

Community Review Board on Police Practices

Rules Committee Meeting Notice

Agenda

Tuesday, April 16, 2019

9:30 a.m.

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

- I. Welcome/Call to Order
- II. Approval of the Minutes from March 19, 2019 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 CRB Tactical Plan (Doug Case) **Action Item**
 - 3) Potential Elements for Public Case Summaries (Nancy Vaughn) **Discussion Item**
 - 4) Update FY 2019-2020 Rules Committee Work Plan (Doug Case)
 - 5) Changes to Administration Standing Rule on CRB Case Report Format (Nancy Vaughn)
 - A. Titles for non-SDPD individuals
 - B. Comments Matrix
 - C. Revision to Section 2, "Writing the CRB Case Review Report" - to include guidance for disagreements both with IA and within the Review Team

6) Bylaws Revisions

A) Clarification for CRB Bylaws Article II (Nancy Vaughn)

B) Article III Section 3B (Sharmaine Moseley)

V. Adjourn

Materials Provided:

- Draft 3.19.19 Rules Committee Meeting Minutes
- Draft Operational Standing Rule – Review of the San Diego Police Department Shooting Review Board Reports
- Draft CRB Tactical Plan
- Potential Case Summary Elements
- Outside Counsel Analysis of Case Summary Elements
- Rules Committee Work Plan
- Excerpts from CRB Bylaws

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

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**

Present: Committee Chair Doug Case, CRB Chair Joe Craver, 2nd Vice Chair Taura Gentry, Nancy Vaughn, Marty Workman, CRB Executive Director Sharmaine Moseley, Internal Affairs Captain Wes Morris, Lieutenant Paul Philips, CRB Outside Counsel Christina Cameron

Absent: Diana Dent and Ramon Montano

- I. Welcome/Call to Order: 9:35 a.m.
- II. Approval of the Minutes from November 19, 2018 - **Motion by Nancy Vaughn to approve the November 19, 2018 Rules Committee Meeting Minutes. The motion was seconded by Taura Gentry. The motion passed with a vote of 5-0-0**

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

III. Public Comment: None

IV. New Business

- 1) Proposed Operational Standing Rule on Review of Shooting Review Board Reports (Action Item) – The question was raised if the procedure would require an ordinance of standard operating procedure change. The Committee discussed whether the Board should agree/disagree with the Shooting Review Board Report or just provide feedback. The Committee agreed that the feedback method was more appropriate.

This item was tabled. Committee Chair Case will redraft the procedure to reflect the Board providing only feedback.

- 2) Proposed Operational Standing Rule on Category 2 Case Audits
The Committee agreed to change “sanctions” to “discipline” and to remove in item 8 “unless there are additional allegations not included in the initial review.”

Committee Chair Case will make the corrections to the document.

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

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

- 3) Potential Elements for Public Case Summaries – The Committee discussed the potential elements drafted by Nancy Vaughn. Outside Counsel Christina Cameron agreed to provide an opinion on the list and bring it back to the Committee.
- 4) Creation of CRB Tactical Plan – The Committee discussed the plan. Revisions are needed. The Committee Chair will work with the Executive Director to revise the plan and send to the Board for approval at its April Open Meeting.

The next meeting of the Committee is April 16th at 9:30am.

- V. Adjourn: The meeting adjourned at 10:55 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:

Office of the 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

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.

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 verbally share any Team comments. No vote of the CRB Board is required. If the Board has concerns, however, it may vote to have the Board Chair send a letter to the Chair of the SRB and/or the Chief of Police.

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 community members and police officers alike.

