

OPEN SESSION MEETING MINUTES

Tuesday, November 24, 2020

6 p.m. – 8 p.m.

Zoom

Click <https://www.youtube.com/watch?v=yIAlob8VFXQ> to view this meeting on YouTube.

Members Present:

Brandon Hilpert, Chair
Doug Case, 1st Vice Chair
Poppy Fitch, 2nd Vice Chair
Patrick Anderson
Maxine Clark
Gregory Daunoras
Diana Dent
Kevin Herington

Sheila Holtrop
Steve Hsieh
Mary O'Tousa
Ernestine Smith
Pauline Theodore
Nancy Vaughn
Marty Workman

Members Absent:

Joe Craver

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, Internal Affairs Captain
Corissa Pich, Internal Affairs Lieutenant

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- I. CALL TO ORDER/WELCOME: Chair Brandon Hilpert called the meeting to order at 6:00 p.m.
 - II. PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES: Chair Brandon Hilpert explained the purpose and responsibilities of the Community Review Board on Police Practices (CRB) to the public.
 - III. ROLL CALL: Executive Director Sharmaine Moseley conducted the roll call.
 - IV. APPROVAL OF MINUTES:
 - A. CRB Open Meeting Minutes of October 27, 2020

The Board reviewed the minutes. Board member Nancy Vaughn moved for the Board to approve its October 27, 2020 Open Meeting minutes with edits to the voting sections. Board member Greg Daunoras seconded the motion.

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

Yays: 1st Vice Chair Case, 2nd Vice Chair Fitch, Members- Anderson, Clark, Daunoras, Dent, Herington, Holtrop, Hsieh, O'Tousa, Smith, Theodore, Workman, and Vaughn

Nays: None

Abstain: Chair Hilpert

Members Absent: Joe Craver

V. NON-AGENDA PUBLIC COMMENT: None

VI. **EDUCATIONAL TOPIC: “Establishing an independent Commission on Police Practices in the City of San Diego: Next Steps”**

**Co-Presenters: Doug Case, CRB 1st Vice Chair
Patrick Anderson, CRB Outreach Committee Chair**

1st Vice Chair Case provided an overview of Measure B and then went over the next steps. First, the election must be certified. Then the City Clerk contacts the Secretary of State for the Measure to be chaptered which can take several weeks. Once its chaptered, the CRB ceases to exist and the Commission takes effect. The current CRB members will continue and become the initial Commissioners. Then the City Council must adopt an implementation ordinance. This will require input from stakeholders. Once input is received, the Council will direct the City Attorney to draft the ordinance. The next step will be meet and confer which can take several months. Once meet and confer takes place, the new Commissioners are selected. Additionally, the Mayor must allocate a budget that is approved by the Council for the Commission to be able to operate. The Commission will need staff as well. All these steps will take time.

The CRB Ad Hoc Transition Committee is proposing that the transition be done in phases to expedite the process. The first phase is to ask the Council to adopt an interim ordinance which would allow the Commission to continue their review of cases function. The Commission will need staff, so the recommendation to Council is to keep the current Executive Director and outside counsel for the initial phase. The Commission will need to hire staff such as an Executive Assistant, Complaints Coordinator, and Community Engagement Specialist.

The implementation ordinance should be adopted in two phases. First phase is everything that would not require meet and confer. The second phase would require a meet and confer. The new Commission will select their Executive Director and the rest of staff. The process may take approximately 18 months.

Outreach Committee Chair Patrick Anderson reported on the process for community input. He researched the community groups and created a list of groups to solicit representatives to the roundtable. The list has over 100 groups and rsvp's were received from over 50. The Community Roundtable will take place on Monday from 4pm-6pm. It will be live streamed. The Community Roundtable discussion will be devoted to feedback, questions and comments. It will be moderated by Committee Chair Anderson, CRB 2nd Vice Chair Poppy Fitch, and Andrea St. Julian who is the author of Measure B. They will host as many roundtables as necessary.

- VII. UNFINISHED BUSINESS (DISCUSSION) (Chair Brandon Hilpert)
- A. CRB Closed Meetings (December Dates and Times)- The Board will meet in Closed Session for case review on December 1, 8, 15, 22, and 29.
 - B. CRB Case Review in Internal Affairs
 - i. Feedback on Prioritization of Case Reviews, Work Flow, Staffing- Teams will continue to work on cases in IA as the Board transitions to the new Commission.
 - ii. Redacted Case Reports -Teams were reminded to continue working on redacted case summaries.
 - iii. Remote Case Access – Chair Hilpert is working on having a base/trial set up with Laserfiche.
 - C. Status of CRB Memo to Council President Gomez Re: Urgent Request for CRB Member Confirmations – Chair Hilpert provided an update on the status of the Board's request for new member confirmations.
- VIII. NEW BUSINESS (DISCUSSION/ACTION): None
- IX. COMMITTEE CHAIR REPORTS (DISCUSSION/ACTION)
- A. Continuing Education Committee (Nancy Vaughn)
 - i. List of Upcoming Educational Topics – It was reported that the Committee would like to invite Julia Yu to the next CRB Open Meeting to give a presentation on AB 392.

Member Poppy Fitch stated that she would like to chair this committee. Member Fitch became the new chair of this committee.
 - B. Outreach Committee (Patrick Anderson)
 - i. Past Events/Virtual Meetings – No report given
 - ii. Upcoming Events/Outreach Opportunities – Report was given earlier in the meeting under item VI.
 - C. Rules Committee (Doug Case)
 - i. Update – The Transition Committee will be working on procedures that would normally go to the Rules Committee as the Board transitions to the new Commission.

