

OPEN SESSION MEETING MINUTES

Tuesday, March 22, 2022

6 p.m. – 8 p.m.

Via Zoom Webinar

Click https://youtu.be/EPNj706yv_E to view this meeting on YouTube.

Commissioners Present:

Patrick Anderson
Brandon Hilpert, Chair
Doug Case, 1st Vice Chair
Maxine Clark
Diana Dent
Poppy Fitch, 2nd Vice Chair
Sheila Holtrop
Steve Hsieh

Robin Spruce
Nancy Vaughn
Marty Workman

Commissioners Absent or Excused:

Andrea Dauber-Griffin
Kevin Herington
Chris Pink
Ernestine Smith

Staff Present:

Alina Conde, Executive Assistant
Sharmaine Moseley, Interim Executive Director
Robin Recendez, Administrative Aide

San Diego Police Department (SDPD) Staff Present:

IA Captain Anthony Dupree
Lt. Steve Shebloski

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- I. **CALL TO ORDER/WELCOME:** Chair Brandon Hilpert called the meeting to order at 6:00pm.
 - II. **PURPOSE OF THE COMMISSION ON POLICE PRACTICES (CPP):** Chair Brandon Hilpert explained that the purpose of the Commission on Police Practices (CPP) is to provide an independent investigation of officer-involved shootings, in-custody deaths, and an unbiased evaluation of all complaints against the police department and its personnel in a process that will be transparent and accountable to the community. The Commission will also evaluate the review of all SDPD policies, practices, trainings, and protocols and represent the community in making recommendations for changes. The mission of the

Commission is to hold law enforcement accountable to the community and to increase community trust in law enforcement, resulting in increased safety for both the community and law enforcement.

III. ROLL CALL: Interim Executive Director Sharmaine Moseley conducted the roll call.

IV. APPROVAL OF MEETING MINUTES

A. MINUTES FROM CPP OPEN MEETING ON FEBRUARY 22, 2022

The Commissioners reviewed the minutes. Commissioner Robin Spruce moved for the Commission to approve its February 22, 2022 Open Meeting minutes. Commissioner Marty Workman seconded the motion. The motion passed with a vote of 9-0-2. (Time 3:22)

Yays: Chair Hilpert, 1st Vice Chair Case; Commissioners Clark, Dent, Holtrop, Hsieh, Spruce, Vaughn, and Workman

Nays: None

Abstained: Commissioner Anderson and 2nd Vice Chair Fitch

Absent/Excused: Commissioners Dauber-Griffin, Herington, Pink, and Smith

V. NON-AGENDA PUBLIC COMMENT: No public comment received.

VI. UNFINISHED BUSINESS (DISCUSSION/ACTION (Chair Brandon Hilpert)

A. Commission Closed Meetings in April (Dates and Times) – Chair Brandon Hilpert will be working with Executive Assistant Alina Conde on sending out a doodle poll for each Tuesday of the month. The Commission has about a hundred cases waiting for review. The Commission has been meeting almost every week (if not bi-weekly). Will check in with the teams to see how many cases will be moving down the pipeline ready for the Commission to review.

B. Case Review

1. Status of CPP Case Review & Evaluation of Disciplines

Please make note that if any teams have a case where the discipline is not something that you agree with, all teams do have the ability to meet with the Captain who issued that discipline to discuss the discipline.

2. Feedback on Remote Case Access (Google Drive)

Commissioners can go down to Internal Affairs to review audio files or IA has agreed to burn them on a CD or flash drive. The Commissioners can sign out the flash drives, listen to them, and then return them to IA.

3. IA Office Hours/Schedule (Continuation of Saturday Hours) – Reminder that Internal Affairs has offered weekend hours for Commissioners who may need it. Commissioners should send an email and request the time if they need to go into Internal Affairs on the weekends.

VII. NEW BUSINESS (DISCUSSION/ACTION) (Chair Brandon Hilpert)

- A. **DISCUSSION:** Proposed language for amending the SD Municipal Code to include the selection process for the CPP Executive Director
(Time 15:11)

ACTION: 1st Vice Chair Doug Case moved for the Commission to approve the proposed language to amend the SD Municipal Code to include the selection process for the CPP Executive Director. Commissioner Nancy Vaughn seconded the motion. The motion passed with a vote of 11-0-0.