#	Objectives	Initiatives	Performance Indicators (Measures)	Target
1	Ensure all IA investigations are reviewed by the CRB on a timely basis	<ul style="list-style-type: none"> • Development of shared tracking system and Team leader meetings • Executive Director and Chair review reports prior to sending to the Board for deliberation • Finalization of Case Review Write-Up Procedures 	The length of time it takes to review a case	60 days Yes/No Yes/No
2	Audit Category II Complaints	<ul style="list-style-type: none"> • Formalize Category II Process • Train Team Leaders 	Finalize Guidelines into an Operational Standing Rule	Yes/No
			Number of trainings of Team Leads	2
4	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
5	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 community members 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 		Yes/No Yes/No Yes/No
2	De-escalation Policy	Review and provide feedback on SDPD new de-escalation policy		Yes/No
3	Enhance IA Investigations Involving Discrimination Allegations	Research best practices for other law enforcement agencies		Yes/No

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		Yes/No
2	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
3	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 Yes/No
4	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 Number of positive media opportunities	12 3

5	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 4: To encourage persons with complaints about the actions of SDPD Sworn Personnel to file a complaint and widely publicize the procedures for filing a complaint 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
				Yes/No
				Yes/No
2	Seek stakeholder feedback for process improvements	<ul style="list-style-type: none"> Engagement with City officials, Council, Community Organizations 		
3	Create Procedure & Guideline Script for Complaint Process	Collaborate with SDPD		Yes/No

Goal 5: To ensure that the Board reaches and maintains an expert level of understanding of policies and procedures through ongoing training and education

#	Objectives	Initiatives	Performance Indicators (Measures)	Target
1	Provide Continuing Education Training to CRB Members to ensure compliance with CRB Procedures, Bylaws, Brown Act	Review the CRB's Policies and Procedures on an ongoing basis	# times a year	2
2	Enhance the contents and organization of the Orientation/Training Red Binder to make it more useful	<ul style="list-style-type: none"> Reduce the size of the Red Binder for CRB Members Create additional online resources 		Yes/No
				Yes/No
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	Encourage participation in training opportunities	Attendance at NACOLE conferences & Webinars, Menu Trainings, PERT Trainings and other specialized trainings	# per year per member	2
		Ride-Alongs	# per year per member	2
5	Keep the Board abreast of current issues related to the CRB's mission	Identify speakers and topics for CRB Open Meetings	# of presentations	10

DRAFT

**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

CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED

MEMORANDUM

To: Sharmaine Moseley, Executive Director, Community Review Board on Police Practices
From: Christina Cameron, Special Counsel
Date: April 8, 2019
Re: *Analysis of Proposed Contents of Case Summaries of Completed Matters*

Introduction

We have been asked to advise on a list of topics for inclusion in case summaries that we assume will be distributed publicly. This inquiry is a follow up to earlier advice regarding whether Community Review Board ("CRB") may issue case summaries similar to those issued by the County's Citizens' Law Enforcement Review Board ("CLERB").

As an initial observation, without an example of a completed case summary based on the list of tasks, it is hard to give specific or final advice regarding the content. Given the number of topics to be included, it appears that these summaries could be quite long. I strongly suggest mocking up a number of past cases before finalizing a standard list of information to be included.

Summary of Advice

Properly anonymized case summaries that address incident descriptions, a summary of allegations, the conclusions, rationale, recommendations and comments as approved by the CRB's are appropriate. Inclusion of detailed information about the experiences of Case Review Teams and their interactions with IA as well as details of the CRB deliberation process are not recommended. Because CRB summaries would not identify any officers and are not part of any officer's personnel file, a Penal Code Section 832.7 disclaimer should not be needed but there is no harm in including on if requested by the Police Department or City Attorney.

Analysis

I. **Differences between CLERB and CRB**

It is important to understand the distinction between the role of the CLERB and the CRB in order to appreciate the different rules that are applicable to each. The CLERB is an adjudicative body of the County of San Diego which investigates allegations of misconduct, holds evidentiary hearings and makes the same array of conclusions as to County law enforcement officers that IA makes as to SDPD officers. Their summary of facts and conclusions are published only after a full evidentiary hearing. The CRB

instead reviews the findings of IA and either “agrees,” “agrees with comment,” or “disagrees with comment” as to the Police Department’s administration of discipline arising from complaints.

II. Prior Advice

The advice (attached) provided on January 16, 2018, remains valid in spite of recent changes in the California Public Records Act (“CPRA”). As explained below, revisions to the CPRA allowing for the release of certain police officer personnel records apply to a specific set of situations which are not present in every CRB matter.

