The City of
SAN DIEGO

COMMUNITY REVIEW BOARD ON POLICE PRACTICES

A G E N D A

Tuesday, August 27, 2019

Valencia Park/Malcolm X Branch Library
5148 Market Street
San Diego, CA 92114

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. Legal Opinion(s) Request & Attorney/Client Privileged Response(s) (0)
III. San Diego Police Department Feedback on Case Specific Matters Only
IV. Shooting Review Board Reports (0)
V. Category II Case Audit Reports (2)
VI. Discipline Reports (0)
VII. Case Review Team Reports (1)
VIII. Case-Specific Recommendations to the Mayor (0)
IX. 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. – 7:45 p.m.
Open to the Public

I. CALL TO ORDER/WELCOME (Chair Joe Craver)

II. PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES (CRB)

III. APPROVAL OF MINUTES: CRB Open Meeting Minutes of July 23, 2019

IV. NON-AGENDA PUBLIC COMMENT: (Speaker Slip Required)

V. 6:10pm-6:30pm **EDUCATIONAL TOPIC**: "Implicit Bias Training for Law Enforcement"

Guest Speaker: Matthew Wagner (Associate Director for Law Enforcement Initiatives & Community Security, Anti-Defamation League) **(20 mins)**

VI. UNFINISHED BUSINESS (DISCUSSION/ACTION) **6:30pm-6:35pm**

A. Proposed revision to CRB Administrative Standing Rule on Case Format & Presentation: Titles for Non-SDPD Individuals (Section 1b, Face Sheet)

ACTION ITEM: Motion for the Board to discuss and approve the CRB Administrative Standing Rue on Case Format & Presentation: Titles for Non-SDPD Individuals

VII. NEW BUSINESS (DISCUSSION/ACTION): None

VIII. COMMITTEE REPORTS (DISCUSSION/ACTION) **6:35pm-7:18pm**

A. Continuing Education Committee (10 mins) (Taura Gentry)
   i. Upcoming Educational Topics
   ii. Feedback on CRB Training & Police Perjury Panel (Discussion Item)
   iii. Ideas/Requests for Future Educational Topics, Field Trips, Trainings

B. Outreach Committee (5 mins) (Mary O'Tousa)
   i. Summary of Past Events
   ii. Feedback on Past Events (Discussion Item)
   iii. Upcoming Events/Outreach Opportunities

C. Rules Committee (10 mins) (Doug Case)
   Items being Considered by Rules Committee
   i. Potential Elements for Public Case Summaries (Discussion Item)
   ii. Schedule Next Rules Committee Meeting

D. CRB Handbook Committee – Status Update (2 mins) (Doug Case)

E. Policy Committee (5 mins) (Brandon Hilpert)
   Items being Considered by Policy Committee
   i. Procedure & Guideline for SDPD Complaint Intake -Informal and Formal Complaints, Joint Complaint Form, Shared Database, Complaint Process Guide Card Issued to All Sworn Personnel

   ii. Modify SDPD Procedure 1.49: Axon Body Worn Cameras - Section Q 7(N) – Issue is some complainants are not allowed to bring person of choice for support when viewing his/her BWC video.

   iii. Development of Third-Party Mediation

   iv. Best Practices Research for Law Enforcement Investigations Involving Discrimination Allegations

   v. Complaint Process Guide Card Issued to All Sworn Personnel

vi. Require that SDPD officers provide and/or call for medical assistance in all situations where a person shows signs that they might be in medical distress

vii. Next Scheduled Meeting Date (September 10 at 4pm)

F. Recruitment & Training Committee (5 mins) (Maria Nieto-Senour)
   i. Update on New CRB Training Academy -Implementation/Process, Marketing, Timeline
   ii. 8/14 Informational Session Update
   iii. Interview Panel Improvements
   iv. Draft Process Flow Chart
   v. Next Scheduled Meeting Date (TBD)

G. Citizens Advisory Board on Police Community Relations (Taura Gentry)
   i. Next Meeting Scheduled for September 23rd

H. 30th Anniversary Celebration Date (October 2019) (Brandon Hilpert)
   - Date and Location -Central Library

IX. CHAIR'S REPORT (5 mins) (Chair Joe Craver)
   A. Reminder-1st Quarter (July 1-September 30) Volunteer Hours Report (**Due October 1, 2019**)
   B. NACOLE Annual Conference -September 22-26, Detroit Michigan (2nd Vice Chair and Executive Director)
   C. Reschedule September 24th CRB Open Meeting
   D. Work Plan

