

COMMUNITY REVIEW BOARD ON POLICE PRACTICES

A G E N D A

Tuesday, October 24, 2017
Cherokee Point Elementary School
3735 38th Street
San Diego, CA 92105

A quorum of twelve (12) board members is needed to conduct business. If you cannot attend, please call the CRB Complaint Coordinator at (619) 236-6296.

CLOSED SESSION 4:00 p.m. – 5:30 p.m.
Board Members and Staff Only

- I. Call to Order
- II. San Diego Police Department Feedback on Case Specific Matters Only
- III. Shooting Review Board Reports (0)
- IV. Category II Case Audit Reports (0)
- V. Discipline Reports (0)
- VI. Case Review Team Reports (2)
- VII. Case-Specific Recommendations to the Mayor (0)
- VIII. Referrals to other governmental agencies authorized to investigate activities of a law enforcement agency (0)

Pursuant to California Government Code Section 54957 — To discuss community complaints brought against San Diego Police Department Officers under California Penal Code Section 832.7.

OPEN/PUBLIC MEETING 6:00 p.m. – 8:00 p.m.
Open to the Public

- I. CALL TO ORDER/WELCOME (Chair Doug Case)
- II. PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES
- III. APPROVAL OF MINUTES: CRB Open Meeting Minutes of September 26, 2017
- IV. NON-AGENDA PUBLIC COMMENT: (Speaker Slip Required)
- V. TOPIC: "Policing and the Hispanic Community Perspective"

Guest Speakers: Katherine Turner, PhD & Sara Roldan, PhD Candidate
San Diego State University (20 mins)

- VI. UNFINISHED BUSINESS (DISCUSSION/ACTION): None
- VII. NEW BUSINESS (DISCUSSION/ACTION):
- A. Admin Standing Rule- Educational Opportunities in Outreach Activities (5 min)
 - B. Special Rules of Order #2.1 – CRB Meeting Agenda (5 min)
 - C. Special Rules of Order #3.1 – Role of the CRB Parliamentarian (5 min)
- VIII. COMMITTEE REPORTS (DISCUSSION/ACTION)
- A. Continuing Education Committee (Pieter O’Leary)
 - Upcoming Education Topics/Guest Speakers
 - B. Outreach Committee (Taura Gentry)
 - C. Rules Committee (Brandon Hilpert)
 - Update on Implementation of Measure G Ordinance (10 min)
 - D. Policy Committee (Joe Craver)
 - Policy Committee Meeting Date
 - E. Recruitment & Retention Committee (Joe Craver)
- IX. CHAIR’S REPORT (Doug Case)
- A. Outside Counsel Update
 - B. CRB Holiday Party –December 5th or December 19th (Date & Location TBD)
- X. EXECUTIVE DIRECTOR’S REPORT (Sharmaine Moseley)
- A. Caseload Update
 - B. Community Events/Forums/Meetings
 - C. Better Management Impact Software Training for CRB Hours
 - D. CRB Report to Public Safety & Livable Neighborhoods Committee – November 1 at 5:30pm at Bell Middle School
 - E. CRB Written Case Reports
 - F. Board Member Resignation
 - G. Team Assignments
- XI. SAN DIEGO POLICE DEPARTMENT REPORT (Executive Assistant Chief Todd Jarvis)
- XII. BOARD MEMBER RIDE-ALONG REPORTS (2 mins each)
- XIII. BOARD MEMBER ANNOUNCEMENTS/COMMENTS
- XIV. ADJOURNMENT

Materials Provided:

- Minutes from CRB Open Session Meeting on September 26, 2017
- Proposed Special Rules of Order
- Draft Ordinance Outline

Public Comment on an Action/Discussion Item: If you wish to address the Board on an item on today’s agenda, please complete a speaker form (on the table near the door) and give it to the Board’s Executive

Director before the Board hears the agenda item. You will be called to express your comment at the time the item is heard. Please note, however, that you are not required to register your name or provide other information to the Board in order to attend our public session or to speak.

