





THE CITY OF SAN DIEGO

MEMORANDUM

DATE: December 3, 2018

TO: Honorable Mayor Kevin L. Faulconer
Honorable Council President Myrtle Cole and Members of the City Council

FROM: Sharmaine Moseley, Executive Director, Community Review Board on Police Practices 
via Joel Day, Director, Office of Boards and Commissions 

SUBJECT: CRB Fiscal Year 2018 Annual Report

This memo is to respectfully inform you that the Community Review Board on Police Practices (CRB or Board) Fiscal Year 2018 Annual Report is complete and will be released today. Section 43(d) of the City Charter requires that the Board submit regular reports to the Mayor and City Council concerning its evaluation of the San Diego Police Department's investigation of complaints; provided, that such reports shall not disclose any information required to be kept confidential by law. The report is attached.

Please feel free to contact me with any questions.

Attachment: CRB Fiscal Year 2018 Annual Report

cc: Kris Michell, Chief Operating Officer
Honorable City Attorney Mara Elliott
Aimee Faucett, Chief of Staff, Office of the Mayor
Andrea Tevlin, Independent Budget Analyst
Stacey LoMedico, Assistant Chief Operating Officer
Ronald H. Villa, Acting Assistant Chief Operating Officer
Rolando Charvel, Chief Financial Officer
Almis Udrys, Deputy Chief of Staff for Innovation & Policy, Office of the Mayor
Francis Barraza, Deputy Chief of Staff for Community Engagement, Office of the Mayor
Jessica Lawrence, Director of Finance & Council Affairs, Office of the Mayor
David Nisleit, Chief, Police Department
Kyle Elser, Interim City Auditor



Community Review Board on Police Practices

Annual Report
FY 2018

BOARD MEMBERS

Doug Case, Chair

Joe Craver, 1st Vice Chair

Brandon Hilpert, 2nd Vice Chair

Diana Dent

Dr. Reinaldo Galindo

Taura Gentry

Sheila Holtrop

Thomas J. Lincoln*

Dr. Maria Nieto-Senour

Pieter O’Leary

Mary O’Tousa

John Sieger*

Ernestine Smith

Richard Stanford*

Pauline Theodore

Nancy Vaughn

Martin Workman

Note: Members who did not serve the entire fiscal year are denoted with an asterisk (*).

Executive Director

Sharmaine Moseley

CHAIR'S MESSAGE

Fiscal year 2018 was a productive time for the Community Review Board on Police Practices (CRB).

In November 2016, the voters of San Diego approved Measure G, a charter amendment that included giving the Mayor and City Council dual authority over the CRB. This required the development of an implementation ordinance and new governing documents to define the new relationships and the CRB member selection and appointment process. Among the changes will be the creation of a comprehensive program and a CRB Academy to train future Board members.

The Board is working to improve accountability and transparency. An enhanced tracking process is being developed that will facilitate greater oversight of complaints, and for the first time, the Board will have access to review or audit all complaints. Currently, the CRB reviews only the more serious (Category I) complaints investigated by Internal Affairs. The new governing documents authorize the Board to audit the less serious (Category II) complaints investigated at the divisional command level. Furthermore, the Chief of Police accepted the CRB's recommendation to classify Search and Seizure and Unlawful Detention complaints as Category I. We are exploring options to provide, within legal constraints, more details to the public about CRB findings. The Chief of Police recently implemented the CRB's recommendation to place all non-confidential San Diego Police Department Policies and Procedures online to make them more accessible to the public.

With a budget allocation from the City Council and cooperation from the City Attorney, the CRB was able to retain the services of outside counsel, enabling a greater degree of independence. After a request for proposal process, the law firm Devaney Pate Morris & Cameron was selected.

All CRB's committees had an active year. The Rules Committee worked on the new governing documents mentioned above. The Policy Committee made a variety of policy recommendations to the San Diego Police Department regarding body worn cameras, review of canine-related use of force cases, de-escalation policies and the use of the carotid restraint. The Outreach Committee enhanced visibility of the CRB through participation in dozens of community events. The Continuing Education Committee arranged for speakers at most of the monthly open meetings as well as coordinating tours of the Central Jail and the Medical Examiner's office for Board members. The Recruitment and Training Committee interviewed potential Board members and created a curriculum for use in training newly appointed members.

As my two-year tenure as Chair concludes, I am pleased with the initiatives we have implemented and look forward to continued progress in the future. Looking forward to our 30th anniversary in the upcoming year, we can be proud of the service we have delivered to the citizens of San Diego by providing effective and meaningful civilian oversight of the San Diego Police Department.



