded the motion. The motion passed with a vote of 16-0-4.

Yays: 2nd Vice Chair Gentry, Members- Anderson, Case, Clark, Daunoras, Dent, Fitch, Herington, Holtrop, Hsieh, Montano, Nieto-Senour, O'Tousa, Smith, Theodore, and Vaughn

Nays: None

Abstain: 1st Vice Chair Hilpert, Hu, Kenk, Workman

Members Absent: Chair Craver

IV. NON-AGENDA PUBLIC COMMENT:

- A. Kate Yavenditti commented on Women Occupy's Proposed Charter Amendment. She reported that the first reading of the proposal occurred in September. There was a lot of support for the proposal. The Committee voted unanimously to move the proposal forward for a legal analysis. Tomorrow the Public Safety & Livable Neighborhoods Committee will receive feedback from the City Attorneys and decide if the proposal will go before the City Council for consideration. She encouraged the members to attend the meeting.
- B. Wayne English expressed his disappointment in the Community Review Board on Police Practices. Mr. English stated he had filed a complaint in May 2016 against an SDPD officer and the only follow-up he received was an initial letter confirming the receipt of the complaint. Mr. English had called many times and had spoken to 2nd Vice Chair Gentry and was assured an update which he never received.

Executive Director Sharmaine Moseley stated she would follow up with staff.

V. EDUCATIONAL TOPIC: "Overview of the National Association for Civilian Oversight of Law Enforcement"

Presenters: CRB 2nd Vice Chair Taura Gentry & Member Nancy Vaughn

CRB 2nd Vice Chair Taura Gentry explained the purpose of the National Association for Civilian Oversight of Law Enforcement (NACOLE). This year marks the 25th Anniversary of NACOLE. Attendees were from all over the world. At the NACOLE conference, core competencies for civilian oversight practitioners were discussed and attendees were provided with informational

resources. NACOLE offers training, community trust, institutional culture and correctional oversight, and collaboration. It offers various awards.

Board Member Nancy Vaughn reported that she was looking forward to the Board being able to use a book written by two of NACOLE's past presidents titled, "Police Misconduct Complaint Investigations Manual," to learn more about investigations. The conference sessions are very intense and lasts all day. This year NACOLE was offering a corrections track.

Executive Director Moseley, 2nd Vice Chair Gentry, and Member Vaughn will present information from the conference to the Board and Internal Affairs at an upcoming special meeting of the CRB.

VI. UNFINISHED BUSINESS (DISCUSSION/ACTION): None

VII. NEW BUSINESS (DISCUSSION/ACTION)

A. Proposed Administrative Standing Rule on Redacted Case Summaries (Discussion & Action Item)

Rules Committee Chair Doug Case reported that the Committee has been working for several months on a process where they can provide the public with more detail about their cases without revealing the complainant, officer or others involved. He further reported that at the Board's last meeting, the Board was given a sample of what the summaries might look like. At that meeting the Board provided the committee with feedback on the redacted case summaries and the elements for the summaries. The Committee added to include the chart of the items the teams reviewed and if there was a change in findings, the team should include that information in the summaries. The summaries will be included as an appendix in the Biannual Report to the PS&LN Committee and as a link on the website. We are hoping to give the complainants more details on their complaints with the rationale for the Board's finding.

B. Proposed Elements for Public Case Summaries (Discussion & Action Item)

ACTION ITEM: Rules Committee Chair Doug Case moved for the Board to approve the Administrative Standing Rule on Redacted Case Summaries and the Elements for Public Case Summaries document. 2nd Vice Chair Taura Gentry seconded the motion. The motion passed with a vote of 19-0-1. 1st Vice Chair Hilpert abstained from voting.

Yays: 2nd Vice Chair Gentry, Members- Anderson, Case, Clark, Daunoras, Dent, Fitch, Herington, Holtrop, Hsieh, Hu, Kenk, Montano, Nieto-Senour, O'Tousa, Smith, Theodore, Vaughn, Workman

Nays: None

Abstain: 1st Vice Chair Hilpert

Members Absent: Chair Craver

CRB Teams will begin writing up the case summaries in January 2020.