- D. CRB Handbook Committee (Doug Case)
- i. Update – The Committee has not met, but would like to get CRB documents online.
- E. Policy Committee (Joe Craver)
- i. Status on Items being Considered Committee – Chair Hilpert is the new chair of this committee. He reported that SDPD is working on drafting a Protest Policy. It was sent to legal & the Governor’s recommendations were added to it. He summarized the next 3 items the committee will be looking at to include for officers to provide a warning prior to using OC spray, the length of time a person should be in the WRAP, and the use of BWC in secured facilities such as the sally port.
 - ii. Schedule Next Policy Committee Meeting – Chair Hilpert will reach out to members of this committee for their availability to schedule the next meeting.
- F. Recruitment & Training Committee (Kevin Herington)
- i. Update on New Member Appointments & Confirmations – An update on this item was provided under item VII(C).
 - Background Checks
 - Phase Trainings
- G. Citizens Advisory Board on Police Community Relations (Chair Brandon Hilpert)
- Update – November 17, 2020 Meeting – Chair Hilpert provided an update on CAB’s meeting on November 17, 2020.
- H. Ad Hoc Transition Contingency Planning Committee (Doug Case)
- i. Update – Committee Chair Case reported that the Cabinet reached out to the Mayor-elect and Council members to provide them with a briefing along with a timeline so they can begin acting immediately. The Cabinet already met with Council President Campbell and Council member Montgomery Steppe.
- X. CHAIR’S REPORT (Chair Brandon Hilpert)
- A. Reminder-2nd Quarter (September 1st – December 31st) Volunteer Hours Report -Reminder for all members to log hours in for reporting purposes.
 - B. Update on CRB Leadership Meetings with Chief, City Council & Mayor – Last month the Cabinet met with Chief Nisleit and will meet with Council members elect and Mayor elect soon regarding the transition of the Board to the Commission.
 - C. CRB Holiday Plans – The Board agreed not to hold a holiday party this year due to the gathering restrictions.
 - D. Other Items/Reminders – Reminder on Board decorum especially with the Board’s use of new virtual technology to conduct its meetings.
- XI. EXECUTIVE DIRECTOR’S REPORT (Sharmaine Moseley)
- A. Caseload Update & Status of Case Reports – It was reported that prior to tonight’s meeting, 54 cases were assigned to the Teams. Out of the 54

cases, 4 were deliberated on and closed earlier at the Closed Meeting. The Board now have 50 cases assigned to the Teams, twelve of which were completed by the Teams and ready for Board deliberation. This leaves the Teams with 38 active cases. In this fiscal year, the Board closed out 58 cases.

The statistics for the Team assignments are as follows:

Team 1- 13 cases were assigned to the Team (1 was completed and ready for the Board; 1 case was sent back for further review; 12 cases are left for review- 3 are Cat II cases, 3 have sustained findings, 2 are OIS cases, all 12 cases were assigned during COVID, and 1 was reassigned from Team 5).

Team 2 – 16 cases were assigned to the Team (4 cases were completed and ready for the Board- 2 cases were on tonight's Closed Meeting agenda, 12 active cases are left for review-2 of which was assigned pre-COVID, 4 are Cat II cases, 2 are OIS cases, 3 cases have sustained findings & 2 were reassigned from Team 5). The Team has 3 cases that were sent back to the Team for revisions.

Team 3 – 8 cases were assigned to the Team (3 cases were completed and ready for the Board- 1 of which was on tonight's Closed meeting agenda. The Team has 5 active cases left for review -4 of which were assigned during COVID, 1 was reassigned from Team 5 pre-covid. The Team has 4 Cat II cases and 3 cases with sustained findings). Team 3 has no OIS/ICD cases.

Team 4 – Team 4 has been temporarily dissolved. The Team has 1 case left that was deliberated on by the Board and taken back by the Team for revisions.

Team 5 – Team 5 is inactive.

Team 6 – 9 cases were assigned to the Team (3 were completed and ready for the Board). Team 6 has 6 active cases left for review (all of which were assigned during COVID), 4 cases have sustained findings and 1 OIS case.

Team 7 – 7 cases were assigned to the Team (1 was completed and deliberated on by the Board earlier tonight). The Team has 6 active cases left for review- all of which were assigned during COVID, 1 case was reassigned from Team 5, 1 case was sent back by the Board for revisions, 5 cases have sustained findings, and 1 case is an ICD case.

- B. Annual Report- It was reported that the drafting of the Annual Report is on hold due to the work of the Board. The stats for the Open Data Portal has been finalized. The data spreadsheet was forwarded to the Performance & Analytics Department and will go live tomorrow.

- C. Status Open Data Portal for Fiscal Year 2020 – The report on this item was previously given.
- D. Other Items/Reminders – Executive Director Moseley thanked the members who were leaving the Board for their combine total of over 24 years of service and expertise on the CRB.

XII. SAN DIEGO POLICE DEPARTMENT REPORT (EA Chief Al Guaderrama)

- A. Updates – Executive Assistant Chief Al Guaderrama thanked members Joe Craver, Nancy Vaughn, and Marty Workman for their service to the City of San Diego. He also thanked the Transition Committee for their work on transitioning the Board to the Commission.

Executive Assistant Chief Guaderrama reported that they received the Protest Policy from legal and will be sharing it with the CRB and CAB. He also reported that promotions for Lieutenants, Sergeants, and Detectives will be in mid-December.

XIII. BOARD MEMBER RIDE-ALONG REPORTS: On Hold Due to COVID

- XIV. BOARD MEMBER ANNOUNCEMENTS/COMMENTS: Members Mary O'Tousa, Ernestine Smith, Maxine Clark, and Greg Daunoras commented and thanked members Joe Craver, Nancy Vaughn, and Marty Workman for their service on the CRB.

- XV. ADJOURNMENT: The meeting adjourned at 7:25 p.m.