



COMMUNITY REVIEW BOARD ON POLICE PRACTICES

MINUTES

**Tuesday, January 23, 2018
Balboa Park, Santa Fe Room
2144 Pan American Road West
San Diego, CA 92101**

Members Present:

Doug Case, Chair
Joe Craver, 1st Vice Chair
Brandon Hilpert, 2nd Vice-Chair
Mary O'Tousa
Diana Dent
Maria Nieto-Senour
Taura Gentry
Pieter O'Leary

Sheila Holtrop
Ernestine Smith
Richard Stanford
Nancy Vaughn
Pauline Theodore
Martin Workman

Members Absent:

Reinaldo Galindo

Prospective Members Present:

Gregory Daunoras
Darwin Fishman

Prospective Members Absent:

Jonathan Colby (LOA)

Staff Present:

Sharmaine Moseley, Executive Director, CRB
Todd Jarvis, Executive Assistant Chief, San Diego Police Department
Wes Morris, Captain, San Diego Police Department
Jason Weeden, Lieutenant, San Diego Police Department
Ivan Garcia, Lieutenant, San Diego Police Department

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- I. **CALL TO ORDER/WELCOME:** Chair Doug Case called the meeting to order at 6:05pm
 - II. **PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES:**
Chair Doug Case explained the purpose of the Community Review Board on Police Practices to those in attendance.

III. **APPROVAL OF MINUTES:** Pieter O’Leary made a motion to correct the minutes from November 28, 2017 to reflect his attendance and early departure. Motion made by Vice Chair Joe Craver to approve the corrected CRB minutes of November 28, 2017. Motion passed unanimously.

IV. **NON-AGENDA PUBLIC COMMENT:**

A. Gloria Cardenas

B. Kate Yavendette

V. **TOPIC:** “Police Officers Use of the Carotid Restraint”

Guest Speaker: Dr. William Smock, MD
Police Surgeon Louisville Metro Police Department

“Police Officers Use of the Carotid Restraint”

- A. The application of 11 pounds of pressure can result in an oxygen deprived brain and render people unconscious in 6.8 seconds.
- B. In Dr. Smock’s opinion and the opinion and policy of the Louisville Metro Police Department, this is a technique reserved for the use of lethal force encounters only, therefore in a life-or-death struggle between an officer and suspect, no different than an officer drawing and utilizing his weapon.
- C. Specified the difference between a “chokehold”, which is an obstruction of the airway, and a vascular restraint, which is the occlusion of blood to the brain.
- D. The Carotid Restraint Technique has been banned by several cities, 66% of major cities do not permit it or train it, and several cities follow the Louisville Metro Police Departments policy of only utilizing it in cases of lethal force encounters.
- E. Risks posed by the use of the carotid restraint include the dissection of the carotid artery, stroke, brain damage, fractures in the larynx, permeant vocal cord paralysis, permanent difficulties swallowing, death, etc. Suspects as well as officers going through training who have the carotid restrain applied to them can suffer injuries.
- F. Dr. Smock makes recommendations to law enforcement agencies in regards to the use of the carotid restraint, including reserving it for the use of lethal force encounters only, not applying pressure to officers’ necks during vascular neck restraint training, and medically clearing

suspects who have had the carotid restraint applied to them. The only way to make sure that suspects do not have an internal carotid artery injury is to send them to the emergency room before being booked and perform a Computed tomography angiography (CTA) test to look at the inside of the vessel.

VI. UNFINISHED BUSINESS (DISCUSSION/ACTION):

- A. Status of Implementation of Measure G Ordinance removed from Agenda and moved to CRB Work Retreat Agenda on Saturday January 27th

VII. NEW BUSINESS (DISCUSSION/ACTION):

- A. Legal Opinions from Outside Counsel (Removed from Agenda)

VIII. CHAIR'S REPORT

(Chair Doug Case)

- A. CRB Working Retreat – The retreat is scheduled Saturday, January 27 at Balboa Park Recital Hall Conference Room with refreshments being served at 8:30am. The work retreat will start at 9am and end around 1pm. Changes will be made to the work retreat agenda with the postponement of Sharmaine Moseley's presentation to allow time for the presentation of David Graham regarding the status of the implementation of Measure G Ordinance.
- B. Community Panel for Next Chief –Chair Doug Case briefly explained the process for selecting the next police chief. He stated that community panels will be formed to interview candidates for the next police chief on Tuesday January 16th. These candidates will later be reviewed by a law enforcement expert panel, then the top candidates will be interviewed by the mayor who will select the next police chief, subject to confirmation by city council.

Francis Barraza, Senior Director of Community Engagement for the City explained the Mayor's office's process when selecting representatives for the community panels. She reiterated the significance of a diverse set voices and perspectives reflective of the community. Francis Barraza explained Taura Gentry was selected due to her position as the Chair of the Outreach Committee, her unique perspective, individual leadership, involvement in the community, and being an active voice.

Public Comment: Kate Yavendette: Emphasized the CRB's need for independence from the Mayor.

IX. COMMITTEE REPORTS (DISCUSSION/ACTION)

A. Continuing Education Committee (Pieter O'Leary)

- i. Reported on the specifics of the CRB's scheduled tour of the central jail on March 1st around 12-12:30pm.
- ii. Reported on his inquiry about SDPD Menu classes' dates and locations.
- iii. Reported on the Police Misconduct Complaint Investigation Manual and the Board's need to know and understand case law. He mentioned his desire to bring in a speaker specifically to discuss California cases involving use of force.
- iv. Committee Chair O'Leary mentioned board member Mary O'Tousa desire to have a guest speaker attend an Open Meeting to talk about the topic of trauma-informed care. He encouraged the Board to let him know of any topic that might be beneficial to the Board.