Doug Case
Chair

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Executive Summary

The Community Review Board on Police Practices (CRB) was established in November 1988 by the approval of Proposition G, an initiative that amended the City of San Diego charter. In November 2016, Measure G was placed on the ballot and passed with an 82 percent vote. Measure G changed the name of the CRB from the Citizens' Review Board on Police Practices to the Community Review Board on Police Practices so that it's inclusive of all San Diegans. Measure G also created dual responsibility of the CRB to the Mayor and the City Council and codified the current practice of the CRB's review of In-Custody Deaths and Officer-Involved Shootings to become a permanent practice of the CRB's responsibility.

The purpose of the CRB is to review and evaluate complaints made by members of the public regarding the conduct of officers of the City of San Diego Police Department (SDPD). The CRB also reviews officer-involved shooting cases, in-custody death cases and the administration of discipline resulting from "sustained" complaints. Officer-involved shooting and in-custody death cases are investigated by the SDPD Homicide Unit, the District Attorney's Office and Internal Affairs (IA) before being reviewed by the CRB.

The purpose of this report is to provide an overview of accomplishments made by the CRB towards making the complaint process more transparent to the community as well as providing information about the work the CRB engaged in throughout fiscal year 2018. This report includes the statistical breakdown of the number of complaints filed, types of allegations, comparison of findings between the SDPD's Internal Affairs Unit investigations and CRB findings, case demographics, body worn camera data, disagreements between IA and the CRB and recommendations to SDPD regarding its policies and procedures. The data was compiled from case reports written by CRB teams from its review of IA investigations of certain cases.



When appropriate, the CRB makes policy and procedural recommendations to the SDPD resulting from case review. The Policy Committee Section of this annual report lists the issues and recommendations the Policy Committee worked on and forwarded to the Board for consideration in fiscal year 2018. Most of the recommendations for policy and procedural changes were implemented by SDPD.

The CRB's Annual Report demonstrates the independence of the Board in its decision-making and proactive steps in identifying issues that would improve the relationship between the community and law enforcement. The CRB goes above and beyond to effect the change that is

needed in the City of San Diego and will continue to identify ways for greater transparency and improvements to the process some of which are listed in this report.

Civilian Oversight of Law Enforcement

The National Association for Civilian Oversight of Law Enforcement (NACOLE)^{1,2} has identified approximately 200 law enforcement oversight entities in the United States. There are three general models for these boards, commissions and agencies:

1. Investigation-focused model (about 35 percent of entities) – professional civilian investigators conduct independent investigation of complaints against law enforcement officers. Investigation reports may be reviewed by a community board or commission.
2. Review-focused model (about 40 percent of entities) – a board or commission comprised of community volunteers review the results of Internal Affairs investigations.
3. Auditor/monitor model (about 25 percent of entities) – rather than focusing on individual complaints, staff analyze data to identify trends and patterns and to recommend systematic changes to departmental policies, procedures and training.

Many entities are hybrids of these models, and some jurisdictions have more than one oversight entity. Because community needs, politics and resources vary, no two oversight entities are identical.

In 1988, San Diego voters considered two City charter additions that would have implemented either an investigative model or a review model. Both measures passed, but the one with the review model received more votes and was implemented. Note: In 1990, the voters in the County of San Diego created the Citizens' Law Enforcement Review Board which utilizes the investigative model to review complaints against deputy sheriffs and probation officers.

The review model, used in the City of San Diego, is the least expensive and most cost-effective model. It is also more collaborative and less adversarial in nature, it promotes constructive dialog between police leadership and diverse community members, which can result in meaningful changes in departmental culture. Disadvantages of the model include it being less independent than an investigative model and it requires extensive volunteer time. It should be noted that San Diego's CRB has greater authority than most other review boards across the country because SDPD Internal Affairs investigations are not closed until after the CRB review, and CRB input can result in changes to the Internal Affairs final report.

The CRB has an organizational membership with NACOLE and participates in many of NACOLE's webinars and other educational activities.

¹ DeAngelis, Joseph, Richard Rosenthal and Brian Buchner. 2016. "Civilian Oversight Enforcement - A Review of the Strengths and Weaknesses of Various Models." National Association for Civilian Oversight of Law Enforcement (NACOLE) and Office of Justice Programs (OJC) Diagnostic Center

² Vitoroulis, Michael. 2018. "The State of Civilian Oversight & Strategies for Evaluating and Reporting on Performance." NACOLE Annual Conference, St. Petersburg, FL

Highlights and Accomplishments

Transparency, collaboration and accountability are critical in community oversight of law enforcement. Nationally, a sharp focus has been put on the relationship between law enforcement and communities. The CRB strives to be transparent while complying with federal, state and local law. Community oversight of law enforcement is always a work in progress and the CRB strives to develop and follow best practices.



San Diego's CRB is comprised of 23 volunteer appointed members and up to 23 prospective members. In fiscal year 2018, the 23-member board had between 14 and 17 members and four prospective members. Two of the prospective members were on leave of absence and two were due to be considered for appointments to the Board by the Mayor. Prior to the passage of Measure G in 2016, the Mayor was solely responsible for appointing members to the CRB.