Public Comment on Committee/Staff Reports: Public comment on reports by Board Committees or staff may be heard on items which are specifically noticed on the agenda.

Public Comment on Matters Not on the Agenda: If you wish to address the Board on any matter within the jurisdiction of the Board that is not listed on today's agenda, you may do so during the PUBLIC COMMENT period during the meeting. Please complete a speaker form (on the table near the door) and give it to the Board's Executive Director. The Board will listen to your comments. However, California's open meeting laws do not permit the Board to take any action on the matter at today's meeting. At its discretion, the Board may refer the matter to staff, to a Board committee for discussion and/or resolution, or place the matter on a future Board agenda. The Board cannot hear specific complaints against named individual officers at open meetings.

Comments from individuals are limited to three (3) minutes per speaker, or less at the discretion of the Chair. At the discretion of the Chair, if a large number of people wish to speak on the same item, comment may be limited to a set period of time per item. If you would like to have an item considered for placement on a future Board agenda, please contact the Executive Director at (619) 236-6296. The Director will consult with the Board Chair who may place the item on a future Board agenda. If you or your organization would like to have the Board meet in your neighborhood or community, please call the Executive Director at (619) 236-6296.

This agenda will be made available in alternate formats upon request, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Requests for disability related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, should be forwarded to communityreviewboard@sandiego.gov, or call (619) 236-6296.

Rules Committee Evaluation of Proposed Rule Change

Proposed Change Description	New Administrative Standing Rule
Advocate Name	Doug Case
Affected Document(s)	<input type="checkbox"/> Bylaws <input type="checkbox"/> Parliamentary Rule of Order <input type="checkbox"/> Operational Standing Rule <input checked="" type="checkbox"/> Administrative Standing Rule
Current Language	N/A
Proposed Language	<p style="text-align: center;"><u>CRB Administrative Standing Rule for Educational Opportunities in Outreach Activities</u></p> <p>The CRB Bylaws require that Appointed Members complete 48 hours of educational opportunities annually. These hours can be fulfilled by participating in ride-alongs with the San Diego Police Department (SDPD); attending conferences, seminars and webinars on topics related to police oversight; attending trainings offered by NACOLE, SDPD, or the SDPD Foundation; PERT trainings or other relevant training activities approved by the Executive Director. Appointed Members are expected to participate in at least two ride-alongs annually; however, for extenuating circumstances, the Executive Director, in consultation with the Chair, can excuse a member from the ride-along requirement.</p> <p>There is also an expectation that Appointed Members participate in at least one outreach activity per quarter. This can include making presentations to community groups or police line-ups, attendance at a community event recommended by the Outreach Committee, or other outreach activity approved by the Executive Director. If there is a training component to the outreach activity, it can also be applied toward the educational opportunities requirement.</p>
Rules Committee Evaluation	Rules Committee approves this new Administrative Standing Rule.

Rules Committee Evaluation of Proposed Rule Change

Proposed Change Description	Modification to meeting agendas
Advocate Name	Nancy Vaughn
Affected Document(s)	<input type="checkbox"/> Bylaws <input checked="" type="checkbox"/> Parliamentary Rule of Order <input type="checkbox"/> Operational Standing Rule <input type="checkbox"/> Administrative Standing Rule
Current Language	See Attachment #1
Proposed Language	See Attachment #2
Rules Committee Evaluation	Rules Committee approved this change.

(ATTACHMENT 1) CRB SPECIAL RULE OF ORDER #2

June 24, 2014

Order of Business for Regular Board Meetings

The following typical agendas shall be expanded to comply with requirements of the Ralph M. Brown Act by including "a brief general description of each item to be discussed or transacted at the meeting". The CRB Chair has the discretion to modify the agenda as needed.

