

Community Review Board on Police Practices

Rules Committee Meeting Notice

Agenda

Tuesday, March 19, 2019

9:30 a.m.

**Civic Center Plaza Building (CCP)
1200 Third Avenue, 9th Floor
Suite 924 - Small Conference Room
San Diego, CA 92101**

- I. Welcome/Call to Order
- II. Approval of the Minutes from November 19, 2018 Rules Committee Meeting
- III. Public Comment
- IV. New Business (Discussion/Action Item)
 - 1) Proposed Operational Standing Rule on Review of Shooting Review Board Reports (Doug Case) **Action Item**
 - 2) Proposed Operational Standing Rule on Category 2 Case Audits (Doug Case) **Action Item**
 - 3) Proposed CRB Tactical Plan (Doug Case) **Discussion/ Action Item**
 - 4) Potential Elements for Public Case Summaries (Nancy Vaughn) **Discussion Item**
- V. Adjourn

Materials Provided:

- Draft 11.19.18 Rules Committee Meeting Minutes
- Draft Operational Standing Rule - Review of the San Diego Police Department Shooting Review Board Reports

- Draft Operational Standing Rule - Category 2 Case Audits
- Draft CRB Tactical Plan
- Potential Case Summary Elements

Public Comment on an Action/Discussion Item: If you wish to address the Committee 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 Committee 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 Committee 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 Committee on any matter within the jurisdiction of the Committee 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 Committee will listen to your comments. However, California's open meeting laws do not permit the Committee to take any action on the matter at today's meeting. At its discretion, the Committee may refer the matter to staff, or to a Board committee for discussion and/or resolution, or place the matter on a future Board agenda. The Committee 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 Committee 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 Committee 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.

Community Review Board on Police Practices

Rules Committee Meeting Minutes

Wednesday, November 19, 2018

9:30 a.m.

Civic Center Plaza Building (CCP)
1200 Third Avenue, 9th Floor
Suite 924 Large Conference Room
San Diego, CA 92101

Present: Committee Chair Doug Case, Diana Dent, Nancy Vaughn, Marty Workman, Joe Craver (CRB Chair), CRB Executive Director Sharmaine Moseley, Internal Affairs Captain Wes Morris, Lieutenant Paul Philips

Absent: Taura Gentry (2nd vice-chair), Ramon Montano

I. Welcome/Call to Order: 9:34 a.m.

II. Approval of the Minutes from September 12, 2018 – **Motion by Joe Craver to accept the September 12, 2018 Rules Committee Meeting Minutes. The motion was seconded by Nancy Vaughn. The motion passed with a vote of 5-0-0**

Committee Chair Doug Case-Yes, Diana Dent-Yes, Nancy Vaughn-Yes, Marty Workman-Yes, Joe Craver (CRB Chair)-Yes

III. Public Comment: None

IV. New Business

- 1) Audit of Category II Cases – Committee Chair provided an overview of the history of the committee's work on this item. The document previously agreed to by the Board a couple of years ago is outdated. A revision is needed. Also, the team leaders would be needed for a trial run for case audits. Two groups of Team Leads will audit a case.

The committee agreed to delete the objective paragraph in the beginning of the process. Committee Chair Doug Case agreed to write up an introduction to the Category II Audit Process. After the Board approves the document, the document will be sent to the Mayor for approval.

Chair Joe Craver moved to send the revised document to the Board for approval. The motion was seconded by Nancy Vaughn. The motion passed with a vote of 5-0-0

Committee Chair Doug Case-Yes, Diana Dent-Yes, Nancy Vaughn-Yes, Marty Workman-Yes, Joe Craver (CRB Chair)-Yes

- 2) Case Summaries for Publication – Committee Chair Doug Case reported on the history of this item. The Board wants more information to be shared with the public. CLERB offers better details about their cases compared to the CRB. Member Nancy Vaughn volunteered to draft a summary of a case and share it with the committee.
- 3) Procedure for Shooting for Review Board Reports – Committee Chair Doug Case reported on the history of this item. A CRB Team reviewed a case a few months ago and there was no process on how to handle the Team's disagreement with the Shooting Review Board's Report. Committee Chair Doug Case agreed to draft a plan modeled after the Board's Review of Discipline Procedure.
- 4) New CRB Training Academy – This item does not belong in this committee, so it was moved to the Recruitment and Training Committee.
- 5) Creation of CRB Tactical Plan – The committee received two examples of Tactical Plans from City Departments. The Director of the Office of Boards and Commissions asked each Board and Commission to put together a tactical plan. This item will be discussed at the Board's Retreat.