C. IA Tablets (Discussion Item)

Member Vaughn expressed her dissatisfaction in using the tablets provided by IA because it is difficult for her to use. Member Vaughn requested that paper copies of the cases be made available as the tablets are proving difficult in the navigation of the case files. Member Anderson expressed his support for paper copies for members who need them. The Board agreed to put this item as an action item for the next meeting of the Board. Members Vaughn, Case, and Hilpert will draft a motion for the Board's consideration.

VIII. COMMITTEE REPORTS (DISCUSSION/ACTION)

A. Continuing Education Committee (10 mins) (Taura Gentry)

- i. Upcoming Educational Topics – Committee Chair Gentry reported that the November Open Meeting presentation will be given by the American Sign Language Academy. They will educate the Board on their procedures, processes and what they do regarding hearing impaired citizens who get pulled over and/or must contact the police department.
- ii. Proposed Training on Lessons Learned from NACOLE Conference (Discussion Item) – 2nd Vice Chair Taura Gentry, Member Nancy Vaughn, and Sharmaine Moseley will present key components and takeaways from the NACOLE Conference at an upcoming CRB Special Meeting.
- iii. Ideas/Requests for Future Educational Topics, Field Trips, Trainings Committee Chair Gentry reported that the Youth Justice Coalition will not be available until December/January. She further reported that Inside SDPD held a special training for the community. Committee Chair Gentry, Executive Director Moseley, and Ramon Montano attended the training. Member Montano reported that this was the first time that the minority groups got together for this type of training for the community.

B. Outreach Committee (5 mins) (Mary O'Tousa)

- i. Summary of Past Events – Committee Chair O’Tousa reported that recent events attended by CRB members were the Leadership Summit at SDSU on September 27th, Coffee with a Cop in which Taura Gentry, Greg Daunoras, and Steve Hsieh, participated and the Captain’s Advisory Board in which Steve Hsieh participated. Committee Chair O’Tousa encouraged the Board to let her know of any places/groups where the CRB can give a presentation about what we do and what is the complaint process.
- ii. Feedback on Past Events (Discussion Item) – No feedback was given.
- iii. Upcoming Events/Outreach Opportunities – San Diego Police Foundation will be hosting Inside SDPD on November 9th. This is a behind the scenes training that gives community members a chance to participate in use of force demonstrations, vehicle stops, and firearms and training activities. Committee Chair O’Tousa reminded the Board that members must participate in an outreach event quarterly.
- iv. New Outreach Chair (Discussion/Action) – Member O’Tousa announced her resignation from the position of Outreach Chair as of October 1st. Member Ramon Montano volunteered to fill the position. 1st Vice Chair Brandon Hilpert approved Member Ramon Montano as the new Outreach Chair.

C. Rules Committee (10 mins) (Doug Case)

Items being Considered by Rules Committee

- i. Template for Audits of Category II Cases – Committee Chair Case reported that he was notified by Executive Director Moseley that the audits were inconsistent, so this is something that the Committee will be addressing and present to the Board for feedback. The purpose of the audits are 6 things—whether it was properly categorized as a Category II case, whether what was investigated was what the complainant complained about, was the complaint fully investigated, was the complaint properly documented, did the findings flow from the evidence presented, and was the findings appropriate.
- ii. Schedule Next Rules Committee Meeting – A doodle poll will be sent to the Board for mid-November to discuss a bylaws change that would give the 2nd Vice Chair the authority to Chair Executive Committee meetings in the absence of the Chair and 1st Vice Chair.

D. CRB Handbook Committee – Status Update (2 mins) (Doug Case)

The handbook will be distributed at the Phase I training to the candidates. We will make it available to the Board after the training. After New Year’s, we will begin adding the information from the handbook onto the website.