A. CRB Open Meetings:

1. Call to Order
2. Purpose of the Citizens Review Board on Police Practices (for information only)
3. Minutes Approval
4. Non-Agenda Public Comment
5. Training Presentation
6. Committee Reports
7. Chair's Report
8. Executive Director's Report
9. SDPD Report
10. City Attorney Report
11. Unfinished Business
12. New Business
13. Board Member Training Reports/Announcements/Comments
14. Adjourn

B. CRB Closed Meetings:

1. Call to Order
2. Shooting Review Board Reports
3. Discipline Reports
4. Case Review Team Reports
5. Case-specific Recommendations to the Mayor.
6. Referrals to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency.
7. Adjourn

(ATTACHMENT 2) CRB SPECIAL RULE OF ORDER #2.1

October 24, 2017

Order of Business for Regular Board Meetings

The following typical agendas shall be expanded to comply with requirements of the Ralph M. Brown Act by including "a brief general description of each item to be discussed or transacted at the meeting". The CRB Chair has the discretion to modify the agenda as needed.

A. CRB Open Meetings:

1. Call to Order
2. Purpose of CRB (for information only)
3. Minutes Approval
4. Non-Agenda Public Comment
5. Training Presentation
6. Committee Reports
7. Chair's Report
8. Executive Director's Report
9. SDPD Report
- (Deleted 10. City Attorney Report)
10. Unfinished Business
11. New Business
12. Board Member Training Reports/Announcements/Comments
- 13 Adjourn

B. CRB Closed Meetings:

1. Call to Order
2. SDPD Case Specific Feedback
3. Shooting Review Board Reports
4. Category 2 Case Audit Reports
5. Discipline Reports
6. Case Review Team Reports
7. Case-specific Recommendations to the Mayor.
8. Referrals to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency.
9. Adjourn

Rules Committee Evaluation of Proposed Rule Change

Proposed Change Description	Clarification for role of CRB Parliamentarian (Second Vice Chair) in Special Rule of Order #3
Advocate Name	Nancy Vaughn
Affected Document(s)	<input type="checkbox"/> Bylaws <input checked="" type="checkbox"/> Parliamentary Rule of Order <input type="checkbox"/> Operational Standing Rule <input type="checkbox"/> Administrative Standing Rule
Current Language	See Attachment #1
Proposed Language	See Attachment #2
Rules Committee Evaluation	Rules Committee approved this change.

(ATTACHMENT #1) CRB SPECIAL RULE OF ORDER #3

June 24, 2014

Role of the CRB Parliamentarian

In the CRB Bylaws Article IV, Section 3.C, the Second Vice Chair is assigned the role of Parliamentarian. The CRB Parliamentarian acts as a consultant who advises the Board Chair and other officers, in addition to committees and Board Members, on matters of parliamentary procedure. The Parliamentarian's role during meetings is purely an advisory and consultative one since only the Chair has the power to rule on questions of order or to answer parliamentary inquiries. After the Parliamentarian has expressed an opinion on a point, the Chair has the duty to make the final ruling and, in doing so, has the right to follow the advice of the Parliamentarian or to disregard it.

The CRB Parliamentarian retains full rights as a Board Member and can make motions, participate in discussions and vote on any question that comes before the Board.

(ATTACHMENT #2) CRB SPECIAL RULE OF ORDER #3.1

October 24, 2017

Role of the CRB Parliamentarian

In the CRB Bylaws Article IV, Section 3.C, the Second Vice Chair is assigned the role of Parliamentarian. The CRB Parliamentarian acts as a consultant who advises the Board Chair and other officers, in addition to committees and Board Members, on matters of parliamentary procedure. CRB Parliamentarian responsibilities involve answers to questions about, and interpretation of, all CRB rules, including Bylaws, Administrative Standing Rules, Operational Standing Rules, Special Rules of Order, and established customs. Legal counsel may be consulted at the option of the Parliamentarian.

The Parliamentarian's role during meetings is purely an advisory and consultative one since only the Chair has the power to rule on questions of order or to answer parliamentary inquiries. After the Parliamentarian has expressed an opinion on a point, the Chair has the duty to make the final ruling and, in doing so, has the right to follow the advice of the Parliamentarian or to disregard it.

The CRB Parliamentarian retains full rights as a Board Member and can make motions, participate in discussions and vote on any question that comes before the Board.

