



San Diego Community College District Police Department Policy and Procedures

6.19 BOARD OF TRUSTEES PUBLIC MEETINGS

EFF. 10/01/19

I. PURPOSE

This Department procedure establishes guidelines for the security of, and the coordinated response necessary to protect the trustees, the administrative staff and all persons attending the board meetings.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

College Police will provide a police presence at every public Board of Trustee meeting for the purpose of maintaining peace and order and to ensure the safety of the Board, the Chancellor and all others in attendance. The District's policy of zero tolerance for violence in the workplace will serve as guidance for police actions.

IV. PROCEDURES

A. Notification of Meetings & Duties

1. The Board Docket Office will submit a written six month Board of Trustee meeting schedule to the Chief of Police, the Regional Lieutenants and the College Police Records Supervisor. The Board Docket Office will send any changes to this schedule via e-mail.
2. It is the responsibility of the Regional Lieutenant to assign a Sergeant, a primary officer and a secondary officer to the Board of Trustee meetings.
3. The Sergeant will provide written copies of all schedules and changes to the assigned primary and secondary officer(s).
4. Upon receipt of the schedule, the assigned officer(s) will be responsible for maintaining a copy and adhering to the schedule. Any events which may affect the

coverage of the meeting will be reported immediately to the Sergeant.

B. Sergeant's Responsibilities

The duties of the assigned Sergeant are as follows:

1. It is the Sergeant's responsibility to review the docket, and to gather and review all other information and intelligence to determine the likelihood of an unlawful occurrence at the Board meeting.
2. The Sergeant will be responsible for scheduling all breaks in accordance with the officer's current bargaining unit agreement. The Sergeant will supervise and act as a cover unit when necessary, and will be responsible for contacting SDPD for assistance if needed.
3. The Sergeant is also responsible for:

- a. Developing contingency planning

The key to proper police response to any critical incident is intelligence gathering and pre-planning. Factors to consider are:

- i. The severity and anticipated duration of the incident;
 - ii. Size of the impacted area;
 - iii. Support resources required;
 - iv. Required level of control, coordination and command; and,
 - v. Post incident demands (building security);
4. The Sergeant will remain in charge as Incident Commander until relieved by the Lieutenant or Chief of Police. All aspects of critical incidents/disasters will be handled in accordance with current law enforcement practices. (i.e., set up a command post, activate EMS, etc.).

C. Duties of the Assigned Officer

The duties of the assigned officer are as follows:

1. Arrive at the location at least 45 minutes prior to the start of the meeting.

2. Conduct a security check of the room and surrounding area (i.e.; location of light switches, doors unlocked, emergency exits, suspicious packages or persons, safety hazards). Immediately report any unusual circumstances to the Sergeant.
3. The officer will not be assigned to a post, but shall have discretion as to where to best position himself/herself, at any given time during the meeting, in accordance with established officer safety and tactical procedures.
4. Other officers and CSO's may be assigned to the Board meeting at the Lieutenant or Sergeant's discretion based on demonstrated needs.
5. Officers assigned to the meeting shall conduct themselves in a professional manner at all times. Food and beverages will be consumed during breaks only, outside of the room in which the meeting is being held. Officers may sit for short periods of time in a pre-selected location within the room. While seated, officers shall maintain an upright posture appropriate to the uniform, with both feet on the floor.

D. Enforcement of Laws

1. Officers are authorized to make an arrest when there is probable cause to believe that a felony has occurred. (California Penal Code Section 836).
2. Officers are authorized to make an arrest or cite if a misdemeanor has occurred.

E. Closed Session

1. The assigned officer will remain at the location outside of the closed session until the end of the closed session; the officer will escort the Trustees and administrative staff to the Board Room for the regular meeting. If the Board holds a closed session after the regular meeting is over; the officer will remain outside unless advised by the Chancellor or designee that the officer's presence is no longer required; should the officer remain until the end of the meeting the officer will escort all to their vehicles. The officer will immediately notify the Sergeant upon his/her return to the regularly scheduled assignment.
2. Officers will enter the closed session only in case of an obvious emergency (Fire, etc), or If asked to do so by the Chancellor or designee.

F. Disciplinary Action

If a District employee or student is involved in an incident which does not amount to a criminal offense but may warrant disciplinary action, the officer shall write an

officer's report (Arjis 9 Narrative) as a supporting document for any administrative disciplinary action by the District.

V. EXAMPLES OF POSSIBLE VIOLATIONS

A. Situations surrounding public assembly may result in a violation of one or more of the following Penal Code Sections:

1. 71 PC – Threatening Educational Employees (Felony)

Every person who, with intent to cause, attempts to cause, or causes, any officer or employee of any public or private educational institution or any public officer or employee to do, or refrain from doing, any act in the performance of his duties, by means of a threat, directly communicated to such person, to inflict an unlawful injury upon any person or property, and it reasonably appears to be the recipient of the threat that such threat could be carried out, is guilty of a public offense.

2. 76 PC – Threatening Public Officials (Felony)

Every person who knowingly and willingly threatens the life or threatens serious bodily harm to, any elected public official (Board member) and the apparent ability to carry out threat.

3. 148 PC - Resisting, Delaying, or Obstructing Peace Officers (Misdemeanor)

Every person who willfully resists, delays, or obstructs any public officer, peace officer.

4. 148.1 PC - False Bomb Report (Felony)

Any person who reports to any peace officer, fire department, occupants of a building that a bomb or explosive has been, will be placed or secreted in any public or private place knowing the report is false.