- E. Policy Committee (5 mins) (Brandon Hilpert)
- Items being Considered by Policy Committee**
- i. Procedure & Guideline for SDPD Complaint Intake – Informal and Formal Complaints, Joint Complaint Form, Shared Database, Complaint Process Guide Card Issued to All Sworn Personnel – Committee Chair Hilpert reported that he is working on this item with IA.
 - ii. Modify SDPD Procedure 1.49: Axon Body Worn Cameras –Section Q 7(N) – Issue is some complainants are not allowed to bring person of choice for support when viewing his/her BWC video. 2nd Vice Chair is following up on this item with a community member.
 - iii. Development of Third-Party Mediation – This item was tabled until after the NACOLE Conference. Member Nancy Vaughn will report out on this item.
 - iv. Best Practices Research for Law Enforcement Investigations Involving Discrimination Allegations – Member Patrick Anderson is gathering information on this item.
 - v. Complaint Process Guide Card Issued to All Sworn Personnel – This item was assigned to 2nd Vice Chair Gentry. The card will be forwarded to the Policy Committee members.
 - vi. Require that SDPD officers provide and/or call for medical assistance in all situations where a person shows signs that they might be in medical distress – This is a citizen generated recommendation that was assigned to 2nd Vice Chair Gentry.
 - vii. Next Scheduled Meeting Date – November 12
- F. Recruitment & Training Committee (5 mins) (Maria Nieto-Senour)
- i. Update on Candidate Interviews – Committee Chair Nieto-Senour reported that the Committee interviewed 6 candidates and found them all acceptable. Although we do not have openings for 6 people right now it is important to have this list of interested people for future vacancies.
 - ii. Update on New CRB Training Academy – Phase 1 Training Date – On October 29 the Committee will hold its Phase 1 training for the 6 candidates. The training will take place at the CRB office at Civic Center Plaza from 4 p.m. to 8:30 pm. The Phase 1 training will provide the candidates of the expectations of the CRB members. Members Doug Case and Nancy Vaughn will be involved in the training.

- iii. Next Scheduled Meeting Date – To be decided at a future date.
- G. Citizens Advisory Board on Police Community Relations (CAB) (Taura Gentry)
 - Next Meeting Scheduled for October 28 at Mission Valley YMCA
- H. 30th Anniversary Celebration Date (Brandon Hilpert)
 - Save the date notices were sent to 180 people and we received 30 responses. The celebration will take place at the Central Library.
- IX. CHAIR’S REPORT (5 mins) (1st Vice Chair Brandon Hilpert)
 - A. Reminder-1st Quarter (July 1-September 30) Volunteer Hours Report (**Due October 1, 2019**)
 - B. Work Plan -1st Vice Chair Hilpert is continuing to revise the work plan. Hilpert asked for all the Committee reports.
- X. EXECUTIVE DIRECTOR’S REPORT (5mins) (Sharmaine Moseley)
 - i. Caseload Update & Status of Case Reports – Executive Director Moseley reported that as of today the Board started off with 25 active cases–this number includes audits of 6 Category II cases. At the Closed Meeting, the Board had 5 Category I cases and 3 Category II audits. At that meeting, the Board deliberated on and closed out two Category I cases. The Teams now have a total of 23 active cases. The CRB has deliberated on and closed out a total of 11 cases for fiscal year 2020. The Board has 8 cases in backlog and ready for the next meeting agenda.

The breakdown of active cases are as follows:

Team 1 – 2 cases; Team 2 – 3 cases; Team 3 – 4 cases; Team 4 – 4 cases; Team 5- 3 cases; Team 6 – 2 cases; Team 7- 3 cases

- ii. Status of Annual Report for FY19

Executive Director Moseley reported that last month, a draft of the Annual Report was sent to the Board for feedback. She thanked those members who provided feedback on the report. All feedback was welcomed no matter how small. The report has been completed and is now undergoing review by the Communications Department. The report is expected to go to the Printshop next week.
- iii. Status of Open Data Portal – The CRB’s section in the City’s Open Data Portal went live on September 9. The link to the Portal is on the CRB’s website. A press release was released at that time. We will continue working with the Performance and Analytics department to clean up a few things. This is a huge accomplishment for the CRB.

