



COMMUNITY REVIEW BOARD ON POLICE PRACTICES

MINUTES

**Tuesday, October 30, 2018
City Heights-Weingart Branch Library
3795 Fairmount Avenue
San Diego, CA 92105**

Members Present:

Joe Craver, Chair	Bonnie Kenk
Brandon Hilpert, 1 st Vice Chair	Ramon Montano (Arrived 6:15pm)
Patrick Anderson	Mary O'Tousa
Doug Case	Ernestine Smith
Maxine Clark	Pauline Theodore
Gregory Daunoras	Nancy Vaughn
Diana Dent	Marty Workman
Taura Gentry	Marissa Yenpasook
Kevin Herington	
Sheila Holtrop	

Members Absent:

Poppy Fitch
Steve Hsieh
Alex Hu
Maria Nieto-Senour

Staff Present:

Sharmaine Moseley, Executive Director, CRB on Police Practices
David Nisleit, Chief, San Diego Police Department
Todd Jarvis, Executive Assistant Chief, San Diego Police Department
Wes Morris Captain, San Diego Police Department
Mark Bennett, Lt. San Diego Police Department
Paul Phillips, Lt. San Diego Police Department

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- I. **CALL TO ORDER/WELCOME:** Chair Joe Craver called the meeting to order at 6:00 p.m.
 - II. **PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES:**

Chair Joe Craver explained the purpose of the Community Review Board on Police Practices (CRB) to those in attendance.

III. APPROVAL OF MINUTES: CRB Open Meeting Minutes of September 25th, 2018 with Amendments.

Motion passed by with a vote of 16-0-2 (Yays: 1st Vice Chair Hilpert, Members Anderson, Case, Daunoras, Dent, Gentry, Herington, Holtrop, Kenk, Montano, O'Tousa, , Smith, Theodore, Vaughn, Workman, and Yenpasook) (Nays: None) (Abstain: Chair Craver and Clarke) (Members Absent: Fitch, Hu, Hsieh and Senour)

IV. NON-AGENDA PUBLIC COMMENT: (Speaker Slip Required)

- A. Amie Zamudio commented on the need for de-escalation practices by SDPD. La Jolla officers exercise de-escalation tactics. However, different practices are used in Southeast San Diego. All people should be treated equally by the police department.
- B. Oletha Ward commented on the Chief Nisleit's speech for those killed at synagogue in Pittsburgh shooting. She also commented on the need for the CRB to be fully independent.
- C. Francine Maxwell commented on the new appointment of the 4th District resident newly appointed member of the CRB. She expressed her concern regarding the Gang Suppression Team curbing the youth and monitoring Facebook pages of District 4 residents.
- D. Sylvia Santos commented on an incident that involved CRB member Marty Workman who was on a ride along with an SDPD officer. She expressed her anger at Mr. Workman's conduct on the ride-along. She accused him of laughing at her during an incident.
- E. Tasha Williamson asked the CRB to make a motion to allow community member to ask questions. She commented that community-oriented policing and engagement should be both ways, not one way.
- F. Member Marty Workman commented on his experience during the ride-along mentioned by Sylvia Santos. He explained what happened during his ride along and stated that he did not laugh at Ms. Santos.

V. RECOGNITION & APPRECIATION:

Chair Joe Craver recognized and acknowledged CRB Prospective member Darwin Fishman for his service on the CRB and his service to the Community.

VI. UNFINISHED BUSINESS (DISCUSSION/ACTION): None

VII. NEW BUSINESS (DISCUSSION /ACTION):

- A. Team Responsibilities (Discussion) – Chair Joe Craver thanked the team leaders for taking on the additional responsibility to go ahead and train new members. He further stressed the thorough and complete review of cases.

1stVice-Chair Brandon Hilpert stated that he will be checking in with all the Teams within the next month or two to see progression of the cases.

Executive Director Sharmaine Moseley referred to the Team Leader Guideline that was included in the Board's meeting packet. These responsibilities were agreed to by the CRB. She reminded the Board that due to the confidentiality of case files nothing can leave IA. This includes flash drives, reports, and IA case files. Ms. Moseley reiterated that Team leaders have a duty to make sure that the Teams review all cases fairly and thoroughly, ask those questions, listen to audio and watch bodycam footage.

Note: Member Nancy Vaughn recommended that the Chief's presentation be heard next on the agenda due to the number of attendees in the room. Chair Joe Craver agreed to rearrange the agenda to allow Chief Nisleit to give his report next prior to the rest of the agenda.

VIII. **SAN DIEGO POLICE DEPARTMENT REPORT** (Chief David Nisleit)

SDPD Chief David Nisleit responded to the Board's recommendations to SDPD as follows:

- Recommendation for SDPD to adopt a de-escalation policy and use Baltimore's policy as a model – Chief Nisleit reported that SDPD will model Baltimore Police Department's de-escalation policy as it pertains to the Use of Force Policy.
- Recommendation that SDPD remove the Carotid Restraint from SDPD's Use of Force Department Procedure 1.04 for Active Resistance Behavior and retain for Assaultive or Life-Threatening Behavior. If SDPD uses the Carotid Restraint on a person, the person must be transferred immediately to a medical facility – Chief Nisleit explained why he will not remove the carotid restraint as a tool for officers to use when someone engages in Active Resistance. He explained that when you remove a lower-level force option, the officers would have to take it up a notch using a higher-level force option. Chief Nisleit explained the difference between the chokehold and carotid restraint. The chokehold uses front neck pressure that cuts off the air supply and the carotid restraint restricts the vascular veins of the neck cutting off blood flow which renders the person unconscious fast. The City of San Diego has not had any deaths from

the carotid restraint being applied since 1992. It is a two-officer technique.

