



COMMUNITY REVIEW BOARD ON POLICE PRACTICES

MINUTES

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

Members Present:

Doug Case, Chair	Sheila Holtrop
Joe Craver, 1 st Vice Chair	Ernestine Smith
Brandon Hilpert, 2 nd Vice-Chair	Richard Stanford
Diana Dent	Nancy Vaughn
Maria Nieto-Senour	Pauline Theodore
Taura Gentry	Martin Workman
Pieter O'Leary	

Members Absent:

Mary O'Tousa
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 6:03pm
 - 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:** Motion was made by Vice Chair Joe Craver to approve the CRB minutes of January 23, 2018. Motion passed unanimously.
- IV. **NON-AGENDA PUBLIC COMMENT:**
A. Frank Maschkowski
- V. **RECOGNITION & APPRECIATION:** Board Member John Sieger was recognized for 1 year of Service on the CRB.
- VI. **TOPIC:** "SDPD Use of Force Policy & Officers Use of the Carotid Restraint"

Guest Speakers: Sergeant Michael Belz, Officer Mike Rhoten, & Officer Ken Kries (SDPD In-Service Training Unit)

Reported that officers are introduced to the Carotid Restraint (CR) during their 7th week of defensive tactics training and receive approximately 2-3 hours of instruction. On average, SDPD uses the CR 109 times annually. In 2017, the use of the CR comprised 1.0% of physical force.

SDPD's Use of Force Policy allows for the CR to be used at Active Resistance or higher encounters. This is believed to be the correct level for the CR for the following reasons:

- i. Physical strength is used most often to control a resistive subject meaning officers are in close proximity to the subject, therefore reducing the effectiveness of other force options such as the Baton, OC, and Taser.
- ii. A properly applied CR can render someone unconscious in as little as 6.8 seconds, thus limiting the duration and amount of force being used. This is safer for both the subject and officers.
- iii. It only takes 11 pounds of pressure to compress the carotid artery and begin to render someone unconscious, meaning the smallest of officers can use this technique to stop a larger individual. It also reduces the chance that a smaller officer will resort to a higher level of force including deadly force to overcome the subject's resistance.
- iv. Subjects under the influence of a controlled substance generally have a higher pain threshold and appear stronger, thus less affected by the officer's personal body weapons, baton strikes, or OC spray. Without the CR as part of their force options, officers are limited to force options such as the Taser or deadly force.

- v. Subjects who are under the influence of a controlled substance and/or mentally impaired are generally more at risk for Arrest Related Deaths, resulting in part to the prolonged struggle with officers during an arrests. A properly applied CR can end such a struggle in as little as 6.8 seconds, therefore allowing for quicker medical treatment and reduce the chance of Arrest Related Deaths.

According to SDPD Police and Procedures 1.04, whenever it is possible, the CR is a two officer technique. The second officer responsibilities include: monitoring the correct application and time of the CR (no more than a 30 second application) and monitoring the subject's level of consciousness. The CR shall not be used on the same person more than two times in a 24 hour period, the subject's breathing and pulse should be monitored, it should be determined if the subject is functionally conscious and aware. If there are any adverse effects, the officer(s) will call for medics and render appropriate first aid. Officer(s) will constantly monitor the subject for 2 hours or until medically cleared.

During the CR Demo, the officers presented the proper CR application with principles including: stabilizing the subject's head (maintaining 3 points of contact including: both sides of the neck and the back of the head) and avoiding the bar arm choke.

Addressing concerns of unexpected arrest related deaths possibly resulting from CR, SDPD cites the Western Journal of Emergency Medicine, stating that "it is possible that arrest related death results from a cascade of pre-disposing factors." Similarly, they cite the Canadian Police Research Center's "National Study on Neck Restraints," which states "there is no medical reason to routinely expect grievous bodily harm or death following the correct applications of the vascular neck restraint in the general population by professional police officers with standardized training and technique."

Public Comment:

Anita (Last Name N/A)
Gail Gennings
Alara Chilton
Brittany McCline
Michael Brackney

Yusef (Last Name N/A)
Patricia Murphy
Andrea Rogers
Desiree Smith
Martin Eder

VII. UNFINISHED BUSINESS (DISCUSSION/ACTION):

A. Status of Implementation of Measure G Ordinance

- i. City of San Diego Deputy Chief Operating Officer David Graham gave a history of Measure G, resulting changes, and reported on the draft ordinance outline that would implement Measure G.

Public Comment: Kate Yavenditti

- ii. 1st Vice Chair Joe Craver made a motion to support the draft ordinance with the inclusion of the auditing of Category II cases. 2nd Vice Chair Brandon Hilpert seconded the motion. The motion was approved unanimously.