X. EXECUTIVE DIRECTOR'S REPORT (5mins) (Sharmaine Moseley)
   A. Caseload Update & Status of Case Reports
   B. Status of Ride-Alongs for New Members
   C. Drafting Annual Report for FY 19
   D. Status of Open Data Portal
   E. Status on Board Member Re-appointments & Appointments
   F. Other Items/Reminders

XI. SAN DIEGO POLICE DEPARTMENT REPORT (5mins)
(Executive Assistant Chief Todd Jarvis)
   - Updates

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 July 23, 2019 DRAFT

- Proposed Revision to CRB Administrative Standing Rule on Case Format & Presentation Section 1.b, Face Sheet DRAFT
- CRB Updated Calendar
- Updated Work Plan
- Potential Case Summary Elements & Fictious Case Summaries DRAFT

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 two (2) 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.

The City of
SAN DIEGO
COMMUNITY REVIEW BOARD ON POLICE PRACTICES

MINUTES

Tuesday, July 23, 2019
Valencia Park/Malcolm X Branch Library
5148 Market Street
San Diego, CA 92114

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Members Present:
Joe Craver, Chair
Brandon Hilpert, 1st Vice Chair (Arrival at 4:28pm)
Taura Gentry, 2nd Vice Chair
Doug Case
Gregory Daunoras
Diana Dent
Poppy Fitch (Arrival at 4:20pm)
Kevin Herington
Sheila Holtrop
Steve Hsieh
Alex Hu
Bonnie Kenk
Ramon Montano
Mary O'Tousa
Maria Nieto-Senour
Ernestine Smith
Pauline Theodore
Nancy Vaughn
Marty Workman

Members Absent:
Patrick Anderson
Maxine Clark

CRB Staff Present:
Sharmaine Moseley, Executive Director, CRB on Police Practices

SDPD Staff Present:
Todd Jarvis, Executive Assistant Chief, San Diego Police Department
Wes Morris Captain, San Diego Police Department
Charles Lara, Lt. San Diego Police Department

I. CALL TO ORDER/WELCOME: Chair Joe Craver called the meeting to order at 6:00 p.m.

II. PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES: Chair Joe Craver explained the purpose of the Community Review Board on Police Practices (CRB) to those in attendance.

III. APPROVAL OF MINUTES: CRB Open Meeting Minutes of June 25, 2019

The Board reviewed the minutes. 2nd Vice Chair Taura Gentry moved for the Board's approval of its June 25, 2019 meeting minutes. Nancy Vaughn seconded the motion. The motion passed with a vote of 18-0-1. Chair Joe Craver abstained from voting.

Yays: 1st Vice Chair Hilpert, 2nd Vice Chair Gentry, Members- Case, Daunoras, Dent, Fitch, Herington, Holtrop, Hsieh, Hu, Kenk, Montano, Nieto-Senour, O'Tousa, Smith, Theodore, Vaughn, and Workman

Nays: None

Abstain: Chair Craver

Members Absent: Anderson, Clark

IV. NON-AGENDA PUBLIC COMMENT: None

V. EDUCATIONAL TOPIC: "The Community's Need to Know Your Rights and Building Trust Within the Community"

Guest Speakers: Daniel Orth -Program Officer, Kroc Institute for Peace and Justice

Lieutenants Ben Kelso and Ernesto Servin, SDPD Southeastern Division

Daniel Orth provided the Board with an overview of the Building Trust in Our Communities. They decided to use the name because it was a phrase that always came up in conversations. A few faith leaders in San Diego approached the University of San Diego and requested help with improving police community relations. Mr. Orth stated that in 2017 he conducted interviews of faith, police, and community leaders within San Diego County. His goal was to discuss experiences and find out was works and does not work. The result of those discussions was the creation of the Building Trust handbook. The handbook is being translated into Spanish and Arabic.

Mr. Orth highlighted some of the work that has occurred because of Building Trust. The first cohort study was with the Oceanside Police Department. The Institute relied on the faith leaders because they knew the communities and issues. The faith leaders were involved in meetings with the police department to discuss the good, the bad, the ugly and ways to change. A report was written based on the focus groups. Currently, the Institute is working on a similar project in the South Bay. Mr. Orth reiterated the importance of the community having an opportunity to meet with members of law enforcement in a relaxed

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setting. The Building Trust Event Series had six parts. Two of the six series was on "Knowing and Understanding Your Rights" and "The Traffic Stop."