However, due to the passage of Measure G, the process for the selection and appointments of members was at a standstill as procedures to implement Measure G were being established. This was a result of Measure G's creation of dual responsibility of the CRB to the Mayor and the City Council.

Although the selection process for appointed members was on hold in fiscal year 2018, the CRB's Recruitment and Retention Committee continued to interview candidates for the CRB and selected 20 individuals as potential members. As of May 2018, nine of the 20 individuals were still interested in being considered for appointments to the CRB. Their names were forwarded to the Mayor for consideration. On May 10, 2018, the Mayor issued a memo soliciting input from the City Council on appointees to the CRB.

In fiscal year 2018, City staff worked closely with the CRB to create a draft ordinance that would implement Measure G. In March 2018, a draft ordinance was presented to the City's Rules Committee. The Rules Committee requested the City Attorney's office work with City staff to prepare a final ordinance to bring to full Council for consideration. On June 18, 2018, the final ordinance and resolution for the CRB's standard operating procedure to implement Measure G were presented to the City Council for approval. Both were approved. The

ordinance and standard operating procedures will go into effect on Aug. 9, 2018. The ordinance eliminated the category of “prospective member” to streamline the appointment process and replaced the practice with a CRB Training Academy.

In fiscal year 2018, the CRB continued working on seven strategic initiatives, previously identified in the last fiscal year that would improve the CRB process.

Those seven strategic initiatives were as follows:

1. Continue to work with Internal Affairs on flexibility with regards to case review.
2. Review the complaint review process to identify potential process improvements.
3. Provide consistent reporting of case statistics and workings of the CRB.
4. Provide a comprehensive communication plan to continue efforts to build relationships and educate the community.
5. Arrange additional training on completing investigations.
6. Arrange educational opportunities to learn more about the community we serve.
7. Create and initiate a request for proposal for the selection and retention of CRB outside counsel.

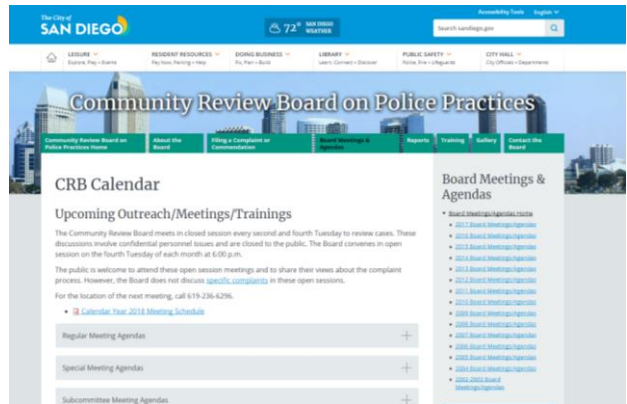


The CRB’s purpose in providing community oversight of law enforcement is always a work in progress and the CRB strives to develop and follow best practices. In fiscal year 2018, the CRB members and Executive Director increased their outreach efforts and active engagement of community and stakeholders of local law enforcement oversight. The goal is to identify and reach outreach milestones and work to build a more effective oversight model in the City.

Several process improvements and/or accomplishments are highlighted in this report. They are as follows:

1) Outside Legal Counsel – In fiscal year 2018, the CRB and City staff created and initiated a Request for Proposals to select and retain outside counsel for the CRB. In November 2018, Devaney Pate Morris & Cameron LLP was selected and retained to provide legal service to the CRB. In this fiscal year, the CRB requested seven legal opinions from its outside counsel.

2) Information Accessibility – The CRB continued to explore ways to make information easily accessible to the public. CRB brochures were made available in public places such as libraries where the CRB hold its monthly meetings, the City Clerk’s office and at community events. Earlier this year, Chief of Police David Nisleit placed SDPD’s Policies and Procedures online. This item was a crucial recommendation for a few years, so the CRB thanks Chief Nisleit for agreeing that placing SDPD’s Policies and Procedures online would create more transparency for the community.



3) Updated Website – The CRB website is a tool for communicating with the public that has been underutilized for several years. Over the last couple of years, revisions have been made to make the website more user friendly and provide more information to the public. This space is used to develop and enhance a community around the CRB. Additions made to the website include photos of CRB activities, a video section, categorization of CRB meetings, transparent CRB minutes, a new meeting/outreach calendar list, CRB policy recommendations that were accepted by SDPD, as well as links to organizations that are relevant to law enforcement.

4) Community Component to Meetings and Working Retreats – The CRB continued its efforts in providing a well-rounded training program for new Board members and on-going education for existing members by continuing to include a Community Component in its meetings. The CRB continued to explore training topics and worked with Internal Affairs to identify educational opportunities to learn more about the communities they serve.