V. Adjourn: The meeting adjourned at 10:35 a.m.

**SAN DIEGO
COMMUNITY REVIEW BOARD
ON POLICE PRACTICES**

**OPERATIONAL STANDING RULE:
REVIEW OF
THE SAN DIEGO POLICE DEPARTMENT'S
SHOOTING REVIEW BOARD REPORTS**

Effective Date: _____

Adopted: _____

Kevin Faulconer
Mayor

Date

Reviewed: _____

Office of the City Attorney

Date

Community Review Board on Police Practices (CRB)
Operational Standing Rule
Review of the San Diego Police Department's (SDPD)
Shooting Review Board Reports

1. Review of Shooting Review Board Reports by the CRB

When the Shooting Review Board (SRB) completes its review of tactics, training and equipment with regard to an officer-involved shooting, the Chief of Police sends a copy of the SRB report to the Community Review Board (CRB) via the CRB Executive Director. The original three-person Case Review Team will be assigned to review the report. If any member of the original Case Review Team is no longer serving on the Board, the Board Chair will assign a replacement, with priority given to Board Members who attended the original case presentation.

The Team will then review the SRB report, referring to the original Team Case Report and related IA documentation, as needed.

If the Team has questions or concerns about the SRB report, the Team may request the Executive Director or Board Chair contact the Chair of the SRB or the Executive Assistant Chief of Police to seek clarification.

Having completed their review, the Team will evaluate the SRB report and make a recommendation of Agree, Agree with Comment, or Disagree with Comment with regard to the SRB's findings.

The Team will then provide the full Board an oral summary of the findings of in the SRB in the case during closed session, including a short summary of the facts in the original Team Case Report. The Team will read the Shooting Review Board's report and present the Team's recommendation on whether to Agree, Agree with Comment or Disagree with Comment. If after discussion by the Board, the Team's motion fails, then any Board Member can make a motion to adopt a different position.

2. Subsequent Referral for Mayoral Review

"At any time, the Mayor may be requested to monitor, review and evaluate a case by a majority vote of the Board," pursuant to the CRB Bylaws, Article VII, Section 1.D. Any member of the Board may make a motion to send the Mayor a confidential memo requesting a review of the SRB findings a case. If a review is requested by the Board and approved by the Mayor, it may include

a review of the record of the IA investigation. The completed mayoral review will then be presented to the Executive Director of CRB for review and comment, who will report the results of the Mayor's investigation to the Board.

3. Statistical Review to Identify Trends

The Executive Director will keep a record of CRB's position on all Shooting Review Board Reports and include statistics on agreement or disagreement in CRB's semiannual reports to the Mayor and City Council.

DRAFT

Operational Standing Rule on Category 2 Audits

1. The purpose of the audit of complaint investigations involving only Category 2 complaints is to provide civilian oversight to ensure that these investigations, typically conducted at the Division level:
 - Are properly categorized as Category 2
 - Are investigated thoroughly
 - Accurately reflect all the concerns of the complainant
 - Are fully documented
 - Contain appropriate findings based on the evidence
 - Sanctions imposed for sustained findings are within the Discipline Matrix and appear to be appropriate for the offense
2. An audit is not a comprehensive formal review as the CRB conducts for cases involving Category 1 complaints; rather it is intended to be an assessment to ensure the standards indicated above have been met.
3. Cases will be assigned to teams on a rotating basis, similar to Category 1 cases.
4. Case files for each complaint will be made available to the team. Additionally, if there is a sustained finding, a memorandum explaining the sanction will be provided.
5. If a team's audit raises concerns or questions about how the complaint was handled, the Team may address concerns with IA who may then forward questions to the Divisional Command.
6. At the conclusion of the audit, the team shall write a brief (typically a single page) report, which will include
 - Complaint Number
 - Division
 - Date of complaint
 - Date of audit
 - Name of complainant
 - Name(s) of subject officer(s)
 - Name of investigating officer
 - Brief summary of the incident
 - List of allegations, with findings and rationale
 - Discipline imposed for sustained findings
 - Names of audit team members
7. The audit report will be read at the next Closed Meeting of the CRB. No vote is required.
8. If a team believes that the standards listed above have not been met, it may request that the Board authorize the team to conduct a full review. In this case, the review will be handled according to the same procedures used to