- iv. Status on Board Member Reappointments & Appointments – All 11 members who were up for reappointments have been reappointed. The next step is to get the item docketed for a Council Meeting.
 - v. Other Items/Reminders – Tomorrow the Public Safety & Livable Neighborhoods Committee is scheduled to consider the findings of the City Attorney’s analysis of the Women Occupy proposal and determine if the proposal will move forward to the full City Council for consideration for the November 2020 ballot. Last month, the Committee heard the proposed ballot measure and unanimously voted to send it to the City Attorney for legal review and analysis. Also, the next CRB Closed Meeting is scheduled for November 12.
- XI. SAN DIEGO POLICE DEPARTMENT REPORT (Captain Wes Morris) (5mins)
- A. Captain Wes Morris reported that Executive Assistant Chief Todd Jarvis is retiring at the end of the month after 35 years of service. He further reported that next week will be the International Associations Chief of Police Conference in Chicago.
- XII. BOARD MEMBER RIDE-ALONG REPORTS (2 mins each)
- A. Member Marty Workman commented that he had trouble getting in contact with the officer for his ride-along. No one came out to let him in. 1st Vice Chair Hilpert encouraged members to try to get the phone number of the Sergeant who is on duty at the time. 2nd Vice Chair Gentry commented that members should not miss line-up.
- XIII. BOARD MEMBER ANNOUNCEMENTS/COMMENTS: None
- XIV. ADJOURNMENT: 7:24 p.m.

Administrative Standing Rule on Redacted Case Summaries

1. After the Board has taken final action on a team's report, the team shall draft a redacted case summary for the case. Refer to the attached Redacted Case Summary Elements. Every effort should be made to complete this within two weeks of the Board's vote.
2. The team will submit the draft to the Executive Director. The Executive Director and Chair will review the draft for accuracy, clarity, brevity and compliance with the Redacted Case Summary Elements and applicable legal restrictions. The Executive Director, in consultation with the Chair may make edits as necessary.
3. After the Executive Director and Chair review the report, it will be distributed to the Internal Affairs Captain and Outside Counsel to give them to opportunity to review the report.
4. A compilation of redacted case studies will be submitted to the City Council's Public Safety and Livable Neighborhoods Committee as an appendix to each semi-annual report from the CRB.
5. The semi-annual compilation of case summaries will be posted on the CRB website.

COMMUNITY REVIEW BOARD
REDACTED CASE SUMMARY ELEMENTS

RULE #1: NO NAMES

Use Officer A, Officer B, etc.; use Driver, Passenger A, Passenger B, etc.

HEADER

Case number (YYYY-XXXX)

Disclaimer (from CLERB):

In accordance with CA PC 832.7, this notification shall not be conclusive or binding or admissible as evidence in any separate or subsequent action or proceeding brought before an arbitrator, court or judge in California or the United States.
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INCIDENT DESCRIPTION

Date (Quarter, Year)

Time of day (during daylight; after dark)

Number of officers, officers' SDPD division(s)

Chronology of events

Outcome (release with citation/promise to appear; arrest; 5150 hold; transfer to medical facility)

ALLEGATION(S)

Complainant statement (brief) for each allegation

Other findings as determined by Internal Affairs

IA finding on each allegation with the rationale (if the finding was changed as a result of consultation with the team, include only the revised finding)

CRB TEAM REVIEW

Number of hours spent in IA from Green Sheets
List of items reviewed
Any changes made by IA during the CRB review process

FINAL CRB DISPOSITION

Date(s) when case was considered by the board (or number of Closed Meetings)

Board finding on each allegation, along with comments. (Comments are required for any allegations where there is a disagreement with IA to explain the Board's rationale.)

Result of actual Board vote: X to Y (per allegation if question is divided)

If a motion to forward for review to the Mayor's office or other law enforcement oversight agency was made, the result of vote (X to Y). If a motion to refer to the Mayor is passed, the summary should be amended to include the outcome of the Mayor's review w