5) CRB Working Retreat – In January 2018, the CRB and staff participated in a retreat that was focused on the development of the Board’s strategic initiatives and a one-hour community engagement presentation given by Dr. Jacqueline Leak. Dr. Leak focused her presentation on “An African American Woman’s View on Policing from a Unique Perspective – Trauma, Micro-Aggressions & Policing.” The CRB believes in the importance of continuing to have a community engagement segment/presentation in its meetings and trainings because it serves as an educational opportunity for the CRB to learn more about the communities in which they serve.

Date of Meeting	Time / Session	Location
Monday, January 8, 2018	5:00-7:00 pm Closed Session	2125 San Felipe Street, Suite 200, San Diego, CA 92108
Tuesday, January 23, 2018	4:00-6:30 pm Closed Session 6:00-8:00 pm Open Session	2125 San Felipe Street, Suite 200, San Diego, CA 92108
Tuesday, February 13, 2018	5:00-7:00 pm Closed Session	2125 San Felipe Street, Suite 200, San Diego, CA 92108
Tuesday, February 27, 2018	4:00-6:30 pm Closed Session 6:00-8:00 pm Open Session	2125 San Felipe Street, Suite 200, San Diego, CA 92108
Tuesday, March 13, 2018	5:00-7:00 pm Closed Session	2125 San Felipe Street, Suite 200, San Diego, CA 92108
Tuesday, March 27, 2018	4:00-6:30 pm Closed Session 6:00-8:00 pm Open Session	2125 San Felipe Street, Suite 200, San Diego, CA 92108
Tuesday, April 10, 2018	5:00-7:00 pm Closed Session	2125 San Felipe Street, Suite 200, San Diego, CA 92108
Tuesday, April 24, 2018	4:00-6:30 pm Closed Session 6:00-8:00 pm Open Session	2125 San Felipe Street, Suite 200, San Diego, CA 92108
Tuesday, May 8, 2018	5:00-7:00 pm Closed Session	2125 San Felipe Street, Suite 200, San Diego, CA 92108
Tuesday, May 22, 2018	4:00-6:30 pm Closed Session 6:00-8:00 pm Open Session	2125 San Felipe Street, Suite 200, San Diego, CA 92108
Tuesday, June 5, 2018	5:00-7:00 pm Closed Session	2125 San Felipe Street, Suite 200, San Diego, CA 92108
Tuesday, June 19, 2018	4:00-6:30 pm Closed Session 6:00-8:00 pm Open Session	2125 San Felipe Street, Suite 200, San Diego, CA 92108
Tuesday, July 3, 2018	5:00-7:00 pm Closed Session	2125 San Felipe Street, Suite 200, San Diego, CA 92108
Tuesday, July 17, 2018	4:00-6:30 pm Closed Session 6:00-8:00 pm Open Session	2125 San Felipe Street, Suite 200, San Diego, CA 92108

6) Focus on Strategic Initiatives – At its January 2018 retreat, the CRB focused on developing additional strategic initiatives that would focus on ways to improve the CRB process. Those strategic initiatives were assigned to the CRB’s Rules, Outreach, Continuing Education and Policy Committees as short-term and long-term goals. Each committee was tasked with creating a work plan for 2018–2019. Some items from the previous years’ work plan were carried over into the 2018–2019 work plan. The purpose of the work plan is to map out any upcoming improvements, efficiencies and revisions that are necessary for the effective operation of the CRB. The CRB’s 2018–2019 Work Plan was adopted by the CRB at its April 24, 2018, open session meeting.



7) CRB Reports – The Annual Report for fiscal year 2017 was published and released in October 2017. In December 2017, the CRB’s 2nd Vice Chair and Executive Director presented the Annual Report to the City Council’s Public Safety and Livable Neighborhoods Committee. In April 2018, the CRB’s Chair and Executive Director presented an update on process improvements, work plan and case statistics to the City Council’s Public Safety and Livable Neighborhoods Committee.

8) Collaborative Complaint Tracking System – In August 2015, the CRB and SDPD developed and implemented a collaborative complaint tracking system to share information regarding CRB complaints that are filed with the SDPD and the CRB. This system enables the CRB to know the status and other information regarding complaints filed. Currently, the CRB and SDPD are using two separate databases which requires staff to input data more than once. In efforts to improve this process, the CRB Executive Director and SDPD agreed to consider moving towards sharing SDPD’s database to gather information on the status of complaints/cases.

9) Increase Media/Community Outreach – In March 2018, the City’s Communications Department worked with the CRB Executive Director in creating its second communication plan proposal for the CRB for FY 2019. The communication plan will provide public information support for media, press releases, social media, photography, website updates and the production of the annual report and CRB brochure in Spanish. The Communications Department will continue to work with the Executive Director and CRB Outreach Chair in providing support for CRB meetings and outreach efforts as well as increase visibility of the CRB. In FY 2018, the CRB participated in over 150 meetings, presentations and outreach events in efforts to learn about the community and educate the public about the CRB and complaint process.