Yays: Chair Hilpert, 1st Vice Chair Case, 2nd Vice Chair Fitch; Commissioners Anderson, Clark, Dent, Holtrop, Hsieh, Spruce, Vaughn, and Workman

Nays: None

Abstained: None

Absent/Excused: Commissioners Dauber-Griffin, Herington, Pink, and Smith

- B. **DISCUSSION:** Proposed language for a stand-alone ordinance to allow the City Council to fill vacancies of interim Commissioners
(26:13)

ACTION: Chair Brandon Hilpert moved for the Commission to approve a stand-alone ordinance to allow the City Council to fill vacancies for interim Commissioners. 2nd Vice Chair Poppy Fitch seconded the motion. The motion passed with a vote of 11-0-0.

Yays: Chair Hilpert, 1st Vice Chair Case, 2nd Vice Chair Fitch; Commissioners Anderson, Clark, Dent, Holtrop, Hsieh, Spruce, Vaughn, and Workman

Nays: None

Abstained: None

Absent/Excused: Commissioners Dauber-Griffin, Herington, Pink, and Smith

- C. **DISCUSSION:** Proposal to reduce the backlog of cases assigned to the Commission
(1:06:35)

ACTION: 1st Vice Chair Doug Case moved for the Commission to approve its proposal to temporarily suspend Category II audits and encourage the teams to review their backlog and prioritize cases giving special priority to cases where IA has determined there are sustained findings with an upcoming imminent deadline. Commissioner Nancy Vaughn seconded the motion. The motion passed with a vote of 11-0-0.

**Yays: Chair Hilpert, 1st Vice Chair Case, 2nd Vice Chair Fitch;
Commissioners Anderson, Clark, Dent, Holtrop, Hsieh, Spruce, Vaughn,
and Workman**

Nays: None

Abstained: None

**Absent/Excused: Commissioners Dauber-Griffin, Herington, Pink, and
Smith**

VIII. COMMITTEE CHAIR REPORTS (DISCUSSION/ACTION)

- A. Continuing Education Committee (Nancy Vaughn)**
1. List of Upcoming Educational Topics/Presentations
 - Restraining Orders
 - Interactions Between Kumeyaay People & Law EnforcementNo current updates.
- B. Outreach Committee (Patrick Anderson)**
1. Past Events/Virtual Meetings/Roundtable Discussions
 2. Upcoming Events/Outreach Opportunities
- No current updates.
- C. Rules Committee (1st Vice Chair Doug Case)**
1. Update on Streamlined Team Reports –
No current updates.
- D. CPP Handbook Committee (1st Vice Chair Doug Case)**
1. Update – This item is on hold.
- E. Policy Committee (Chair Brandon Hilpert)**
1. Items being Considered by Committee
Chair Brandon Hilpert sent out an email to all Policy Committee members to schedule a meeting possibly next week.
 - a. Wellness/Psychological review for officers involved in OIS –
Will be discussed in greater detail during the next meeting.
 - b. Use of profane language as de-escalation tactic
Discuss the appropriateness on using profane language. The Committee tabled this item.
 - c. Use of political or membership affiliation under uniform policy
Waiting for this item to complete going through the process prior to discussing. The Committee tabled this item.
Chair Hilpert explained that there are plans to look at the Discipline Matrix to possibly add a new category. The Committee is planning to make a recommendation. If an officer were to appeal their discipline, the Commission wants to know what the initial discipline was and then upon appeal what the final discipline will be.
 - d. Proposed BWC Buffering Enhancements – Buffering

guidelines are changing so that audio is on during the two-minute buffering time. Need to recommend a change in associated discipline with body cam violations. Chair Brandon Hilpert spoke with the BART oversight group and they will send over the current policy and the discipline matrix to review for further recommendation.

- e. Process for complaints filed against SDPD Chief - Will be discussed in greater detail during the next meeting.
- f. Classification of officer's "low ready" position of guns - Will be discussed in greater detail during the next meeting.

F. Recruitment & Training Committee (Kevin Herington)
1. Update – On Hold

G. Citizens Advisory Board on Police Community Relations (Chair Hilpert)
1. Update Past & Upcoming Meetings
Chair Brandon Hilpert attended the Citizens Advisory Board Meeting where the new board members got seated. The new POA representative introduced himself and noted he will be supporting officers more than what has been done in the past.