B. Outreach Committee (Taura Gentry)

- i. Committee Chair Taura Gentry reported on her participation on the Community Panel for the search for the next police chief. She further reported on the activities, trainings and meetings that members of the Board participated in as follows:

Effective Interaction training for the wellness unit on January 17th

MLK, Jr. Breakfast, Festival, Jackie YMCA Breakfast, and All People Celebration (CRB Community Resource Table)

IA Refresher Update Training

Citizens' Advisory Board on Police Practices

PICO California HEAT Symposium February 2-3 (Executive Director & Outreach Chair will attend)

Building Trust Handbook Release January 31

- ii. Discussion on CRB social media presence and lack of separate Facebook page from the City's page

C. Rules Committee (Brandon Hilpert)

- i. Reported that the Committee is waiting on a revised draft of the Measure G Ordinance
- ii. Discussion on prospective members concept

D. Policy Committee (Informational Item) (Joe Craver)

- i. Recommendation that SDPD require an officer writing a report in a use of force incident, not to view video prior to writing report & prior to being interviewed in in-custody death & officer-involved shooting cases. In addition, the officer should have the option of writing a supplemental report after viewing the BWC video.
- ii. Recommendation for SDPD to adopt a de-escalation policy and use Baltimore's policy as a model.
- iii. Recommend that SDPD change unlawful detention & unlawful search and seizure complaints to Category I

E. Recruitment & Retention Committee (Maria Nieto-Senour)

- i. Committee Chair Maria Nieto-Senour reported that the Committee interviewed 3 individuals and selected 2 to move forward.

X. **EXECUTIVE DIRECTOR'S REPORT** (Sharmaine Moseley)

A. Caseload Update & Status of Case Reports

- i. After tonight's review of cases, the CRB has a total of 18 cases. The breakdown of active cases are as follows:

Team 1 – 6 cases	Team 4 – 6 cases
Team 2 – 3 cases	Team 7- 1 case
Team 3 – 2 cases	

B. Community Events/Forums/Meetings – Gave report during the Outreach Committee Report

C. Status of Better Management Impact Software Training

- i. Email with Log-on information was sent out last week. Pauline

Theodore stated that the software was confusing. Gregory Daunoras stated that there were email issues involving him receiving emails to multiple email addresses. Richard Stanford mentioned there was no case review time section. At the next closed session meeting there will be more discussion on recording hours with the new system.

D. CRB Report to Public Safety & Livable Neighborhoods (PS&LN) Committee

- i. CRB reports to this Committee is tentatively scheduled for April 25th & December 5th. The CRB will have a Joint meeting with PS&LN.

E. CRB Member Resignation

- i. Reported that John Sieger has resigned. He will be recognized at the CRB's next Open Meeting.

F. Other Items: None

XI. SAN DIEGO POLICE DEPARTMENT REPORT (Executive Assistant Chief Todd Jarvis)

A. Status of CRB Recommendation to BWC Policy

- i. Discussed with the Chief, the CRB's recommendation on word change from "should" to "shall" in regards to activating BWC. The Department changed the policy to "will."

The BWC policy was also changed to expand the buffering time from 30 seconds to 2 minutes.

B. Status of CRB Recommendation on Canine Cases

- i. Based on a robust audit and CRB recommendations, changes have been made involving canine cases. If there are any dog bites where there is a use of force complaint or serious injury it will be investigated by Internal Affairs. The Canine Unit will conduct a report on the incidence and IA will decide if it was within policy or not.

C. Status of CRB Recommendation to Develop a BWC Matrix

- i. Discussed the recommendation to develop a BWC Matrix with

the Chief and they do not feel comfortable with including “above” or “below” average use and that there is no need for a Matrix. Officers are either using it and are within policy or not using it and are not within policy. If they are not using it they will not be within policy and there will be ramifications. Those officers will be held accountable.

D. Status of CRB Recommendation on Viewing of BWC Video

- i. SDPD policy does not state that can view BWC Video other than your own and feels that the policy is clear enough despite the CRB’s recommendation to prohibit such activity. Executive Assistant Jarvis stated that he will discuss this with Chief Zimmerman and report back to the Board.

E. Crisis Response Team Training for CRB Members

- i. Lieutenant Jason Weeden reported on the next training opportunity in March which will be a 4 day class commitment for new recruits coming out of the academy. He emphasized that members should attend at least the 2 days of training in the middle which includes the majority of PERT training, use of force, dealing with mental health, and other scenarios.

XII. BOARD MEMBER RIDE-ALONG REPORTS:

- A. Taura Gentry, Gregory Daunoras, and Vice Chair Joe Craver gave reports about their experiences in recent ride-along opportunities.
- B. Chair Doug Case reminded board members that they are required to do 2 ride-alongs per year.

XIII. BOARD MEMBER ANNOUNCEMENTS/COMMENTS: None

XIV. ADJOURNMENT: 7:30pm

**Next Meeting
Tuesday, February 27, 2018
Cherokee Point Elementary School
3735 38th Street
San Diego, CA 92105**