SDPD Lieutenant Ernesto Severin introduced himself to the Board. When he was a Community Relations Officer, he interacted a lot with various community groups. Individuals always want to know why an officer engaged in a certain behavior. Lt. Severin's presentation was based on SDPD Rights and Responsibilities. Everyone has expectations of law enforcement. They want and expect law enforcement to investigate crime, apprehend individuals, and address quality of life issues. Every city expects its officers to have the best training, so the officers can provide the best service to the community. The community want officers to treat all people with dignity and respect. Officers also have expectations of the community such as: providing officers with information about crimes, report crimes to law enforcement, securing valuables, raising awareness of what is happening in the community, and provide feedback on officer's behaviors. To fulfill each other's expectations, there must be an understanding of police objectives. The objectives are maintaining peace and order, investigate crimes, apprehend criminals, develop partnerships, and provide services that are fair and unbiased. For the police to perform its duties successfully and meet the needs of the community, the police must interact with the public and interact.

SDPD Lieutenant Ben Kelso introduced himself to the Board. He works in SDPD's Southeastern Division and is responsible for 10 communities within the Southeastern Division. He is also the President of the San Diego Black Police Officers Association and an adjunct professor at the University of San Diego. He teaches Organizational Theory of Change and how law enforcement deals with these changes from within. He also teaches Organization Assessment, Budget Finance and Community Engagement. Community oversight is a new impact for law enforcement nationally.

2nd Vice Chair Taura Gentry asked if the presenters could share their power point with the CRB, so the CRB could place it on its website. The Lieutenants would have to get approval. The members would like to see the entire power point presentation.

VI. EDUCATIONAL TOPIC: "Proposed Charter Amendment Re: Community Review Board on Police Practices"

Guest Speaker: Kate Yavenditti, Esq
Women Occupy San Diego

Kate Yavenditti stated that the previous presentation is a great Segway to her presentation in relation to building community trust and improving community police relations. The Women Occupy (WO) charter amendment focuses on this concept. The amendment is not a reflection on the work that

the Board does because Women Occupy know how hard the Board works. They want the work of the Board to be appreciated by the community. Ms. Yavenditti explained that they researched and tried to incorporate feedback from community organizations, some members of the Board, Police Chief, current and former officers to create the proposal. In the proposal, current Board members and staff will be transferred over to the new Commission. The main issue is that the current Board is a review Board. The WO proposal will change the current Board to a hybrid model which would be an enhancement. It would establish an independent Commission. The new Commission will not be under the Supervision of the Mayor but operate on its own. The Mayor will no longer appoint members and/or approve what the Board does. This is the difference. The Commission will have independent investigators. The Commission will oversee hiring staff and investigators. The investigators will work with Internal Affairs. The Commission will have independent legal counsel. The City Attorney will no longer represent the Board. The Commission will have subpoena power for all witnesses. If a witness does not want to talk to an investigator, the witness can be subpoenaed. The Commission will be required to investigate all in-custody deaths, officer-involved shootings, and all officer-related deaths. The work load will be the same as the Board does now. It will be up to the Commission to decide what they will look at. Ms. Yavenditti explained the Ballot measure process. The WO proposal and the City Attorney's proposal for independent counsel. Both proposals will go to the City's Rules Committee on July 31st. The Rules Committee will consider forwarding the proposals to the Public Safety & Livable Neighborhoods Committee.

VII. UNFINISHED BUSINESS (DISCUSSION/ACTION): None

VIII. NEW BUSINESS (DISCUSSION/ACTION): None

IX. COMMITTEE REPORTS (DISCUSSION/ACTION)

A. Continuing Education Committee (Taura Gentry)

- Upcoming Educational Topics – Committee Chair Taura Gentry reported that the Board will hold a training and a panel discussion on police perjury on Saturday, July 27 at the Logan Heights Library in the Community Room. The training will run from 9am-11am. The panel discussion will take place from 11am-1pm. The panel will consist of 2 private attorneys and two representatives from the District Attorney's Office.

- Ideas/Requests for Future Educational Topics, Field Trips, Trainings Committee Chair Gentry reported that the next educational topic for the Board will be "Implicit Bias Training of Law Enforcement" presented by the Anti-Defamation League at next month's Open Meeting.

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B. Outreach Committee (Mary O'Tousa)

- Summary of Past Events – No report given
- Upcoming Events/Outreach Opportunities – Committee Chair Mary O'Tousa reported that National Night Out is on August 6. SDPD will be hosting activities for the communities they serve. The CRB will have a booth at the Unity Games event which will take place on August 10 from 9am-2pm.