5. 148.3 PC – Falsely Reporting an Emergency

i. Reporting that an emergency exists, knowing that such report is false (Misd).

ii. Reporting that an emergency exists, knowing that report is false and great bodily injury or death is sustained (Felony).

6. 403 PC – Disturbance of Lawful Assembly or Meeting

Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character.

7. 594 PC – Vandalism

Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by State law, is guilty of vandalism:

- a. Defaces with graffiti or other inscribed material;
- b. Damages;
- c. Destroys

8. 602.1(b) PC - Interfering with Lawful Business (Misdemeanor)

Any person who intentionally interferes with any lawful business carried on by the employees of a public agency open to the public, by obstructing or intimidating those attempting to carry on business, or those persons there to transact business with the public agency, and who refuses to leave the premises of the public agency after being requested to leave by the office manager or a supervisor of the public agency, or by a peace officer acting at the request of the office manager or a supervisor of the public agency, is guilty of a misdemeanor.

B. Situations surrounding public assembly may result in a violation of one or more of the following California Vehicle Code Sections:

1. 10852 CVC – Tampering With a Vehicle (Misdemeanor)

No person shall either individually or in association with one or more other person, willfully injure or tamper with any vehicle or the contents thereof or break or remove any part of a vehicle without the consent of the owner.

2. 23110(a) – Throwing Substances at Vehicles (Misdemeanor)

Any person who throws any substance at a vehicle or any occupant thereof on a highway is guilty of a misdemeanor.

3. 23110(b) – Throwing Substances at Vehicles (Felony)

Any person who with intent to do great bodily injury maliciously and willfully

throws or projects any rock, brick, bottle, metal or other missile, or projects any other substance capable of doing serious bodily harm at such vehicle or occupant thereof is guilty of a felony.

C. Situations surrounding public assembly may result in a violation of one more of the following San Diego Municipal Code Sections:

1. 53.30 SDMC - Dangerous Weapons, Picketing, Demonstration

No person shall carry or possess, while participating in any demonstration, rally, picket line or public assembly any metal stake, club, or pipe, or any length of lumber, wood, or lath, unless that wooden object is ¼” or less in thickness, and 2” or less in width. If not generally rectangular in shape, such wooden object shall not exceed ½” in its thickest dimension.

VI. BOARD DISRUPTIONS

In California all citizens have a First Amendment of Right of free speech and assembly by the Federal and State Constitutions. Law Enforcement must recognize the right of free speech and actively protect people in the exercise of that right. Officers are obligated to be open-minded to varying opinions regardless of race, gender, sexual orientation, physical disabilities, appearances, or affiliation of anyone exercising lawful First Amendment Right.

The persons may participate by addressing the board in public presentations. However, when this expression begins to disrupt the lawful legislative process, and could incite further disruptive behavior or violence, immediate police intervention may be required. The board president (or chairperson) is authorized to request the assistance of the police to restore order to a public meeting of the Board of Trustees.

When it becomes necessary to control the action of an individual or crowd that has unlawfully assembled, the officer is committed to do so with optimal efficiency and minimal impact upon the community. Officers must restrict themselves to use only reasonable force. Persons violating the law may be arrested and order restored as soon as practical.

A. Procedures

1. Advanced Notice

- a. Post rules regarding public participation at all entries to the Board of Trustees meeting room. Portable signs should be available for board

meetings held on campuses.

- b. Insert the admonishment language of Penal Code Section 403 on the Public Hearing Request Form.

B. Meeting Procedures

1. Disruption must be sufficient to impede the conduct of the board meeting:

- a. Note the disruptive activity;
- b. Note the time (How long did it continue?);
- c. What impact did it have on the meeting;
- d. Who was prevented from speaking/hearing

2. Chair announces that the activity at issue is disrupting the meeting and violates Penal Code Section 403 and asks for the restoration of order. If conduct continues, the chair:

- a. May request again that the disruptive conduct stop;
- b. Warns that failure to comply will result in an adjournment of the meeting and their arrest;
- c. Adjourns the meeting giving the reason of the disruption;
- d. Requests removal and arrest of the violator(s). (Refer to Section IX)

3. After removal of the individual or group, the Board of Trustee, President or Chair has the option of reconvening the meeting.

C. Enforcement Process

Under normal circumstances, the offenders will be cited for their behavior and released if they agree to leave the premises. If they refuse to comply, a physical arrest will be made.

VII. PUBLIC PRESENTATION

Persons who desire to address the board in a public presentation during any regularly schedule board meeting. You may request a public presentation in

advance by calling or writing the board’s recording secretary.

VIII. TYPES OF PUBLIC PRESENTATIONS

A. Docket Presentations

B. New Matters Presentations

Any person who desires to be heard by the board on an item not listed on the docket shall register a request for a “new matters presentation” with the recording secretary before the meeting. Persons requesting new matters presentations shall be prepared to be heard by the board at the conclusion of all other sections of the board meeting docket. A person requesting a new matter listed on the docket shall make such request five working days before the board meeting.

C. Time Allowed

Individual presentations are limited to five minutes: you will be asked to terminate your presentation after that time. The maximum total time for all presentations on the same subject is 20 minutes (These time limits may be waived by action of the board). For additional info see Board Organization Section 1001.22.

IX. DISRUPTION ADMONISHMENT

Mr./Mrs./Ms. _____, I warn you that your conduct is disrupting this meeting and it infringes on the rights of the board and audience. I request that your disruptive conduct stop. Your failure to comply will result in your arrest.

(Optional) Additional, I am adjourning the meeting because of your disruptive and unlawful conduct.

(Optional) Officer _____, please restore order to this meeting, remove those persons disrupting the meeting, and cite or arrest all persons who continue with their disruptive conduct in this meeting room.