The San Diego Charter and Municipal Code provide for semiannual reports to the City Council “concerning the Board’s evaluation of the Police Department’s investigation of citizen complaints” that “shall not disclose any information required to be kept confidential by law.” Charter § 43(d); SDMC § 26.1106. To the extent summaries in question are intended to be used as part of the CRB’s semiannual report to the City Council, properly anonymized case summaries will not disclose information required to be kept confidential. “Standard Operating Procedures” adopted by the Council in June 2018, provide no additional information regarding semiannual reports to City Council and are vague as to the contents of notification of complainants.

III. Analysis of Proposed Contents of Case Summaries

Information proposed for inclusion in the summaries fits into three (3) broad categories: 1) facts regarding the incident itself (including, any allegations contained in a complaint), 2) conclusions, rationale, comments, and recommendations of the CRB, and 3) information related to the team review process and deliberations of the CRB.

As to the first two categories, similar to the CLERB, CRB may provide anonymized incident summaries as well as the CRB’s conclusions, rationale, comments, and recommendations.

The third category raises issues related to the CRB’s deliberations and the need for any summary to express the conclusion of the entire CRB and not the views of an individual Case Review Team (“Team”).

For a variety of reasons, it is inadvisable to include detailed information about individual Team review experiences such as interactions between Team members or between the Team and IA. These experiences are not the experiences of the CRB as a whole. They may not be relevant to the ultimate conclusion of the CRB and may distract from those conclusions. The specific topics of concern are as follows:

- CRB Team Review:
 - 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 AI
 - **Team report conclusions with rationale (include reference(s) to CA Penal Code or Vehicle Code section number or SDPD policy/procedure number)** – see note below
 - **Team comment(s) and recommendation(s)** – see note below
- Final CRB Disposition
 - Verbal presentation of Case Review Team report; Board questions answered
 - Subject of added comments by IA (Captain or Lieutenant), if any – These issues begin to get into the CRB's deliberative process.

Note: to the extent that Team report conclusions with rationale and Team comments and recommendations are approved by the CRB, they are appropriate but should be reflected as the **CRB's** conclusions, rationale, comments and recommendations.

a. Incident Information, and CRB Conclusions, Rationale, Comments and Recommendations

We previously advised that the Police Officer Bill of Rights (Gov. Code § 3300 et seq.) (“POBOR”) restricts the information that can be included in a publicly disseminated report of the outcome of a CRB review process. Facts have changed to provide additional flexibility in this regard.

On, September 30, 2018, Governor Brown signed SB 1421 and AB 748 , requiring law enforcement agencies (“Agencies”) to begin disclosing information previously exempt from disclosure under the California Public Records Act (“CPRA”) including documents contained in officer personnel files and body worn camera (“BWC”) footage. Under prior law, peace officer personnel files were confidential and could not be disclosed absent a *Pitchess* Motion.

Beginning on January 1, 2019, Agencies were required to disclose records that relate to a report, investigation, or findings of: (1) an incident involving the discharge of a firearm at a person by a peace officer or custodial officer; (2) an incident in which the use of force by a peace officer or custodial officer resulted in death or great bodily injury; (3) an incident in which a significant finding was made regarding sexual assault involving a member of the public; and (4) incidents relating to sustained findings of dishonesty by a peace officer or custodial officer.

Although these laws made some records subject to disclosure, there are still limitations. As described above, only records related to incidents involving discharge of a firearm, use of force resulting in death or serious bodily injury, or where sexual assault or dishonesty on the job are proven, may be released. Not every matter investigated by the CRB involves a proven finding of this type.

These laws do provide additional openness and access for the public to records previously unavailable to the public but not unfettered access. Accordingly, where documents relied on by the CRB are not within the scope of SB 1421 or AB 748, confidentiality will still have to be maintained. As such, we recommend that CRB provide anonymized incident summaries, findings, rationale and recommendations. This is generally consistent with our prior (January 16, 2018) advice which also recommended that

Operational Rules be amended to establish procedures to ensure that involved individuals cannot be identified.