Chief Nisleit stated that he will change several parts of the carotid restraint as follows: 1) Training annually instead of every two years; 2) Medical attention to anyone who has the carotid restraint used on them; 3) The addition of a misconduct policy

Questions from CRB Members:

Member Case: Question on recommendation #3 regarding descriptive language to be added to policy 1.08 (carotid restraint) and will the CRB get to review the languages changes? Chief Nisleit responded that 1.08 as with 1.04 are being worked on right now. Another change in policy 1.08 is define a chokehold and prohibit it except for lethal force option, where it must be used to protect your own life. Chief Nisleit replied that after it goes through SDPD's legal review, the changes can be discussed.

2nd Vice Chair Gentry: When the policy is revised, what is or will be the timeline of this policy rollout? Chief Nisleit: Absolutely. It is not as simple as changing the policy and pressing go. It will take a change in SDPD's training, specifically about getting the chokehold piece out.

1st Vice Chair Hilpert: How many community members did Chief Nisleit talk to about this subject? Chief Nisleit replied around or equal to the number of police officers he spoke to which is around 100. **1st Vice Chair Hilpert** stated his concern about the language in the recommendation regarding the medical evaluation after carotid restraint regardless of being rendered unconscious or not. Will there be wiggle room? Chief Nisleit responded in the negative. All persons placed in the carotid restraint will be seen by a medical professional. **1st Vice Chair Hilpert** asked how you will reevaluate this procedure? Chief Nisleit responded that he will reevaluate when necessary; if medical study proves this technique to be dangerous or being applied incorrectly it will be reevaluated. Reevaluation is something done all the time within the department.

Member Anderson: Clarification was needed from Lt. Jordan regarding the not that much legible national debate on using the carotid restraint technique. Lt. Jordan explained that what is found in law enforcement is that there has not been a good job nationally collecting data under the circumstances and results when use of force is applied. Lt. Jordan was compelled to research data put together by The Guardian and SDPD internal data. Chief Nisleit stated that the biggest study is in Canada, up until 2007.

Member Anderson asked the Chief if he would be willing to provide leadership on being more aggressive with tracking and reporting the use of the carotid

restraint. Lt. Jordan replied that the FBI created the National Justice Database. He stressed the importance of putting cases into this database. For the first time, the FBI and DOJ are compiling all those cases, so there can be ongoing research. Knowledge enhances decision making.

1st Vice Chair Hilpert stated that being more aggressive can will reassure that good faith by keeping the community in the loop on local cases. Chief Nisleit replied that it is possible to meet every six months regarding the number of times the carotid restraint is applied.

Member Vaughn commented on how pleased she with the policy changes SDPD is making and good job on the research they compiled for the meeting. Will SDPD make public to the other law enforcement agencies their policy changes to see if they can be adoptable outside the City of San Diego. Chief Nisleit replied that he already does that in the region. They meet the first Wednesday of the month.

2nd Vice Chair Gentry commended SDPD for changing the policy that when the carotid restraint is used medical evaluations are done.

Public Comment: Chair Joe Craver requested anyone who wanted to comment on this item to fill out a speaker slip.

Speakers: Kate Yavenditti, Christie Hill (ACLU San Diego & Imperial County), Blair Overstreet, Oletha Ward, Alara Chilton (SDLRLA), Darwin Fishman, Brittany McCline, Aeiramique “Meeka”, Kaytee Stengel, Samantha Jenkins, Claudia Flores, Amie Zamudio, Ashley Phillips, Tasha Williamson, Bette Ann Pierce, and Ryoko Daunoras

Chair Joe Craver thanked the community for showing up with questions and concerns. He reiterated that the Board is there to represent the community and encouraged them to attend all the meetings. Chair Craver stated that he would like to table the rest of the items on the agenda until the next Open Meeting. He asked if any member had any announcements. Outreach Committee Chair Mary O’Tousa reminded the Board that the Better A Block is scheduled for November 10 and it’s an outreach opportunity for the CRB. She encouraged members to attend.

IX. COMMITTEE REPORTS (DISCUSSION/ACTION):

- A. Continuing Education Committee (Taura Gentry)
 - Upcoming Education Topics/Guest Speakers
- B. Outreach Committee (Mary O’Tousa)
 - Summary of Past Events
 - Upcoming Events/Outreach Opportunities
- C. Rules Committee (Doug Case)

- Next Schedule Meeting Date
- Audit of Category II Case
- Case Summaries for Publication
- Procedure for Shooting Review Board Reports
- New CRB Training Academy

D. Policy Committee (Brandon Hilpert)

- Next Scheduled Meeting

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

- Training Schedule for Upcoming New Members

F. Citizens Advisory Board on Police Community Relations (Taura Gentry)

G. Red Binder (Doug Case)

H. 30th Anniversary Celebration (Brandon Hilpert)

X. **CHAIR'S REPORT** (Tabled) (Chair Joe Craver)

- A. 1st Quarter Volunteer Hours Report – **Due October 1st, 2018**
- B. Work Plan Update
- C. Status of CRB Relationship Building Session
- D. CRB Holiday Party (December 4th)

XI. **EXECUTIVE DIRECTOR'S REPORT** (Tabled) (Sharmaine Moseley)

- A. Caseload Update & Status of Case Reports
- B. NACOLE Annual Conference (September 30–October 4, St. Petersburg, FL)
- C. Status of Ride-Alongs for New Members
- D. Other Items/Reminders

XII. **BOARD MEMBER RIDE-ALONG REPORTS** (2 mins each): Tabled

XIII. **BOARD MEMBER ANNOUNCEMENTS/COMMENTS**

XIV. **ADJOURNMENT:** 7:50pm