H. Ad Hoc Transition Planning Committee (1st Vice Chair Doug Case)

- 1. Budget Update – The Committee is beginning the budgeting process for the fiscal year that begins July 1st. A couple of requests have been made including making sure the Commission has adequate funding for counsel contract and having contingency planning for investigators (where there are not enough investigators). Currently working on changes to some of the job descriptions and classifications; there will be a full-time person doing accounting/budget work and full-time person working on complaints tracking and coordination.
- 2. Staffing Update – The City has given approval to use the City's Executive Search Firm named CPS HR Consulting in Chicago where they specialize in doing searches for government agencies. They will be helping the Commission in filling the position for Deputy Executive Director who would be second in charge and would be primarily responsible for community engagement. Meeting with the recruiter at the Transition Planning Committee meeting this Friday to discuss the position.
Legal Counsel Update – The legal counsel person has been selected but can not start the position until the City Council approves the contract. This is scheduled on the City Council's agenda as a consent item on April 5th.
- 3. Draft Implementation Ordinance & Standard Operating Procedures Update – The Commission hopes to have its legal counsel on board and invite them to the April 8th Transition Planning Committee Meeting to begin discussions and preparation of standard operating procedures for investigations.
- 4. Office Space Update – Interim Executive Director Sharmaine Moseley and 1st Vice Chair Doug Case met with DREAM's Karen Johnson this past week to go over new space options. The current

space may be a little bit more expensive than anticipated. The estimate for the plans of renovations is \$21,000 so she is going to look and see what is most cost effective. Will be looking at alternatives. More updates to come.

IX. CHAIR'S REPORT

(Chair Brandon Hilpert)

A. Reminders for Commissioners

1. 3rd Quarter (January 1st – March 31st) Volunteer Hours Report – All Commissioners need to log in their hours for reporting purposes. If there are any issues or if anyone needs help with trouble shooting, please reach out to Executive Assistant Alina Conde for assistance.

2. Requirement for Commissioner Committee Assignments
All Commissioners need to be on at least one Committee.

B. Planning for CPP Former Member Appreciation/Acknowledgements

The Commission is planning to have Appreciation Acknowledgement of all past members of the CRB, and Commission. The Commission is hoping to do this in person to acknowledge the people that have put in numerous hours and years of service to us. They will all be invited to a virtual meeting to award.

C. Update on Recent Meetings with Mayor & City Councilmembers

The Commission Cabinet met with the Mayor and all City Council Members to talk about the needs of the Commission and solicit feedback. The 5 items discussed were: 1. The Implementation Ordinance- discussed the importance of why the Commission needs to have full unredacted access to PD and all City files that relate to our oversight or are under our oversight purview. All seemed to understand the current situation and current backlog of cases. 2. Interim Standard Operating Procedure for the Officer Involved Shootings- requesting that City Council agree with our changes. 3. Executive Director Selection- discussed that the Commission be a part of the process with City Council. 4. Stand alone Ordinance- to try and appoint new Commissioners. 5. Discussed the need to have CPP outside counsel approved by the City Council.

D. Update on Collaboration/Information Sharing with Statewide Oversight Groups

Chair Hilpert is trying to share best practices and identify areas for change. If any Commissioner would like to attend this meeting, please reach out to Chair Brandon Hilpert.

E. Update on Upcoming CPP Joint Meeting with Citizens Advisory Board on Police Community Relations (CAB) Regarding CPE Data Study

CPP Leadership had conversations with the Police Department and the Chief on plans to host a joint meeting to present their data and come up with some solutions.

F. Other Items/Reminders – N/A

X. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)

A. Scheduling of Team Leaders Meeting with the Commission's Cabinet –

It was reported that the Commission does not have 110 active cases as of today. The Commission has 96 active cases assigned to its Teams. That is

one case less than the number of active cases assigned to the Teams on the day of the Commission's Open Session meeting in February.

In this fiscal year, that began on July 1st, the Commission reviewed, deliberated on and closed out 79 Category I cases, 6 OIS cases, 1 ICD case, audited 14 Cat II cases, and evaluated 65 disciplines. The Commission also evaluated 1 shooting review board report.

The statistics for the Team assignments are as follows:

Team 1- Team 1 has 18 cases in their queue (12 are Category I cases- three of which have one or more sustained findings, and 6 Category II cases). The Team has no OIS or ICD cases.

Team 2 – Team 2 has 1 case in the queue – The case is a Category 1 case with one or more sustained findings.