10) Community Engagement Bus Tour – In fiscal year 2018, the CRB participated in the Center for Community Cohesion’s Community Engagement Bus Tour. The tour and community segment are an opportunity for the CRB and SDPD’s new officers to learn about the interactions between the community and law enforcement from local groups. The local

groups that participated in the tour included the San Diego LGBT Community Center, the Alliance for Community Empowerment, the Islamic Center of San Diego and Pillars of the Community.

11) Increase Public Participation at CRB Open Meetings – The CRB Outreach Chair and Executive Director continued to explore ways to increase public participation at the CRB’s open meetings. With the help of the Communications Department, the CRB has increased public interest and participation at its open meetings through use of various social media platforms, presentations to numerous community group and expanding the CRB’s community email list. A public group with over 10,000 members agreed to list the CRB’s open meetings schedule on its social media community calendar. In addition, the Communications Department created a crawl text notice of CRB meetings on CityTV. The CRB will continue to explore different ways to increase public participation at the CRB’s open meetings.

12) Education of SDPD New Officers – CRB presentations were given to SDPD’s academy graduates to help educate the new officers about the CRB.

13) Educational Training Opportunities – The CRB and/or Executive Director participated in various educational training opportunities such as the Crisis Response Team, Basic Investigations, Force Encounters, Effective Interactions, National Association for Civilian Oversight of Law Enforcement Conference, National Black Police Association Conference, Document ME Conference, Restoring Respect’s Conference on Media Literacy and Love & Justice H.E.A.T Symposium. Other training opportunities included webinars, Inside SDPD, news articles, community meetings and hands-on demonstrations.



In addition to the process improvements, there are upcoming improvements to the CRB process which are included in the CRB’s fiscal year 2018 work plan. Some of those upcoming improvements are as follows:

- Continue to work with Internal Affairs on flexibility with regards to case review and the development of a more defined complaint intake process
- Continue recruitment and retention efforts in council districts
- Continue to develop community partnerships and increase educational opportunities to learn more about the community
- Collaborate with the Citizens Advisory Board on Police/Community Relations and the Commission on Gang Prevention and Intervention regarding policy recommendations to SDPD

- Explore providing additional case information other than statistics to the public via the CRB website
- Formalize Category II complaint audit process
- Develop an outreach plan for youth
- Develop a comprehensive list of events/activities for CRB outreach
- Finalize policy and procedures regarding case review
- Update bylaws to be consistent with Measure G
- Develop and implement the new Citizen Training Academy for citizens interested in being appointed to the CRB and for newly appointed members

Complaint Process

Complaints against SDPD officers may be lodged by citizens at a several locations including the police department and the CRB office and may be made in person, in writing by email, letter or fax, or by telephone or via the CRB website. As long as the allegations in the complaint are against members of the San Diego Police Department, all complaints are sent to the Internal Affairs Unit of the police department. Internal Affairs (IA) then categorizes the complaint as a **Category I** or **Category II**. Category I complaints include **force, arrest, discrimination, slur, criminal conduct, detention and search and seizure**. If alleged in conjunction with **Category I** complaints, the CRB also reviews allegations in the areas of procedure, courtesy, conduct and service. These complaints are classified as **Category II**, and when filed alone are evaluated solely by the SDPD and are not reviewed by the CRB.

Complaints that have only **Category II** allegations are referred by IA to the Division Captain where the incident took place. The Division Captain forwards that complaint to the Division Supervisor who is responsible for the review, investigation and disposition of that complaint. The CRB does not currently review and evaluate Category II complaints but will begin auditing Category II complaints when Measure G is implemented.

When a Category I complaint is received by IA, it is assigned to one of its Sergeants for investigation. At this time, it becomes a case. The IA investigation includes interviews with the complainant, subject officer, civilian witnesses and witness officers review of videos and an examination of the physical evidence, if any. IA considers each allegation in the complaint separately.

Case Review Statistics

During fiscal year 2018, the CRB received, reviewed and evaluated forty-three (43) cases from Internal Affairs. These cases were either received at the CRB office or issued to the CRB after IA completed its investigations. Over the last several years, there has been a steady decrease in the number of cases reviewed by the CRB. Between FY2016 - FY2017 the number of cases reviewed by the CRB decreased by twenty-five (25). A similar decrease of twenty-three (23) cases occurred during FY2015-FY2016. In FY2018, the CRB reviewed eleven (11) less cases than the previous fiscal year. A decrease in the number of cases may be attributed to many

different factors such as:

- SDPD officers wearing Body Worn Camera
- Lack of community trust in the process
- Revisions to SDPD Policies & Procedures
- Complaints being handled informally with officer and supervisors
- Increase in community policing efforts
- Improved departmental training and compliance