As described above, there are several items in the CRB Team Review and Final CRB Disposition that are not appropriate for inclusion because they either do not represent the experiences of the CRB (as a whole) or because they invade the deliberative process.

b. Team Review Process and CRB Deliberation

The final category of information proposed for inclusion can broadly be described as being related to the team review process and deliberations of the CRB. The topics listed above fall within this category. For the reasons described below, we do not recommend that these topics be included within CRB summaries.

Under the CPRA, the deliberative process privilege is intended to afford a measure of privacy to decision makers. It permits decision makers to receive recommendatory information from and engage in general discussions with their advisors without the fear of publicity. In general, the deliberative process privilege protects the process by which policy decisions are made. See *California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159; *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325. This is particularly relevant for decisions properly made in a closed session setting. Records which reflect a final decision and the reasoning which supports that decision are not covered by the deliberative process privilege. Under section 6255, a balancing test is applied in each instance to determine whether the public interest in maintaining the deliberative process privilege outweighs the public interest in disclosure of the particular information in question. See *Times Mirror; Rogers v. Superior Court* (1993) 19 Cal.App.4th 469. The content of verbal presentations, questions by individual CRB members and responses of IA fall within this deliberative process.

Although an agency is not required to exercise its deliberative process privilege, it is a best practice. Rather than go into detail about verbal presentations of Review Team reports to CRB, CRB member questions; the number of BWC videos shown, and the subject IA comments, the better practice is to simply explain the final decision and the rationale of the CRB in arriving at that conclusion.

A second issue these topics raise is relevance to the CRB decision. As a legal matter, the decision of any multi-member body is the voted on final conclusion or report. Therefore, rather than drawing on the Team report for conclusions, rationale and recommendations, the CRB approved report, conclusions, rational and recommendations should form the basis of the summary. In the same vein, the experiences of individual Teams as they reviewed material and interacted with IA are not the experiences of the CRB as a whole.

Finally, the CRB is tasked under the Charter and Municipal Code with reviewing SDPD's administration of discipline after the completion of an IA investigation. Including items such as requests and provided changes to IA investigations suggests that CRB is involved prior to the conclusion of an IA investigation.

c. **Need for California Penal Code section 832.7 disclaimer**

Because CRB conclusions are not a component of an officer's personnel file and are anonymized, a Penal Code § 832.7 disclaimer should not be required. That said, if in negotiations the Police Department or City Attorney request it, there is no harm in providing the disclaimer.

CMC/mcl

Enclosure

Community Review Board on Police Practices Work Plan FY 2019 – FY 2020

Rules Committee

Issue to be Explored	Process	Completion Goal
Study possibility of remote review of team case reports by CRB members prior to the Closed Meeting	Team reports would be sent to the Executive Director upon completion. Will require discussion with technology services to determine a secure way to review reports and may involve the need to purchase special laptops and/or software licenses.	May 2019
Publication of redacted minutes of closed meetings with case detail similar to that published by CLERB.	Need to develop guidelines procedures. Nancy Vaughn is working on a sample - then discuss with Outside Counsel and POA.	March 2019
Formalize Category 2 Audit Process	Authorized by Measure G Implementation Ordinance. Need to train team leaders on how to do audits. Finalize the guidelines into the form of an Operational Standing Rule	Completed 9/25/2018
Update bylaws to be consistent with Measure G and complete the Standing Rule on Case review, consistent with the Standard Operating Procedures	Would need to be added to the Operational Standing Rules for Case Review	
Consider option of referring disagreements to the Chief of Police prior to referral to the Mayor	Might require Charter Review, but could be assigned to the CRB in the same manner in which review of OIS and ICD cases were initially assigned to the CRB	
Consider possibility of having CRB review results of IA administrative investigations	Included in revised bylaws	Completed 9/25/2018
Review member discipline process in the bylaws	Doug Case will draft	February 2019
Develop procedures for reviewing Shooting Review Board reports	Waiting for letter of approval by the Mayor	Completed 9/25/2018
Complete Operational Standing Rule on Case Review Procedures		April 2019
Discussion on Comments by Teams		
Creation of Tactical Plan		
Creation of Social Media Policy		

required to be kept confidential by law.