C. Rules Committee (Doug Case)

Committee Chair Doug Case reported that the next Rules Committee Meeting is scheduled for Friday, July 26th at 9:30am. The Committee is considering the following items:

- Proposed Revision to CRB Administrative Standing Rule on Case Format & Presentation: Titles for Non-SDPD Individuals – At Friday's meeting, the Committee will discuss titles to use for non-SDPD individuals such as complainants and witnesses in CRB case reports.
- Potential Elements for Public Case Summaries - The goal is to present a brief description of each case and what discipline was given to the officer. These summaries will be included in reports given to City Council, Mayor, and public. This information will also be available on the CRB's website. The Committee drafted a sample of a redacted fake summary of a case and requested feedback from SDPD's POA representatives. They will be attending the Committee meeting on Friday.
- Next Rules Committee Meeting (July 26th at 9:30am)

D. CRB Handbook Committee – Status Update (Doug Case) – Committee Chair Case reported that the Committee is waiting on the approval of the amendment to the Administrative Standing Rule on case reports before the handbook is complete. The Committee is also reorganizing the website.

E. Policy Committee (Brandon Hilpert)

Items being Considered by Policy Committee

- Procedure & Guideline for SDPD Complaint Intake -Informal and Formal Complaints, Joint Complaint Form, Shared Database, Complaint Process Guide Card Issued to All Sworn Personnel – Committee Chair Hilpert reported that on July 1, the new joint complaint form was released and can be found at all SDPD divisions

- Development of Third-Party Mediation – The Committee is continuing its work on this item.

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- Best Practices Research for Law Enforcement Investigations Involving Discrimination Allegations – This item was assigned to Committee member Patrick Anderson to conduct research.

- August 13 at 4pm is the next scheduled meeting date of the Committee.

F. Recruitment & Training Committee (Maria Nieto-Senour)
Update on 7/23 Recruitment & Training Committee Meeting - Committee Chair Maria Nieto-Senour reported that the Committee met this morning and made a lot of progress on the following items:
- New CRB Training Academy -Implementation/Process, Marketing, Timeline – The Committee scheduled an informational session for August 14th for potential Board members/ anyone who is interested in learning about the Board.
- Interview Panel Improvements – Interview questions were updated. The questions will be sent to Human Resources for feedback. The Committee will also send out a letter inviting representatives from various organizations to participate on the interview panel.
- Recruitment Script/Information Card – The Committee created a flow chart of the Recruitment Process.
- Next Scheduled Meeting Date (TBD)

G. Citizens Advisory Board on Police Community Relations (Taura Gentry)
- Update on July 16th Meeting -Committee Chair Taura Gentry reported that the Board will be going dark for the month of August. She further reported that the Board did not meet last night due to a lack of quorum. They will have a retreat in September.

H. 30th Anniversary Celebration Date (August 2019) (Brandon Hilpert)
- Date and Location -Central Library – Committee Chair Brandon Hilpert reported that he is working on narrowing down the location availability at the Central Library for Saturday and after hours on the weekdays.

III. CHAIR'S REPORT (Chair Joe Craver)
A. Reminder-4th Quarter (April 1-June 30) Volunteer Hours Report (**Due July 1, 2019**) – Chair Joe Craver reminded the Board to submit their volunteer hours reports. The hours were due on July 1st.
B. NACOLE Annual Conference (September 22-26, Detroit Michigan) – He asked members to reach out to the Executive Director if they plan to attend. Members will have to pay for their expenses.

IV. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)
A. Caseload Update & Status of Case Reports – It was reported that today the CRB started off with 18 active cases. Three of those active cases (1 of which

was a Category II case) were placed on the CRB's Closed Session Meeting agenda. Three cases were deliberated on and closed. One Category II case was audited. The Teams now have a total of 15 active cases.

The breakdown of active cases are as follows:

Team 1 – 4 cases; Team 2 –2 cases; Team 3 – 2 cases; Team 4 – 3 cases; Team 5- 3 cases; Team 6 –0 cases; Team 7- 0 case

B. Status of Ride-Alongs for New Members- It was reported that since members Anderson and Clark were not present, they will give their reports at the next Open Meeting of the Board.
C. Drafting Annual Report for FY 19 – The Annual Report is being drafted. Executive Director Moseley encouraged the members to enter their volunteer hours in the system. Members should have a draft report by the end of August.
D. Status of Open Data Portal – We are waiting on approval to go live.
E. Status on Board Member Re-appointments & Appointments – A memo was drafted and forwarded to the Office of Boards and Commissions Director Joel Day. He will facilitate the reappointment/appointment process with the Mayor's Office.
F. Other Items/Reminders – Members should have received an email regarding the City's Equal Employment Opportunity (EEO) Policy. Members were asked to read the policy.