B. Timeline – The item will go to the Rules Committee on March 7th

VIII. COMMITTEE REPORTS (DISCUSSION/ACTION)

A. Continuing Education Committee (Pieter O'Leary)

- i. CRB Member background checks are cleared for the scheduled tour of the Central Jail on March 1st.
- ii. SDPD Menu classes' have started and some board members have attended.
- iii. Provided the Board with a proposed Educational Opportunities Schedule.

B. Outreach Committee (Taura Gentry)

- i. Committee Chair Taura Gentry reported on the activities, trainings and meetings that members of the Board participated in as follows:

PICO California HEAT Symposium February 2-3

BAPAC General Meeting

Effective Interactions Training for the Wellness Unit

Coffee with a Cop (Board member Martin Workman)

IA Refresher Update Training

SD Black History Month Committee Update

Policing and Prosecuting Our Community at Cal Western Law School

CRB Presentation to New Officers

CAST Problem Solving Community Meeting with Mid-City Division

Citizens Advisory Board on Police/Community Practices

Building Trust Partnership Handbook and Website Release

YMCA SD: Youth Empowerment Event

- ii. Chair Doug Case reminded CRB members they must attend a minimum of 2 outreach events per year.

C. Rules Committee (Brandon Hilpert)

- i. Proposed date for next Rules Committee Meeting is Tuesday, March 6th at 9:30am

D. Policy Committee (Joe Craver)

- i. Report tabled until next month
- ii. Encouraged members to attend upcoming Policy Committee Meeting regarding SDPD Use of the Carotid Restraint

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

Committee Chair Maria Nieto-Senour reported that she would like to set up a meeting of the Committee. A doodle poll would be sent out to Committee members regarding scheduling the meeting.

IX. CHAIR'S REPORT (Chair Doug Case)

A. Work Plan FY19

- i. Chair Doug Case reported that the Work Plan has been emailed to the Board. Board members were asked to go through and add to the Work Plan as appropriate. A meeting of the Executive Committee will be scheduled to go over the work plan.

B. CRB Legal Request & Opinion Memo

- i. The Legal Opinion Memos were rewritten so the Board could discuss in its Open Meeting.

X. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)

A. Caseload Update & Status of Case Reports

- i. Today the Board started off with 18 active cases. Earlier tonight, 4 of those cases were placed on our Closed Session Meeting agenda for review. At that meeting, 1 of those 4 cases were reviewed and closed out. As a result, the Teams now have a total of 17 active cases. The CRB has a total of 23 cases closed out for FY18. The breakdown of active cases are as follows:

Team 1 – 6 cases

Team 4 – 5 cases

Team 2 – 3 cases

Team 7- 0 cases

Team 3 – 3 cases

B. Community Events/Forums/Meetings – This report was given during the Outreach Committee Report.

C. Better Management Impact Software Feedback – The Board provided feedback regarding issues with logging into the system.

D. City Administrative Rule on EEO Policy

- i. Reiterated the importance of this policy that was previously emailed to the Board. Members were asked to refrain from contacting anyone who files an EEO complaint. Reminded that the Executive Director is a mandatory reporter.

E. CRB Bylaw & City Rule on Communications with Media

- i. Reminder that per the CRB Bylaws, the Chair or the Chair's designee is the spokesperson for the Board. If anyone speaks to the media, they must specifically state that they are not speaking on behalf of the CRB, but as a private citizen.

F. Deadline for Shelving Cases – This item was tabled to be discussed at the next Rules Committee Meeting.

G. Other Items/Reminders

- i. Refrain from cell phone usage during meetings unless under emergency circumstances

ii. Importance of self-care due to the sensitive nature of the cases the Board reviews

iii. Scheduling of 1:1 meetings with the Executive Director

XI. SAN DIEGO POLICE DEPARTMENT REPORT (Captain Wes Morris)

A. Status of CRB Recommendation to BWC Policy

- i. Discussed with the Chief, the CRB's recommendation on word change from "should" to "must" in regards to activating BWC. The Department changed the policy to "shall" in September 2017.
- ii. In December, 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. Training for the Board can be arranged.

C. Status of CRB Recommendation on Viewing of BWC Video

- i. SDPD does not have a specific policy outlining the viewing of BWC Video other than your own. However, the new chief may address this in the future.

XII. BOARD MEMBER RIDE-ALONG REPORTS: None

XIII. BOARD MEMBER ANNOUNCEMENTS/COMMENTS: None

XIV. ADJOURNMENT: 8:11 pm

**Next Meeting
Tuesday, March 27, 2018
Malcolm X Library
5148 Market Street
San Diego CA 92114**