San Diego Municipal Code

CRB Standard Operating Procedures ("rules and regulations" referenced in the charter)

San Diego City Council Policies

City of San Diego Administrative Regulations

Memorandum of Understanding (MOU) between City of San Diego and San Diego Police Officers Association

CRB Bylaws

CRB Special Rules of Order

CRB Operational Standing Rules

CRB Administrative Standing Rules

Robert's Rules of Order, Newly Revised

National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics (Attached hereto as Exhibit A)

Parliamentary procedures of this Board will be in accordance with these Bylaws and any Special Rules of Order adopted by the Board. The default parliamentary authority for procedures that are not covered in these Bylaws or the CRB Special Rules of Order shall be the current edition of Robert's Rules of Order, Newly Revised.

Article II: Purpose and Objectives

Section 1: Purpose

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-related shootings, all in-custody deaths, and all police actions that result in the death of a person.

Section 2: Objectives

The Community Review Board on Police Practices is tasked with the following three objectives:

A. Complaint Review

It is the primary objective of the Board to ensure complaints against San Diego Police Department (SDPD) officers are investigated thoroughly, completely and fairly, giving equal consideration to citizens and police officers alike. The Board will make every effort to review and evaluate citizens' complaints objectively and impartially. The Board may devise its own internal procedures for the format and presentation of case review reports. The Board may add comments to its completed review of a citizen's complaint, however such comments must be limited to substantive issues directly related to the

citizen's complaint and/or the subject officers and must comply with the laws of the State of California concerning citizens' complaints against peace officers.

B. Policy Recommendation

It is the objective of the Board to advocate for policies which promote fair and humane policing and also ensure the safety of both citizens and police officers. Subsequent to the 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.

Additionally, in consideration of issues other than complaints, the Board may address a substantive item, other than one arising in the course of reviewing a particular case, if it determines that (1) the substantive matter impacts the work of the Board; and (2) because of its training and experience, the Board has expertise on the matter at hand. The Board may discuss the issue and make a recommendation to the Mayor and/or Chief of Police.

C. Outreach and Education

It is the objective of the Board to operate transparently, to keep the community informed about the activities of the Board, and to provide opportunities to receive public input on the Board's operations. It is the further objective of the Board to encourage persons with complaints about the actions of SDPD sworn personnel to file a complaint, to widely publicize the procedures for filing complaints and to make the process as simple as possible, and to enact mechanisms to ensure that persons filing complaints and witnesses will be able to do so without fear of retaliation or adverse consequences.

Article III: Membership

Section 1: Selection and Appointment

There are twenty-three (23) members, appointed by the Mayor of San Diego and confirmed by the City Council. Members are appointed to two-year terms, and appointments are staggered so that the terms of no more than 12 members expire in a year.

Members are limited to a maximum of eight (8) consecutive years on the Board, starting on the date of the initial Mayoral appointment. Former members who served for eight years become eligible again after a period of two years. Former members of the Board who did not complete eight years of service may be eligible to complete eight total years of service. Members whose terms of service have expired shall have the option to continue to serve until their successor is duly appointed and qualified, even if the total time served extends beyond the maximum permissible length of service.

Present or former San Diego Police Department officers and current City of San Diego employees are not eligible for membership on the Board.

Members of the Board shall serve without compensation, but shall be reimbursed for authorized, reasonable and necessary expenses incurred in the performance of their official duties as approved by the Mayor or the Mayor's designated representative.

Prior to assuming the duties of office, members must complete the required training program approved by the Board and must subscribe to the Oath of Office administered by the City Clerk's Office and sign the oath card. All Members who are reappointed to

5. Community Outreach

All members shall participate in at least one community outreach activity per quarter.

All members can speak about the role of the Board in public to provide education for the community. Only the Board Chair is the spokesperson for the Board on issues that require public comment.