V. SAN DIEGO POLICE DEPARTMENT REPORT (Executive Assistant Chief Todd Jarvis)

- Updates – Internal Affairs Captain Wes Morris gave the report. SDPD participated in the Pride Festival/Parade and Comic Con. The department received a lot of positive feedback from the community. Captain Morris complimented the Board on its ability to still manage its case load especially with the addition of Category II cases. He encouraged members to turn in their hours because they put a lot of work in as members. Captain Morris introduced Lieutenant Charles Lara. Lieutenant Lara will be joining Internal Affairs.

VI. BOARD MEMBER RIDE-ALONG REPORTS **(2 mins each)**

VII. BOARD MEMBER ANNOUNCEMENTS/COMMENTS

VIII. ADJOURNMENT: The meeting adjourned at 7:22 p.m.

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Change to Admin Standing Rule: Format and Presentation, Section 1.b, Face Sheet:

...date of hire may also be shown.

Persons who are mentioned in the body of the CRB Case Review Report should be listed. Persons who are not mentioned in the body of the CRB Case Review Report should not be listed. The relationship information for witnesses (e.g., Complainant's son, Neighbor, etc.) should be added if available.

Reference to every person should use a title followed by the person's last name in all CAPITAL LETTERS. In the case of multiple persons with the same last name, an initial can be inserted before the last name, or the first names can be used if appropriate. Titles for SDPD officers should reflect that officer's rank on the date of the incident (not the rank at the time of this investigation). Titles for non-SDPD persons should be appropriate for status and gender; use Mr. for men and Miss, Ms or Mrs. for women and where appropriate gender-neutral term Mx. can be used. Examples of SDPD officer names would be "Officer SMITH" or Sgt. MILLER; examples of non-SDPD names would be "Mr. BROWN, Ms GRANDE, Mrs. P. BROWN, Miss S. BROWN or Mx. JONES. Other titles, such as professional or military titles (e.g., Dr., Rev., Capt., etc.) are also appropriate.

c. Allegation Table...

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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 (Quarter, 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 (brief) for each allegation
Other findings as determined by Internal Affairs
IA finding on each allegation with the rationale (if the finding was changed as a result of consultation with the team, include only the revised finding)

CRB TEAM REVIEW

Number of hours spent in IA from Green Sheets

FINAL CRB DISPOSITION

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

Board finding on each allegation, along with comments. (Comments are required for any allegations where there is a disagreement with IA to explain the Board's rationale.)

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

If a motion to forward for review to the Mayor's office or other law enforcement oversight agency was made, the result of vote (X to Y). If a motion to refer to the Mayor is passed, the summary should be amended to include the outcome of the Mayor's review when completed.

IMAGINARY CASE # I-2019-0508 – INCIDENT DESCRIPTION

On January 23, 2019, Officer Smith and Officer Miller were on patrol in full police uniform driving a marked SDPD vehicle. Around 1230 hours (12:30 PM) in City Heights they drove past a bus stop and observed a black youth lounging nearby. Just past the bus stop area, Officer Smith activated the overhead lights and backed up to the bus stop. The officers contacted the youth, Sam Washington, to investigate why he was not in school at this time of the day. During the initial contact, Mr. Washington appeared nervous and made statements about being stopped by two white officers. He was answering the officers' questions in an off handed, discourteous manner and Officer Miller decided to detain him in handcuffs. When Officer Miller reached for his hands, Mr. Washington pulled away and began flailing his arms, bumping into each officer at some point. Both officers saw Mr. Washington's action as an assault. Together they gained control of Mr. Washington's arms and used physical force to put him in handcuffs. Officer Smith leaned Mr. Washington against the patrol car to perform a "pat down" search. Mr. Washington squirmed, impeding the search. Officer Miller activated his taser, fired it from a distance of less the three feet, hitting Mr. Washington in the buttocks. Mr. Washington fell to the ground, temporarily immobilized by a single cycle of the taser. Afterwards medics were called to the scene. Mr. Washington was transported to a local hospital for removal of the taser barbs. Following treatment, he was released without being charged or cited.