Team 3 – Team 3 has 7 cases in their queue- Of the 7 assigned cases, 6 are Category I cases and 1 is a Category II case. One of the Category I cases have one or more sustained findings. The Team has no OIS or ICD cases.

Team 4 –Team 4 has 29 cases in their queue – Of the 29 cases, 19 are Category I cases, 10 are Category II cases and 2 of the Category I cases have sustained findings. Team 4 has 1 SRB report to evaluate and no OIS or ICD cases to review.

Team 5 –Team 5 has 13 cases in their queue. Of the 13 cases, 7 are Category I cases, 4 are Category II and 2 are OIS cases. The Team has no ICD cases to review. Team 5 has 1 SRB report and disciplines to evaluate. Team 5 has an OIS that was already released to the public. The CPP report will be uploaded to the 1421 site as soon as it closed out by the Commission.

Team 6 – Team 6 has 28 cases in their queue. Of the 28 cases, 22 cases are Category I cases, 5 of which have sustained findings. 7 of the 28 cases are Category II cases. The Team has no ICD or OIS cases. Team 6 has disciplines to evaluate.

Team 7 – Team 7 is inactive.

B. Updates to the CPP Website –The Commission's website is undergoing updates/revisions. Today's website update focused on the history of the CRB and now Commission.

C. Other Items/Reminders –The Commission leadership held check in meetings with the Team leaders as well as members of each Team. Based on feedback from the meetings, Interim Executive Director Sharmaine Moseley plans to continue holding these meetings with the Teams on a monthly basis.

Public Comment-(1:37:09) Tasha Williamson: "It's a concern that I have but it is regarding a current police involved shooting homicide investigation. People

are confused in the Community. It has been reported that possibly one SDPD Officer discharged his gun and 3 Sheriff Deputies discharged their weapons killing Dr. Van Li in Little Italy. It's my understanding SDPD Homicide Division has conducted the investigation with the FBI and DA to review. Is the CPP going to be able to review this as well? And then, I do want to acknowledge that I'll be forwarding my complaints regarding the shooting no later than Friday."

XI. SAN DIEGO POLICE DEPARTMENT REPORT(EA Chief Chris McGrath)

A. Status on CPP Recommendations to SDPD – No current updates

1. Protest Policy
2. BWC Usage in Secure Facilities
3. Warnings Prior to OC Usage
4. Time Limits in Maximum Restraints
5. Seatbelt Usage during Transportation
6. Observation of Detainees in Sally Port

B. Updates (Staffing in IA, Training, etc.) –No current updates.

Public Comment-(1:40:36) Tasha Williamson: "I was inquiring because I noticed on this agenda that it said Protest Policy. I am inquiring what that means and what was the protest policy that was going to be talked about at this meeting for this agenda item?" (1:42:14) "I had several other points regarding number 3, warnings prior the OC usage. What was that? (1:43:44) "I wanted to also know about the time limits and maximum restraints. Due to the 85-million-dollar judgment that jury decision that came down recently for a person who was in maximum restraints. I believe he was hog tied. It's my understanding in San Diego that the hog-ties are no longer being done by law enforcement. I know they're not being done by SDPD but it appears that in this case in 2015 it was done and the jury came back with the decision of 85-million-dollar settlement. What kind of maximum restraints is this talking about?"

Chair Brandon Hilpert elaborated more on these questions. As a Commission, recommendations are made to the department and are listed here until there is an official response from the Police Department. At the Policy Committee Meeting, they will be bringing the Protest Policy back to get clarification on the items that were outstanding and need to do more research to decide how to proceed. The Department responded to this item and this will be discussed at the Policy Committee Meeting. The Commission's website has a tab that has the Commission's recommendations and any response memos. The Commission wanted the policy to clearly state that when officers are using OC Spray that they should be giving a warning before using it which will bring its use in line with the firearms policy. The maximum restraint is also known as the wrap device. The Commission recommended that there should be a time limit no more than 3 or 4 hours. The Department responded and said this is a recommendation they will not be implementing.

XII. COMMISSIONER RIDE-ALONG REPORTS: The Commissioners can start doing ride-a-long's again. If any commissioners would like to do any, please reach out to Detective Amado to schedule them.

XIII. COMMISSIONER ANNOUNCEMENTS/COMMENTS: No announcements or comments.

XIV. ADJOURNMENT: The meeting adjourned at 7:50pm.