6. Ethical Conduct

To promote public trust, integrity, and transparency, members are expected to adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics. The NACOLE Code of Ethics includes Personal Integrity, Independent and Thorough Oversight, Transparency and Confidentiality, Respectful and Unbiased Treatment, Outreach and Relationship with Stakeholders, Agency Self-examination and Commitment to Policy Review, and Primary Obligation to the Community. The complete NACOLE Code of Ethics is attached as Exhibit A of these bylaws.

Any actual or perceived conflict of interest during case review shall be avoided. Conflict of interest exists when a member has an outside financial interest or a personal relationship with someone involved in the case or has intimate knowledge of the facts of the case. Members shall avoid any situation where they have a conflict of interest by immediately notifying the Executive Director and their Team Leader requesting either to be excused from review of the case or to have the case reassigned to a different Case Review Team. Active involvement in other boards, committees or organizations could pose an actual or perceived conflict of interest with membership on the Board. Board Members shall disclose all potential conflicts to the Executive Director immediately.

Section 3: Removal

A. Voluntary Resignation

Any Member of the Board can voluntarily resign by sending a letter or email of resignation to the Board Chair and the Executive Director. A member's written notice of resignation is required by the City Clerk and the Mayor's Office and becomes a matter of public record unless confidentiality is requested by the resigning member. Once the letter has been received, the position shall be considered vacant. Thereafter, the Mayor shall appoint and the City Council confirm a new member to fill the remainder of the term.

B. Removal for Cause

If a member is convicted of a felony or crime or moral turpitude, the member will automatically be suspended from participating in any capacity on the Board, pending a vote by the City Council upon recommendation from the Mayor to formally remove or reinstate the member from the Board all of which shall be completed within 30 days of the date of suspension.

A member may also be removed for cause including but not limited to the following reasons: (1) misuse of position as a Board Member; (2) misuse of police-issued

documents; (2) violation of state laws of confidentiality; (4) misconduct that impedes the member's ability to serve as an effective and impartial Board member; (5) unexcused absences from at least two consecutive meetings or by failure to complete case review as assigned by the Executive Director; (6) violation of the NACOLE Code of Ethics; or (7) a conflict of interest.

Upon receiving information that a member may be subject to removal for cause, the Executive Director shall investigate or arrange for an investigation of the situation. If after the investigation, it appears that cause exists for removal, the member shall be invited to meet with the Executive Director and the Cabinet. After that meeting, the Executive Director, in consultation with the Cabinet, shall determine whether to proceed with removal proceedings. If it is determined to proceed, the matter will be placed on the next regular Board Open Meeting, to be considered in Executive (Closed) Session. The member will have an opportunity to present a defense and answer questions. By a two-thirds vote, the Board may recommend to the Mayor that the member be removed. The affected member shall not be entitled to cast a vote in the matter.

Upon recommendation of the Mayor to remove a member, a hearing by the City Council shall occur within sixty (60) days of the receipt of the recommendation.

C. Non-Reappointment

Any member can, at the end of their current term, be removed from the Board by non-reappointment at the Mayor's discretion during the annual appointment process. A non-reappointed member may continue to serve until his or her successor is duly appointed and qualified.

Article IV: Officers

Section 1: Officers of the Board

The officers of this organization shall be Chair, First Vice Chair, and Second Vice Chair. These elected officers shall be referred to collectively as the Cabinet.

All officers shall be members of the Board. The term of office is one year, coinciding with the start of the City's fiscal year on July 1 through the end of the fiscal year on June 30 of the following calendar year. No individual shall hold more than one office at any time. An individual may serve no more than two consecutive terms in the same office and becomes eligible again to serve in that office after a period of two years.

Section 2: Election and Succession

A. Election

Officers are elected at the last scheduled Open Meeting of the fiscal year to serve during the following fiscal year. If the last scheduled Open Meeting of a fiscal year is not held, officers shall continue to serve until their successors are elected and assume office.

The Nominating Committee (as described in Art. VI, section 3, A., of these Bylaws) will present at least one nomination for each office. Prior to the vote for each office, additional nominations will be taken from the floor. Officers will be elected individually in order of precedence, starting with the Chair. Voting shall be by show of hands.