

COMMUNITY REVIEW BOARD ON POLICE PRACTICES

POLICY COMMITTEE ONLINE TELECONFERENCE MEETING

Thursday, February 25, 2021

4:30 p.m. - 6 p.m.

Zoom Webinar

MINUTES

Click <https://youtu.be/V7jcESOweRk> to view this meeting on YouTube.

Committee Members Present

Committee Chair Brandon Hilpert

Doug Case

Chair Joe Craver

Andrea Dauber-Griffin (excused early)

Diana Dent (Arrival at 4:36 p.m.)

Robin Spruce

Nancy Vaughn

Committee Members Absent

Patrick Anderson and Kevin Herington

Staff Present

Sharmaine Moseley, Executive Director, CRB on Police Practices

SDPD Staff Absent

Mike Holden, Captain, San Diego Police Department

- I. **Call to Order:** Policy Committee Chair Brandon Hilpert called the meeting to order at 4:33 p.m.
- II. **Roll Call:**
- III. **Approval of the Minutes from the June 12, 2020 Policy Committee Meeting**

Commissioner Joe Craver moved for the Policy Committee to approve the June 12, 2020 Policy Committee meeting minutes. Committee Member Nancy Vaughn seconded the motion.

The motion passed with a vote of 5-0-1.

Yays: Craver, Vaughn, Case, Dauber-Griffin, Spruce

Nays: None

Abstention(s): Hilpert

Absent: Anderson and Herington

IV. **Non-Agenda Public Comment:** No public comments received.

V. **Unfinished Business (All tabled to address new business)**

1. Protest Procedure Review/Recommendations (Committee Chair Brandon Hilpert)
 - Review current procedure
 - Level of force, weapons and tactics used to disperse a crowd
 - Notice given before using force to disperse a crowd
 - Use of military-style equipment and/or munitions
 - Community involvement in feedback
 - Suggested revisions

Committee Chair Brandon Hilpert reviewed Protest Procedures/Recommendations. He reviewed SDPD Procedure 4.17 and discussed the use of body worn cameras and banning or modifying the use of chemical agents, flash bang devices, and rubber bullets.

He will inquire about what the retention period is for body cameras primarily for protest related use. He proposed a recommendation that the BWC wordage “should” needs to be replaced with “shall” or “must” as it should be a requirement to turn on the body camera even if they are witness to unlawful activity.

He proposed a recommendation for all authorized ammunition during protest activities to list when they can be utilized and in increasing order of use.

Committee Chair Brandon Hilpert reviewed potential recommendations during a protest such as De-escalation 1.55 and the Policy for Duty to Intervene 1.56. He suggested possibly adding revisions to juvenile related issues. He reviewed the topic of Dispersal Orders and recommended to give a dispersal order at least 3 times with 1 minute in between to give a reasonable amount of time for people to follow commands. Commissioner Nancy Vaughn proposed to change it to 2 minutes in between each order to ensure that appropriate time is given for people to leave. This was added to the recommendation list.

The recommendation for signage during a protest was left open for discussion. Executive Director, Sharmaine Moseley proposed the usage

of large signage for planned protests for those who speak different languages or are hearing impaired.

Committee Chair Brandon Hilpert explained the difference between passive and active resistance and how the current use of force policy would theoretically allow the use of impact weapons. He suggested that impact weapons should not be used during a protest and proposed that this be reiterated. Commissioner Nancy Vaughn requested confirmation that impact weapons can be used during passive resistance. Committee Chair Brandon Hilpert confirmed this information.

The recommendation to replace flex cuffs and utilize the existing fingertip rule policy were reviewed. Commissioner Joe Craver elaborated on the use of flex cuffs and why it can be difficult to identify where the cuffs were set. Commissioner Joe Craver recommended to have officers mark where the initial placement of the flex-cuffs are set. Committee Chair Brandon Hilpert added this to the recommendation.

Committee Chair Brandon Hilpert proposed a new section that officers should not require the media or the public to stop recording during a protest nor be required to leave. Commissioner Doug Case requested a description of when an unlawful assembly ends and/or is moved to a different location. He also proposed a request to see proof of a clear and present danger of violence for an unlawful assembly to be declared. What types of actions by individuals would permit for what actions?

Kate Yavenditti, a representative of the Nationals Lawyers Guild expressed concern regarding ID number requirements, and observers who are present but not participants in protest activities. Commissioner Doug Case expanded on how the Cabinet met with Mayor Todd Gloria and confirmed that these recommendations will be considered.

Commissioner Joe Craver moved for the Policy Committee to approve the Protest Recommendation list on February 26, 2021. Committee Member Nancy Vaughn seconded the motion.

The motion passed with a vote of 4-0-1.

Yays: Craver, Vaughn, Case, Spruce

Nays: None

Abstention(s): Hilpert

Absent: Anderson, Dauber-Griffin, and Herington

2. Development of Third-Party Mediation (Nancy Vaughn)

This item is tabled until after the Commission on Police Practices is formally established/fully-funded.

VI. New Business (Discussion/Action) Committee Chair Brandon Hilpert

1. BWC Usage in Secure Facilities
Proposal to change 1.49 to eliminate the exception of using BWCs in secure facilities such as Sally Port, Detention Rooms etc.
2. Warnings Prior to OC Usage
Proposal to modify 1.06 to require officers to give a verbal warning prior to using chemical OC spray where possible.
3. Time Limits for Maximum Restraint Usage
Proposal to modify 6.01 (XIV.) to include a maximum time limit for an individual to be restrained in WRAP devices. No more than 2 hours.
4. Seatbelt Utilization
Proposal to modify 6.01 (XI. H.) increase the requirements necessary prior to seatbelts not being used under the officer safety exemption.
5. Observation of Detainees in Sally Port
Proposal to require that officers check on the status/welfare of detainees while in Sally Port at a set time interval of every 15 minutes.

Commissioner Joe Craver moved for the Policy Committee to approve on proposed recommendations for the above 5 items. Commissioner Doug Case seconded the motion.

The motion passed with a vote of 4-0-1.

Yays: Craver, Vaughn, Case, Spruce

Nays: None

Abstention(s): Hilpert

Absent: Anderson, Dauber-Griffen, and Herington

VII. **Adjourned:** 5:46 p.m.