On February 1, 2019, Mr. Washington filed a complaint with SDPD Internal Affairs alleging

(1) Discrimination based on his race and

(2) Excessive Force related to the use of the taser.

SAN DIEGO

COMMUNITY REVIEW BOARD

CASE # I-2019-0508 SUMMARY

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.

The incident was in first quarter of 2019, during daylight hours. A black youth ("Complainant") was stopped by two SDPD Mid City officers ("Officer A" and "Officer B") for possible violation of CA Penal Code related to truancy. The Complainant stated that he had graduated high school two years ago and the officers had no right to detain him. He resisted officers' attempt to handcuff him and force (Taser) was used in order to detain him. He was transported to a hospital to receive medical care. He was subsequently released without being charged.

The Complainant alleged Discrimination stating that he was stopped and subjected to an interrogation by both officers because of his race. The Complainant alleged excessive Force, stating that he was tased for no reason.

For the allegation of Discrimination, IA asserted that there was no evidence that race was a factor in the contact and determined the alleged violation of SDPD Policy 9.31 to be UNFOUNDED. For the allegation of force (Taser), both officers stated the Complainant had been assaultive and continued to resist control. IA asserted the force used was within SDPD Procedure # 1.07 and determined the finding to be EXONERATED. In addition, IA added a SUSTAINED Other Finding that Officer B failed to activate his Body Worn Camera during an enforcement contact, as required by SDPD Procedure # 1.49

A CRB Case Review Team spent 52 hours to review the IA case file, and their report was reviewed by the full Board on May 14, 2019.

With respect to the allegation of Discrimination, the Board voted 11 to 8 to agree with the IA finding of UNFOUNDED, and added a Comment that the Board was concerned that truancy checks seem to only occur in low income neighborhoods. With respect to the allegation of excessive Force, the Board voted 10 to 9 to disagree with the IA finding of EXONERATED. The Board determined that in its opinion, based on Body Worn Camera video of Officer A and a cell phone video recorded by a bystander, the Complainant was not assaultive that there was no reason to believe he possessed a deadly weapon; therefore, the use of a Taser was prohibited. The Board believes this allegation should therefore be SUSTAINED. The Board also voted 19 to 0 to agree with the IA finding of SUSTAINED for an Other Finding, failure to turn on BWC (Officer B).

The Board voted 15 to 4 to refer the case to the Mayor for adjudication on the Force finding. After reviewing the case, the Mayor determined that the allegation of Force should be NOT SUSTAINED since the BWC and cell phone videos were inconclusive in determining whether the Complainant was assaultive. IA changed their finding accordingly.

IMAGINARY CASE # I-2018-0125 – INCIDENT DESCRIPTION

On October 19, 2018, Officer Jorge Reyes was on patrol in full police uniform driving a marked SDPD vehicle in the Pacific Beach area. Around 0100 hours (1 AM) Officer Reyes was eastbound on East-West Avenue when he observed a car approaching from the opposite direction with high beams. Officer Reyes flashed his high beams to alert the oncoming vehicle to turn his lights low, but there was no response. After the two cars passed, Officer Reyes made a U-turn and initiated a traffic stop on a white Lexus in the westbound lane of East-West Avenue.

Officer Reyes contacted the driver of the Lexus, Clarence Williams, to explain the stop. Mr. Williams immediately turned his lights low and apologized to Officer Reyes for not seeing his signal when they were approaching each other. He explained to Officer Reyes that he and his wife, passenger Barbara Williams, had been out to dinner with friends and had consumed at most three alcoholic drinks over the course of six hours. Officer Williams explained that often high beams are used by intoxicated persons and this stop was made so he could insure sobriety. Mr. Williams assured Officer Reyes that he was not intoxicated and offered to perform any test Officer Reyes required. Officer Reyes did not observe any objective symptoms of intoxication and issued a warning to Mr. Williams about driving with high beams.

Their conversation had been congenial; however Mrs. Williams became irate about the stop. She accused Officer Reyes of laying in wait because she had seen his SDPD vehicle in the parking lot of an all-night fast food restaurant several blocks earlier. She believed Officer Reyes could not have seen high beams, but had seen that they are black as they drove past the parking lot in a "fancy" car. She asserted that his stop was entirely racially motivated.

When Officer Reyes was not able to dissuade Mrs. Williams, he called for a sergeant. Sgt. Tom Brier responded and took her complaint. On October 21, 2018, Mrs. Williams called SDPD Internal Affairs to follow up on her complaint against Officer Reyes alleging racial Discrimination.