review Category 1 complaints. If a full review is conducted, the case will be presented to the Board for a vote and the complainant will be informed of the outcome. Note that unlike Category 1 cases, Category 2 only cases are already closed prior to Board review and cannot be re-opened unless there are additional allegations not included in the initial review.

9. Statistics regarding the disposition of audited Category 2 complaints shall be included in the CRB's semi-annual reports.

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Community Review Board on Police Practices Tactical Plan Fiscal Years 2019-2020

Mission Statement

The purpose of the Community Review Board on Police Practices is to review and evaluate complaints brought by members of the public against officers of the Police Department of the City of San Diego and to review and evaluate the administration of discipline arising from sustained complaints. The Board also reviews and evaluates officer-involved shootings, all in-custody deaths, and all police actions that result in the death of a person.

Goals

Goal 1: To ensure that complaints against San Diego Police Department (SDPD) officers are investigated thoroughly, completely and fairly, giving equal consideration to citizens and police officers alike

#	Objectives	Initiatives	Performance Indicators (Measures)	Target
1	Encourage CRB Team communication with Internal Affairs staff if documents are missing from case file	<ul style="list-style-type: none"> • Mayoral approval and Outside Counsel signature on CRB Operational Standing Rule on Case Review Procedure 	<ul style="list-style-type: none"> • Place on website and disseminate to CRB 	Yes/No
2	Audit Category II Complaints	<ul style="list-style-type: none"> • Formalize Category II Process • Train Team Leaders 	<ul style="list-style-type: none"> • Finalize Guidelines into an Operational Standing Rule 	Yes/No
			<ul style="list-style-type: none"> • Number of trainings of Team Leads 	2
3	Provide Continuing Education Training to CRB Members to ensure compliance with CRB Procedures, Bylaws, Brown Act			
4	Ensure that CRB Members bring the Orientation/Training Red Binder to all Closed Session Meetings	Reduce the size of the Orientation Red binder for CRB Members for easy transport	Completion of updated orientation binders for members	Yes/No
5	Develop a Procedure for Shooting Review Board Reports	Create a procedure for the Shooting Review Board Reports following the Discipline of Officers Procedures	Completion of Procedure	Yes/No
6	Increased Consultation with Outside Counsel on cases	Increase funding for Outside Counsel	15K per fiscal year	Yes/No

Goal 2: To advocate for policies that which promote fair and humane policing and ensure the safety of both citizens and police officers.

#	Objectives	Initiatives	Performance Indicators (Measures)	Target
1	Ensure that CRB is identifying and producing timely recommendations to SDPD and Mayor	<ul style="list-style-type: none"> • Create a standardized annual report for CRB to submit per calendar year. • Tracking of recommendations to SDPD Chief and Chief responses • Standard written response within 60 days for all policy recommendations 	<ul style="list-style-type: none"> • Completion of standardized annual report 	Yes/No
2	De-escalation Policy	Review and provide feedback on SDPD new de-escalation policy		Yes/No
3				

Goal 3: To operated transparently, keep the community informed about the activities of the Board, and provide opportunities to receive public input on the Board operations