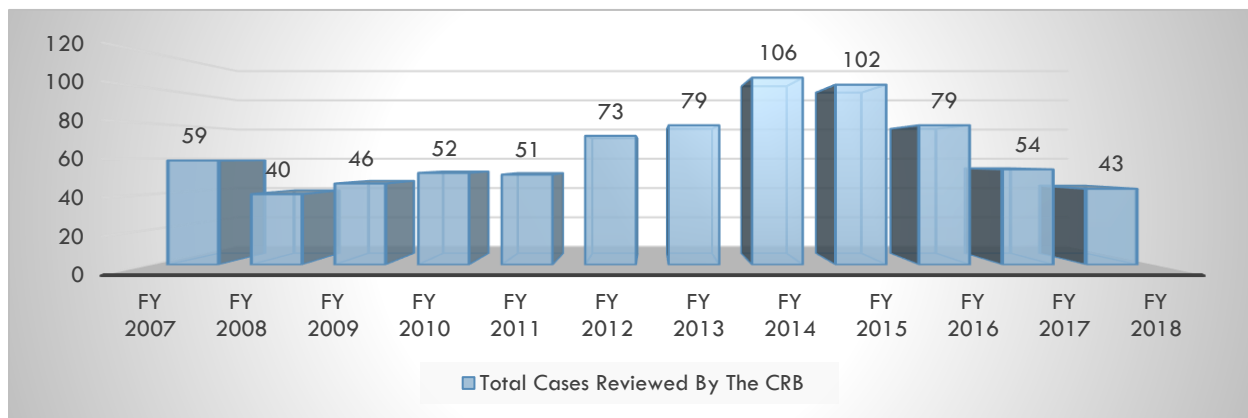
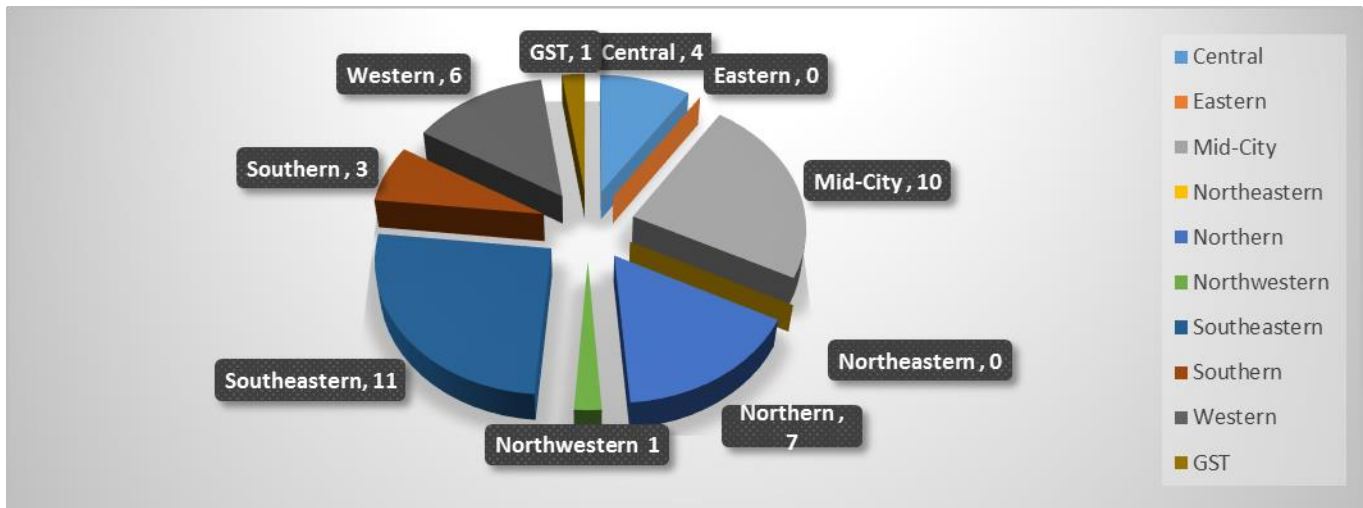


Figure 1: Complainant Incident Locations (Fiscal Year 2018)

According to Figure 1, in fiscal year 2018, a majority of cases reviewed by the CRB occurred in the Police Department's Mid-City (10) and Southeastern divisions (11). In fiscal year 2017, a majority of cases reviewed by the CRB occurred in the Western (13) and Central (12) divisions.

In fiscal year 2018, the next largest number of cases occurred in the Northern (7) and Western (6) divisions. The divisions where there were a majority of cases reviewed had an accumulated total of 81 percent of the forty-three (43) cases reviewed by the CRB. When comparing fiscal year 2018 to fiscal year 2017, the number of complainant incidents in cases reviewed by the CRB decreased in the Western, Central and Southern divisions and increased in the Southeastern and Mid-City divisions in fiscal year 2018. In fiscal year 2018, the CRB continued to receive and review the same number of cases, as in previous fiscal years, in the Northern division. The CRB reviewed zero cases from the Eastern and Northeastern divisions.