SAN DIEGO

COMMUNITY REVIEW BOARD

CASE # I-2018-0125 SUMMARY

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.

The incident was in third quarter of 2018, during night hours. A traffic stop was executed by an SDPD Northern Division patrol officer ("Officer A") for possible violation of CA Penal Code related to driving while intoxicated. The driver was cooperative and received a warning for driving with high beams. The passenger ("Complainant) asserted Officer A had been parked beside the road and could not have seen that the headlights were on high, but did see that the occupants were black. Complainant alleged Discrimination stating that the stop was based on their race in violation of SDPD Policy 9.31.

With respect to the allegation of Discrimination, IA asserted that race was not a factor in the contact because the two cars approached from opposite directions on the road, and Officer A made a U-turn in order to execute the traffic stop. IA determined the alleged violation of SDPD Policy 9.31 to be UNFOUNDED. (AVL showed an SDPD vehicle parked several blocks away from the stop with an ID assigned to another officer who was not involved in this incident.)

A CRB Case Review Team spent 14 hours to review and evaluate the IA case file, and their report was reviewed by the full Board on February 9, 2019. The Board voted 17 to 0 to agree with the IA finding of UNFOUNDED.

The City of
SAN DIEGO

COMMUNITY REVIEW BOARD ON POLICE PRACTICES

OUTREACH EVENTS, MEETINGS & TRAININGS CALENDAR

Aug. 27, 2019 4pm-5:30pm	**Community Review Board on Police Practices** Closed Session Meeting **(Not Open to the Public)**
6pm-8pm	**Open Session Meeting (Open to the Public)** Malcolm X Branch Library 5148 Market Street 3735 38th Street – SD 92114
Aug. 29, 2019 10am - 11am	**CRB Presentation to SDPD New Officers** Naval Training Center **(Not Open to the Public)**
Sept. 4, 2019 11:15am	**CRB Presentation to Past Grand Jurors' Association** Hunter Restaurant **(Not Open to the Public)**
Sept. 10, 2019 5pm-7pm	**Community Review Board on Police Practices (CRB)** Closed Session Meeting **(Not Open to the Public)** Mission Valley Branch Library
Sept. 12, 2019 7:30am-8:30am	**Community Assistance Support Team (CAST) Meeting** **611 S. 35th Street**
Sept. 23, 2019 6pm	**Citizens Advisory Board on Police/Community Relations Meeting (CAB) (Open to the Public)** Carmel Mountain Ranch/Sabre Springs Recreation Center 10152 Rancho Carmel Dr.
Sept. 24, 2019 4pm-5:30pm	**Community Review Board on Police Practices** Closed Session Meeting **(Not Open to the Public)**
6pm-8pm	**Open Session Meeting (Open to the Public)** Cherokee Point Elementary School 3735 38th Street – SD 92105
Sept. 26, 2019 10am-2pm	**DOJ Racial and Identity Profiling Advisory Board Meeting** Skyline Hills Library – Multi Purpose Room 7900 Paradise Valley Road

Oct. 8, 2019 5pm-7pm	**Community Review Board on Police Practices (CRB)** Closed Session Meeting **(Not Open to the Public)** Mission Valley Branch Library
Oct. 10, 2019 7:30am-8:30am	**Community Assistance Support Team (CAST) Meeting** **611 S. 35th Street**
Oct. 22, 2019 4pm-5:30pm	**Community Review Board on Police Practices** Closed Session Meeting **(Not Open to the Public)**
6pm-8pm	**Open Session Meeting (Open to the Public)** Malcolm X Branch Library 5148 Market Street 3735 38th Street – SD 92114
Nov. 12, 2019 5pm-7pm	**Community Review Board on Police Practices (CRB)** Closed Session Meeting **(Not Open to the Public)** Mission Valley Branch Library
Nov. 14, 2019 7:30am-8:30am	**Community Assistance Support Team (CAST) Meeting** **611 S. 35th Street**
Nov. 26, 2019 4pm-5:30pm	**Community Review Board on Police Practices** Closed Session Meeting **(Not Open to the Public)**
6pm-8pm	**Open Session Meeting (Open to the Public)** Malcolm X Branch Library 5148 Market Street 3735 38th Street – SD 92114
Dec. 10, 2019 5pm-7pm	**Community Review Board on Police Practices (CRB)** Closed Session Meeting **(Not Open to the Public)** Mission Valley Branch Library
Dec. 12, 2019 7:30am-8:30am	**Community Assistance Support Team (CAST) Meeting** **611 S. 35th Street**