Community Review Board on Police Practices

Draft Ordinance Outline

City Council Actions

1. Adopt an ordinance amending section 26.XX adding new section 26.XX relating to the rules and regulations of the Community Review Board on Police Practices

§26.XX Community Review Board on Police Practices

(a) Purpose and Intent.

City Charter Article V, Section 43(d) establishes that the Mayor and City Council shall have the exclusive authority to create and establish a community review board on police practices to review and evaluate citizens' complaints against members of the San Diego Police Department and the San Diego Police Department's administration of discipline arising from such complaints. It is the purpose and intent of the Mayor and City Council to establish, herein, the Community Review Board on Police Practices including such rules and regulations as may be necessary for the board to carry out its functions; provided, however, that such rules and regulations shall be consistent with the laws of the State of California concerning citizens' complaints against peace officers.

(b) Community Review Board on Police Practices Established

The Community Review Board on Police Practices shall consist of twenty-three members who shall serve without compensation. The members shall be [nominated/appointed] by the Mayor and confirmed by the City Council. The nature of the work of the board is sensitive and confidential so all potential appointees shall be subject to a background check prior to appointment and confirmation by the City Council.

(c) Terms

- (1) The members shall serve two-year terms, with a maximum of four consecutive terms.
- (2) The members shall be limited to a maximum of eight (8) consecutive years in office and an interval of four (4) years must pass before such persons can be reappointed.
- (3) Each member shall serve until a successor is duly appointed and confirmed.
- (4) The members shall be appointed in such a manner that the terms of not more than eleven members shall expire in any year.

(d) Removal from the Board

- (1) Members of the Board may voluntarily resign prior to the expiration of their term with written notification to the Chair of the Board and Mayor or Mayor's Designee. Upon such notification the position shall be considered vacant and eligible for appointment to fill the remainder of the term.

- (2) Any board member convicted of a felony or crime of moral turpitude while serving as a Board Member will automatically vacate their position on the Board.
- (3) The Board may establish policies and procedures for recommending that the Mayor and City Council remove and replace a Board Member for cause including but not limited to: 1) misuse of position as a Board Member 2) misuse of police issued documents 3) misconduct that impedes the member's ability to serve as an effective and credible Board Member; 4) an unacceptable attendance record at Board meetings or case review; 5) violation of the NACOLE Code of Ethics; or 6) an undisclosed conflict of interest.

(e) Duties and Functions

The Board shall:

- (1) Review all deaths occurring while a person is in the custody of the San Diego Police Department and all officer-related shootings.
- (2) Review and evaluate citizens' complaints against members of the San Diego Police Department and the San Diego Police Department's administration of discipline arising from such complaints.
- (3) Submit semiannual reports to the Mayor and City Council concerning its evaluation of the San Diego Police Department's investigation of citizens' complaints; provided, however, that such reports shall not disclose any information required to be kept confidential by law.
- (4) Adopt bylaws consistent with the law for the government of its business and procedures.
- (5) Adopt standing rules, as needed, consistent with the laws of the State of California concerning citizens' complaints against peace officers.
- (6) Subsequent to the complaint review and evaluation process, the Board may recommend improvements in policy, procedures or training of police officers to the Mayor and/or Chief of Police

- **Bylaws**
 - Scope: Adopt bylaws consistent with the law for the government of its business and procedures. The bylaws may include policies and procedures for the training of prospective and current Board Members, parliamentary procedure, and the selection of officers of the Board.
 - Revisions: Language not consistent with Proposition G
 - Adoption of Initial Bylaws?

- **Prospective Board Members**
 - Procedures for recommending appointees to Mayor and Council
 - Standards for training

- **Training**
 - Standards for ongoing training

- **Operational Standing Rule Approval**
 - Vote to initiate an Operational Standing Rule revision
 - Threshold for approval – 2/3?
 - Period of time before OSR may be reviewed and revised
 - Adoption of Initial OSR

- **Administrative Standing Rule Approval**
 - Vote to initiate an Administrative Standing Rule revision
 - Threshold for approval – 2/3?
 - Period of time before ASR may be reviewed and revised
 - Adoption of Initial ASR