

## **Policy Committee Meeting**

**Tuesday, April 9, 2019**

**4:00 p.m. – 5:00 p.m.**

**Mission Valley Branch Library**

**2123 Fenton Parkway**

**San Diego, CA 92108**

### **AGENDA**

- I. CALL TO ORDER/WELCOME (Committee Chair Brandon Hilpert)
- II. PURPOSE OF THE POLICY COMMITTEE: A standing committee which evaluates recommendations for the Board members for improvements to SDPD policy, procedure, training, or administration of discipline of SDPD police officers.
- III. NON-AGENDA PUBLIC COMMENT
- IV. APPROVAL OF MARCH 12, 2019 COMMITTEE MEETING MINUTES
- V. NEW BUSINESS (Discussion/Action)
  - a. Procedure & Guideline for SDPD Complaint Intake (**Committee Chair Brandon Hilpert**)
  - b. Development of Third-Party Mediation (**Nancy Vaughn**)
  - c. Best Practices Research for Law Enforcement Investigations Involving Discrimination Allegations (**Patrick Anderson**)
  - d. Procedure and Statistics for Internal Affairs Tolling of Cases
  - e. Complaint Process Guide Card Issued to All Sworn Personnel
- VI. ADJOURNED

#### **Materials Provided:**

- Minutes from Policy Committee Meeting on March 12, 2019 (Draft)

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 three (3) 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.

## COMMUNITY REVIEW BOARD ON POLICE PRACTICES

### POLICY COMMITTEE MEETING MINUTES

Tuesday, March 12, 2019

4:00-5:00 PM

Mission Valley Branch Library

2123 Fenton Parkway, San Diego, CA 92108

#### **Committee Members Present**

Committee Chair Brandon Hilpert

Chair Joe Craver

2<sup>nd</sup> Vice Chair Taura Gentry (4:55 arrival)

Patrick Anderson

Doug Case

Maria Nieto-Senour

Pauline Theodore

Nancy Vaughn

#### **Committee Members Absent**

Ramon Montano

#### **Staff Present:**

Sharmaine Moseley, Executive Director

Wes Morris, Captain, San Diego Police Department

Mark Bennett, Lieutenant, San Diego Police Department

Paul Phillips, Lieutenant, San Diego Police Department

Sonja Mack, Administrative Aide

- I. **Call to Order:** Committee Chair Hilpert called the meeting to order at 4:07 p.m.
- II. **Purpose of the Policy Committee:** Committee Chair Hilpert waived the reading of the purpose of the meeting, because no one from the community was present.
- III. **Non-Agenda Public Comment:** None
- IV. **Approval of January 8, 2019 Committee Meeting Minutes:**

Nancy Vaughn moved for the Committee to approve the meeting minutes of January 8, 2019. Pauline Theodore seconded the motion.

**The motion passed with a vote of 6-0-1: Hilpert (yes), Gentry (yes), Anderson (yes), Case (yes), Theodore (yes), Vaughn (yes), Craver (abstained), Montano (absent)**

**V. New Business (Discussion/Action):**

**a. Procedure & Guideline for SDPD Complaint Intake**

Committee Chair provided background to this item. The Committee merged two policy recommendations together and then decided to address them separately. The Chair reiterated that if anyone wants to file a complaint, the person should not be coerced into filing an informal complaint and there should be an explanation of the complaint process. Doug Case mentioned that Internal Affairs was going to provide the Committee with statistics and the official memo.

Captain Morris provided the following stats of cases- 45 Category I, 31 Category II, 352 informal, and 356 miscellaneous. All cases are documented with a memo. The Captain will provide the Committee with a memo.

Doug Case recommended that the Annual Reports include the number of complaints received by the CRB and the outcomes.

Captain Morris reported that the Executive Director was given access to IAPRO in Sharepoint, so complaint information will be readily available.

**This item is tabled until the Committee receives the memo from Captain Morris.**

**b. Development of Third-Party Mediation (Nancy Vaughn)**

Nancy Vaughn reported that in most of the mediation programs the mediators are trained in mediation but not law enforcement. The Committee discussed the costs involved with having a mediation program, but in the end, it will be a

cost saving to SDPD. Committee Chair Hilpert agreed to help Ms. Vaughn with the research spreadsheet.

**c. Review SDPD Use of Force Policy & PERF Guiding Principles on Use of Force in Relation to Persons with Mental Health Issues (Doug Case)**

This item was addressed at previous Policy Committee Meetings and the Board is now considered closed.

**d. Best Practices Research for Law Enforcement Investigations Involving Discrimination Allegation (Patrick Anderson)**

Member Anderson distributed a handout on what his research would entail (see attachment). He described the question of what models exist for investigating discrimination claims. Specifically, how do other bodies determine whether implicit bias, racial profiling, and/or other modes of discrimination occurred. The question has three separate but related components- Evidentiary, Investigative, and Deliberative. Member Anderson described the locations and organizations of the practices and procedures he will be researching.

**e. Procedure and Statistics for Internal Affairs Tolling of Cases**

The Committee discussed what happens when a case is tolled. The tolling of cases occur with there is an officer involved shooting cases and cases that involve civil suits. Internal Affairs will not give the CRB a case until it is tolled and complete. Committee Chair Hilpert agreed to work with Captain Morris to get the stats.

**f. Complaint Process Guide Card Issued to All Sworn Personnel**

2<sup>nd</sup> Vice Chair Taura Gentry explained why the complaint process card is needed. IA staff stated that SDPD will start using a physical complaint form and the complaint process will be on the back.

**VI. Adjourned: 4:55 p.m.**

Report to the Policy Committee  
Community Review Board on Police Practices  
Member Patrick Anderson

Question: What models exist for investigating discrimination claims? Specifically, how do other bodies (boards, panels, investigative units, et al.) determine whether or not implicit bias, racial profiling, and/or other modes of discrimination have occurred in a single encounter, decision, or action, and across multiple encounters?

This question has three separate but related components:

1. Evidentiary: what forms of evidence may be used to determine whether bias and/or discrimination have played a role?
2. Investigative: what practices and procedures may be used to seek those forms of evidence?
3. Deliberative: once evidence has been gathered, how should it be weighed alongside and/or against other considerations?

I am reviewing practices and procedures for multiple kinds of organizations, including:

1. Police departments in similar cities (Buffalo, Oakland, Baltimore, Houston, et al.);
2. City governments and other public agencies in similar cities;
3. Schools, colleges, and universities (via Title IX and EEOC);
4. Private organizations.

I am also reviewing the history of racial profiling (including "Stop & Frisk" policies) in PDs, and recent trends to rescind these policies.

As part of this research, I am not focusing on journalistic coverage of specific incidents. Instead, I am focusing on internal documents, "Best Practices" guidance forms, training documents, public findings of internal reviews, and similar organization-produced research. I will update the Policy Committee monthly as I proceed.