Community Review Board Case Review Process

After IA investigates and renders its finding(s) on a complaint, the complaint is assigned to a three-member CRB team. The entire IA investigative file related to the complaint is made available to the CRB team members. This file includes originals of the complaint, video or audio tape recordings of interviews of witnesses and parties to the incident, body worn camera video and physical evidence that was considered in the investigation. Internal Affairs's interviews are taped with the permission of the complainant and witnesses and team members are encouraged to listen to all interviews. Team members are required to conduct their work in the offices of IA to preserve the mandated California state confidentiality law.

The team then prepares recommendations to the entire CRB to either agree or disagree with IA's finding(s). At least two of the three members of the team must review the complaint file before a recommendation is made to the CRB. Two or more members of the team must concur in their recommendation or the case will be referred to another team for review and recommendation. The team will recommend the CRB, on each complaint allegation:

- **Agree with Internal Affairs findings**
- **Agree with Internal Affairs findings with comment**
- **Disagree with Internal Affairs findings with comment**

In addition, the CRB can refer any specific policy or procedural issues arising from a case which do not directly relate to the allegations of that case to its Policy Committee.

In closed session meetings, the CRB will reach one of these conclusions. The CRB may agree with Internal Affairs findings but comment on the handling of the incident. The CRB may disagree with Internal Affairs and comment on their differing conclusion or the CRB may simply agree with Internal Affairs. The CRB may, however, request that an additional investigation be conducted to resolve any unanswered questions. If the CRB disagrees with the Internal Affairs finding, the CRB can refer the case to the Mayor for a final determination. Following the CRB vote on each case, the CRB Chair sends a letter to all complainants

informing them of the CRB’s review and findings regarding the allegations.

With respect to the review of cases, the Board’s work is confidential and must be conducted in Closed Session pursuant to California Government Code Section 54957 and California Penal Code Section 832.7. However, the CRB does have the authority to report its findings and concerns as related to specific citizen allegations to the Mayor, the District Attorney, the Grand Jury and any federal or state authority duly constituted to investigate police procedures and misconduct.



In fiscal year 2018, the CRB disagreed with comment with the Internal Affairs finding of “exonerated” for a procedure allegation and agreed to send the case to the Mayor for adjudication of the finding for that allegation. After an extensive review of the case file and procedures, the City’s Chief Operating Officer changed the finding from “exonerated” to “not sustained.” The CRB unanimously agreed with the Chief Operating Officer’s decision. When a complaint against an officer has been “Sustained,” the police department imposes discipline. Internal Affairs reports the discipline to the CRB team and discusses any prior “Sustained” complaints of a similar nature against the officer. The CRB team reviews the disciplinary action taken against the officer and decides whether it agrees or disagrees that the reported discipline is consistent with the SDPD Discipline Matrix. The team also agrees or disagrees the discipline imposed was appropriate. The Executive Director records the CRB’s position on all disciplinary actions and includes statistics in the CRB’s semi-annual reports. Ultimately, however, the final disciplinary decision is within the authority of the San Diego Police Department management, not the CRB.

Definitions Of SDPD Internal Affairs Investigation Findings

For purposes of this report, the following findings are made after an investigation of a complaint is conducted by the SDPD’s Internal Affairs.

Sustained – The San Diego Police Department member committed all or part of the alleged acts of misconduct.

Not Sustained – The investigation produced insufficient information to clearly prove or disprove the allegations made in the complaint.

Exonerated – The alleged act occurred, but was justified, legal and proper or was within policy.

Unfounded – The alleged act did not occur.

Other Findings – The investigation revealed violations of San Diego Police Department policies/ procedures alleged in the complaint. If there is an “Other Finding” for a category such as force, procedure, courtesy, etc., that finding will be listed as “Sustained.”

Once the homicide and district attorney investigations are completed for officer-involved shooting and in-custody death cases, those cases are forwarded to the CRB for review. The CRB’s disposition on those cases will be classified in one of the following ways:

- **Within-Policy**
- **Not Within-Policy**

Categorization of Allegations and Findings

The chart below represents the different allegations made in forty-three (43) cases reviewed by the CRB in fiscal year 2018. The CRB reviewed, evaluated and issued findings on a total of forty-three (43) separate citizen complaint cases. The cases contained allegations totaling one hundred and seventeen (117) allegations.

This is a decrease in the number of cases and allegations reviewed by the CRB in fiscal year 2017 in comparison to fiscal year 2018. In fiscal year 2017, the CRB reviewed, evaluated, and issued findings on a total of fifty-four (54) cases which contained a total of one hundred and fifty-six (156) allegations.

In fiscal year 2018, Internal Affairs investigated and sustained thirteen (13) allegations in the courtesy and procedural categories. Out of the one hundred and seventeen (117) allegations, eleven percent of the allegations were sustained by IA. This 11 percent includes the seven (7) procedural violations listed in the chart as “other findings.” Without the procedural violations, the number of allegations that were sustained by IA would be 5 percent. The number of allegations sustained in cases regarding courtesy totaled one (1) allegation and procedure totaled five (5) allegations.

