

COMMUNITY REVIEW BOARD ON POLICE PRACTICES

POLICY COMMITTEE ONLINE TELECONFERENCE MEETING

Friday, June 12, 2020

3:00 p.m. - 5:00 p.m.

Via MS Teams

MINUTES

Click <https://www.youtube.com/watch?v=KyjlrCnlf6U> to view this meeting on YouTube.

Committee Members Present

Committee Chair Brandon Hilpert

Chair Joe Craver

Doug Case

Patrick Anderson

Greg Daunoras (arrived at 3:15)

Pauline Theodore (arrived at 3:08)

Nancy Vaughn

Committee Members Absent

Poppy Fitch

Staff Present

Sharmaine Moseley, Executive Director, CRB on Police Practices

SDPD Staff Present

Mike Holden, Captain, San Diego Police Department

- I. **Call to Order:** Policy Committee Chair Brandon Hilpert called the meeting to order at 3:04 p.m.
- II. **Purpose of the Policy Committee:** The Policy Committee is a standing committee that evaluates recommendations for board members for the improvement of SDPD policy, procedure, training, or administration of discipline of SDPD officers.
- III. **Non-Agenda Public Comment:** 55 public comments received (spreadsheet attached). Executive Director Moseley read 10 minutes of public comment. All 55 comments will be entered into the record.
- IV. **Approval of March 10, 2020 Committee Meeting Minutes**

Community Review Board on Police Practices (CRB) Chair Joe Craver moved for the Policy Committee to approve the meeting minutes of February 11, 2020. Committee Member Nancy Vaughn seconded the motion.

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

Yays: Hilpert, Case, Craver, Theodore, and Vaughn

Nays: None

Abstention(s): Anderson

Absent: Daunoras and Fitch

V. Unfinished Business (Discussion/Action): Policy Committee Chair Brandon Hilpert recommended that all unfinished business items on the agenda be tabled till the next meeting. Instead, the Committee will discuss the creation of a policy that outlines SDPD's Use of Force for protest related activities.

- 1. Procedure & Guideline for SDPD Complaint Intake of Informal/Formal Complaints (Committee Chair Brandon Hilpert)**

This item was tabled.

- 2. Modify SDPD Procedure 1.49: Axon Body Worn Cameras (BWC) – Section Q 7(N) (Committee Chair Brandon Hilpert)**

This item was tabled.

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

This item was tabled.

- 4. Best Practices Research for Law Enforcement Investigations Involving Discrimination Allegations (Patrick Anderson)**

Board member Patrick Anderson reminded the committee that he submitted a report a few months ago. He stated that CRB Executive Director Sharmaine Moseley was supposed to collect information from her cohorts about specifics in pursuing discrimination allegations. Committee Chair Hilpert clarified that he noted Mr. Anderson's name next to this item because he referred this matter to the Committee.

This item was tabled.

5. Complaint Process Guide Card Issued to All Sworn Personnel (Committee Chair Brandon Hilpert)

This item was tabled.

6. Prohibit Officers from Viewing Body Worn Camera Video of Other Officers (Committee Chair Brandon Hilpert)

This item was tabled.

7. Require a defined SDPD Policy and Procedure and possibly a guide card to provide hearing impaired individuals and SDPD officers for officers to use in the field (Committee Chair Brandon Hilpert)

This item was tabled.

8. Revise SDPD Procedure 1.49 1.b to require that officers do not turn off his/her body worn cameras until all officers exit an individual's residence (Committee Chair Brandon Hilpert).

This item was tabled.

VI. New Business (Discussion/Action): 43 Public Comments received (see attachment)

1. Policy recommendation on use of force during protest activities
 - a. Process for declaring an unlawful assembly
 - b. Level of force, weapons and tactics used to disperse a crowd
 - c. Notice given before using force to disperse a crowd
 - d. Use of military-style equipment
 - e. Community involvement in planning and debriefing the police response
 - f. Response to the blocking of roadways
 - g. Arranging medical assistance for protesters

Committee Chair Brandon Hilpert reported that the City of San Diego currently has no policy on the use of force at protest. He further stated that he and board member Doug Case reached out to other agencies to

find out how their agencies handle protests. Board member Doug Case reached out to Washington D.C. and Committee Chair Hilpert reached out to the NACOLE, San Francisco Police Department Oversight Agency, and the Bay Area Rapid Transit (B.A.R.T). The Committee also has policies from Seattle.

Committee Chair Hilpert, Board member Doug Case, and Executive Director Sharmaine Moseley met with the SDPD concerning the Mobile Field Force Guide. During the meeting, concerns were addressed such as, “When does a protest become an unlawful assembly?” and “What are the methods of warnings to disperse a crowd?” The cities of Fresno and Oakland, and Washington have policies in place regarding when a protest becomes unlawful. The Committee will meet with the SDPD Swat Team next week for further discussion. SDPD responds differently to planned protests as they would to spontaneous protests. The Committee would like to clarify SDPD’s response so that it is clearer.

Board member Doug Case asked Captain Mike Holden questions regarding use of body cameras worn by police officers during protests. Captain Holden explained that SDPD officers’ body worn cameras are not active during peaceful protest and that the SDPD is currently working on policies as far as their duty to intervene and de-escalate protests. They are using cities such as Baltimore and Oakland for reference. The city of Madison was suggested, as well. Board member Case asked what provisions there are for hearing impaired individuals. Captain Holden replied that the warnings are verbal.

Board member Pauline Theodore stated that she liked Oakland’s Protest Policy. She recommended that SDPD distribute flyers at protests that would highlight as a guideline what is legal and what is illegal at protests. Items that may be confiscated should be listed on the flyer.

The SWAT Team is responsible for deciding on what tools to use at a protest. Board member Greg Daunoras expressed concerns on SDPD using military equipment (*i.e. rubber bullets, tear gas, and chemical agents*) at the protest. Captain Holden was unable to give a clear definition on the military equipment used by SDPD. Board member Anderson explained the militarization of the police is the attitude of the officers. When protestors are met with officers wearing masks, helmets, and shields represents the attitude of the officers such as militarization. This item will be tabled and revisited at the next meeting of the Policy Committee. Board member Case suggested postponement on the discussion of weapons used by SDPD until after the Committee meets with the Swat Team.

CRB Executive Director, Sharmaine Moseley, posed the question of citywide curfew during protests. She wanted to know if being out past curfew or after a protest is considered unlawful assembly. According to Captain Holden, SDPD has not enforced a curfew. Board member Case

stated that unlawful assemblies need to be clearer when developing the protest policy.

The Committee suggested that SDPD look at the Oakland Policy as a starting point as well as the use of de-escalation tactics from Fresno.

The next steps for the Policy Committee is after the meeting with the SWAT Team, the Policy Committee will hold a Special Meeting to draft a formal recommendation, vote on the recommendation, & bring it to the full Board for discussion. Board member Case suggested reaching out to other groups to encourage them to participate and invite subject matter experts to give presentations.

VII. Adjourned: 5:04 p.m.

DRAFT