PAST OUTREACH EVENTS, MEETINGS & TRAININGS ATTENDED BY CRB

July 9, 2019 5pm-7pm	**Community Review Board on Police Practices (CRB)** √ Closed Session Meeting **(Not Open to the Public)** Mission Valley Branch Library
July 11, 2019 7am-9am	**SDPD Northern Division Coffee with a Cop** √ Starbucks 4798 Clairemont Mesa Blvd. ***CRB Outreach Opportunity***
July 11, 2019 7:30am-8:30am	**Community Assistance Support Team (CAST) Meeting** √ 611 S. 35th Street
July 11, 2019 12pm-1pm	**SDPD Southeastern Division Coffee with a Cop** √ Starbucks 350 Euclid Avenue ***CRB Outreach Opportunity***
July 13, 2019 10am	**2019 Pride Parade w/ Mayor & One San Diego** √ Meet at DMV Parking Lot -3960 Normal Street ***CRB Outreach Opportunity***
July 17, 2019 12pm-1pm	**CRB Executive Committee Meeting (Open to the Public)** √ American Red Cross – 3950 Calle Fortunada, SD 92123
July 22, 2019 6pm	**Citizens Advisory Board on Police/Community Relations Meeting (CAB) (Open to the Public)** √ Encanto Recreation Center 6508 Wunderlin Avenue – SD 92114
July 23, 2019 10am-11:30am	**CRB Recruitment & Training Committee Meeting (Open to the Public)** √ Civic Center Plaza Building, Suite 924- Small Conf. Room 1200 Third Avenue
July 23, 2019 4pm-5:30pm	**Community Review Board on Police Practices** √ Closed Session Meeting **(Not Open to the Public)**
6pm-8pm	**Open Session Meeting (Open to the Public)** √ Malcolm X Branch Library 5148 Market Street 3735 38th Street - SD 92114
July 26, 2019	**CRB Rules Committee Meeting (Open to the Public)** √

9:30am-10:30am	Civic Center Plaza Building, Suite 924 Large Conf Room 1200 Third Avenue
July 27, 2019 9am -11am	**Special Training on CRB Policies and Procedures & Case Review & Presentation √** **(Open to the Public)** Logan Heights Branch Library 567 South 28th Street
July 27, 2019 11am – 1pm	**CRB Perjury Panel Discussion √** **(Open to the Public)** Logan Heights Branch Library 567 South 28th Street
Aug. 3, 2019 1pm-5pm	**Pillars of the Community First Saturdays at the Spot √** 6443 Imperial Avenue ***CRB Outreach Opportunity***
Aug. 6, 2019	**National Night Out √** ***CRB Outreach Opportunity***
2pm	**Southern Community Walk and Crime Fair at the Robert Egger Rec.** 1885 Coronado Ave
5pm	**Southeast Gompers Park** 4926 Hilltop Dr.
5pm-9pm	**Central Division Community Block Party** Memorial Park and 2902 Marcy Ave
5pm-8pm	**Northeastern Division** 13396 Salmon River Rd
5pm-8pm	**Pacific Beach Library Event**
6pm-7:30pm	**Mid-City Event** Jeremy Henwood Park
Aug. 8, 2019 7:30am-8:30am	**Community Assistance Support Team (CAST) Meeting** 611 S. 35th Street √
Aug. 10, 2019 9am-2pm	**5th Annual San Diego Unity Games √** Willie Henderson Sports Complex 1035 So. 45th Street

CRB Outreach Opportunity – Table & Chairs

Aug. 13, 2019 4pm-5pm	**CRB Policy Committee (Open to the Public)** √ Mission Valley Branch Library 2123 Fenton Parkway
Aug. 13, 2019 5pm-7pm	**Community Review Board on Police Practices (CRB)** √ Closed Session Meeting **(Not Open to the Public)** Mission Valley Branch Library
Aug. 14, 2019 5:30pm-7pm	**Recruitment Information Session on the CRB** √ **(Open to the Public)** Malcolm X Branch Library 5148 Market Street
Aug. 14, 2019 5:00pm-8pm	**SDPD Multi-Cultural Storefront's Community BBQ** √ 5348 University Avenue ***CRB Outreach Opportunity***
Aug. 21, 2019 12pm-1pm	**CRB Executive Committee Meeting (Open to the Public)** √ American Red Cross Building 3950 Calle Fortunada