

From: [Fikes, Cathy](#)
To: [Agenda Alerts](#)
Cc: [Jun, Catherine](#)
Subject: FW: Excess Use of Force by HBPD
Date: Friday, June 12, 2020 11:39:34 AM
Attachments: [Video.mov](#)

From: Shammy Dee <shammyd@mac.com>
Sent: Friday, June 12, 2020 11:37 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Cc: Todd Spitzer <Todd.Spitzer@ocgov.com>
Subject: Excess Use of Force by HBPD

Dear Councilmembers:

On May 31, near the intersection of PCH and 6th Street, the HBPD shot pepper bullets at a group of peaceful BLM protesters lying, sitting or standing with their arms raised. Those bullets the police fired hit several protesters, particularly in the second round as people were running away. Here's a video of that event.

The HBPD Policy Manual expressly forbids the use of pepper bullets (see page 57) in this situation. One of the reasons this is so important is that document informs the community of what the rules are, what to expect the police to do, where the lines are drawn. When the police break the rules, as they did here, they break trust with the community.

308.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

308.7.1 OC SPRAY

Uniformed personnel carrying OC spray may carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

308.7.2 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander shall monitor the use of control devices in the same manner as all other use of force incidents.

- (a) The Watch Commander shall review each use of control devices by any personnel within his or her command.
- (b) The Watch Commander shall ensure training on the use of control devices is provided as needed.

308.7.3 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on

Copyright Lexipol, LLC 2020/01/08, All Rights Reserved.
Published with permission by Huntington Beach Police
Department

Control Devices and Techniques - 57

Huntington Beach Police Department

Huntington Beach PD Policy Manual

Control Devices and Techniques

impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. Accidental discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

They should acknowledge that mistake, deal with the officer who gave the order, and apologize to the community. Please address this problem in the next council meeting.

This is a small thing here in HB — but it's a taste of what the whole nation is demanding right now. Police accountability.

Shammy Dee
8932 Modesto Circle
Huntington Beach, California 92646