#	Objectives	Initiatives	Performance Indicators (Measures)	Target
1	Publish redacted minutes of Closed Meetings with case detail like CLERB	Develop guidelines procedures and then discuss with Outside Counsel and POA		
3	Create an Open Data Portal	Recommend that the Mayor creates an open data portal to provide data to the public on complaints received and cases closed by the CRB		Yes/No
4	Maintain Updated CRB Calendar	<ul style="list-style-type: none"> • Update Calendar on an as needed basis • Make available to the public and CRB 		Yes/No
5				

Goal 4: To encourage persons with complaints about the actions of SDPD Sworn Personnel to file a complaint

#	Objectives	Initiatives	Performance Indicators (Measures)	Target
1	Increase programmatic awareness and outreach	<ul style="list-style-type: none"> • Strategy for Outreach Committee and CRB Members to attend more community meetings and events • Increased visibility of CRB brochures at libraries 	1 Per Quarter Per Member	88
			Brochures in each district library	9

Goal 5: To widely publicize the procedures for filing a complaint and to make the process as simple as possible

#	Objectives	Initiatives	Performance Indicators (Measures)	Target
1	Collaborate with SDPD to improve and streamline the intake process	<ul style="list-style-type: none"> • Review the CRB's Share Point Database • CRB input in classification of complaints • Define Informal Vs. Formal Complaints 	One Shared Database	Yes/No
2	Create a Communication Plan	<ul style="list-style-type: none"> • Establish strong social media presence • Create media opportunities for the CRB • Utilize press releases, CRB website 	• Posts regarding meetings, agendas,	12
			• Number of positive media opportunities	3
3	Create Implementation Process for New CRB Training Academy	<ul style="list-style-type: none"> • Include rep from Community on the Interview Panel • Initiate recruitment efforts with stakeholder groups including City Council Offices • Standard strategy for publicizing New Academy • Six Training Components 	• Number of applications for appointment	7-14
			• Number of Academy Classes Per Year	2
4	Seek stakeholder feedback for process improvements	<ul style="list-style-type: none"> • Engagement with City officials, Council, Community Organizations 		
5	Create Procedure & Guideline Script for Complaint Process	Collaborate with SDPD		Yes/No

COMMUNITY REVIEW BOARD
POTENTIAL CASE SUMMARY ELEMENTS

RULE #1: NO NAMES

Use Officer A, Officer B, etc.; use Driver, Passenger A, Passenger B, etc.

HEADER

Case number (YYYY-XXXX)

Disclaimer (from CLERB):

In accordance with CA PC 832.7, this notification shall not be conclusive or binding or admissible as evidence in any separate or subsequent action or proceeding brought before an arbitrator, court or judge in California or the United States.

INCIDENT DESCRIPTION

Date (Month, Year)

Time of day (during daylight; after dark)

Number of officers, officers' SDPD division(s)

Chronology of events

Outcome (release with citation/promise to appear; arrest; 5150 hold; transfer to medical facility)

ALLEGATION(S)

Complainant statement for each allegation

CRB TEAM REVIEW

Indicate if case was tolled or reason for any delay

Number of Case Review Team members

Number of hours spent in IA from Green Sheets (do not include hours of sleep lost)

List of review material; identify as "provided by IA"

Number of conferences with IA staff

Requested changes and additions to IA investigation (additional/changed allegation(s), new/additional interview, additional BWC video, transcription or translation of interview(s), officer daily log, communications transcript, AVL for SDPD vehicle location over time, substantive changes to IA report, etc.

Provided changes and additions to IA investigation in response to Case Review Team request(s)

Issues within team evaluation that resulted in team member disagreement

Issues from team evaluation that resulted in team disagreement with IA

Team report conclusions with rationale (include reference(s) to CA Penal Code or Vehicle Code section number or SDPD policy/procedure number)

Team comment(s) and recommendation(s)

FINAL CRB DISPOSITION

Date(s) when case was considered by the board (or number of Closed Meetings)

Verbal presentation of Case Review Team report; Board member questions answered

Number of BWC videos shown, if any

Subject of added comments from IA (Captain or Lieutenant), if any

Result of actual Board vote: X to Y (per allegation if question is divided)

There (was/was not) a motion to forward for review to the Mayor's office or other law enforcement oversight agency; result of vote (X to Y) if such motion is entertained