Procedural allegations that result in “sustained” findings are not always allegations that are made from a citizen that is filing a complaint but can be findings that IA may discover when they are working on cases against the SDPD. These types of allegations can occur when an officer may not have filed the correct paperwork, when an officer failed to turn on his/her body worn camera or when an officer did not complete their duties in the correct manner after an encounter. Based on the above chart, IA discovered six procedural and one courtesy violation that were not alleged by the complainant. Three of the six procedural violations stemmed from an officer-involved shooting that IA discovered during its investigation. One of the six procedural violations stemmed from an in-custody death case. Internal Affairs findings for all four procedural allegations were within policy and the CRB concurred with the findings. When a complaint is made against an officer that consists of procedural allegations

and those allegations result in an IA finding(s) of “sustained,” disciplinary actions are taken against the officer. The CRB evaluates the disciplinary action IA imposes on the officer.

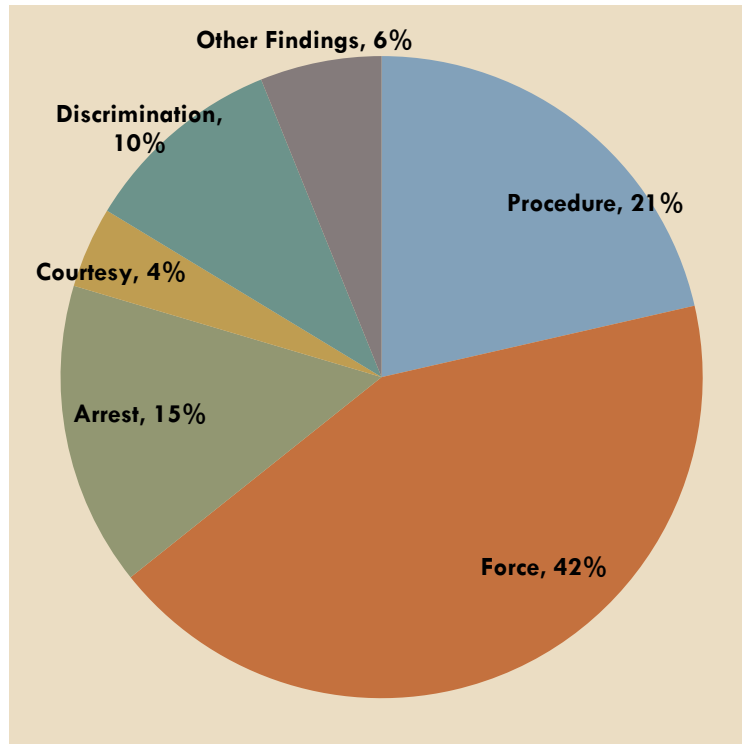


Figure 2: Percentages of Allegations in Cases Reviewed by the CRB (July 1, 2017 – June 30, 2018)

Figure 2 shows a breakdown of allegations in cases reviewed by the CRB during the 2018 fiscal year. Forty-two percent of the allegations identified in the 43 cases reviewed by the

Total Cases Reviewed by CRB	Allegation Category	Exonerated	Not Sustained	Sustained	Unfounded	Total Number of Allegations
43	Arrest	18	0	0	0	18
	Conduct	0	0	0	1	1
	Courtesy	0	1	1	3	5
	Criminal Conduct	0	0	0	0	0
	Discrimination	0	0	0	12	12
	Force	43	0	0	6	49
	Procedure	10	2	5	7	24
	Service	0	0	0	0	0
	Slur	0	0	0	1	1
	Other Findings	0	0	7	0	7
43		71	3	13	30	117

CRB were classified as “force.” Twenty-one percent of the misconduct alleged were classified as “procedure.” Fifteen percent of the allegations were classified as “arrest.” Ten

percent of the allegations were classified as “discrimination.” Based on these Between fiscal years 2012 and 2014 figures, we can conclude the largest total number of allegations in the 43 cases reviewed by the CRB in fiscal year 2018 were force, procedure and arrest. The total percentages of these classifications are 78 percent. The least total number of allegations were slur, service, courtesy, criminal conduct, discrimination and conduct.

Comparison of Internal Affairs and CRB Findings

Figure 3 shows a comparison of findings made by IA and either agreed or disagreed by the CRB, although not all CRB votes were unanimous. Since the 43 cases investigated by IA and reviewed by the CRB contained multiple allegations of misconduct, the number of findings made is not equal to the number of cases in which IA rendered findings. The 43 cases contained a total of 117 allegations of misconduct or procedural violations. The CRB unanimously agreed with IA’s findings for 79 allegations. Although there were dissent votes for 38 allegations, the CRB agreed with IA’s findings in mostly all allegations except for three. The CRB disagreed with comment on the three IA findings of “**not sustained**” for a procedure allegation; “**exonerated**” for a force allegation; and “**exonerated**” for an arrest allegation.

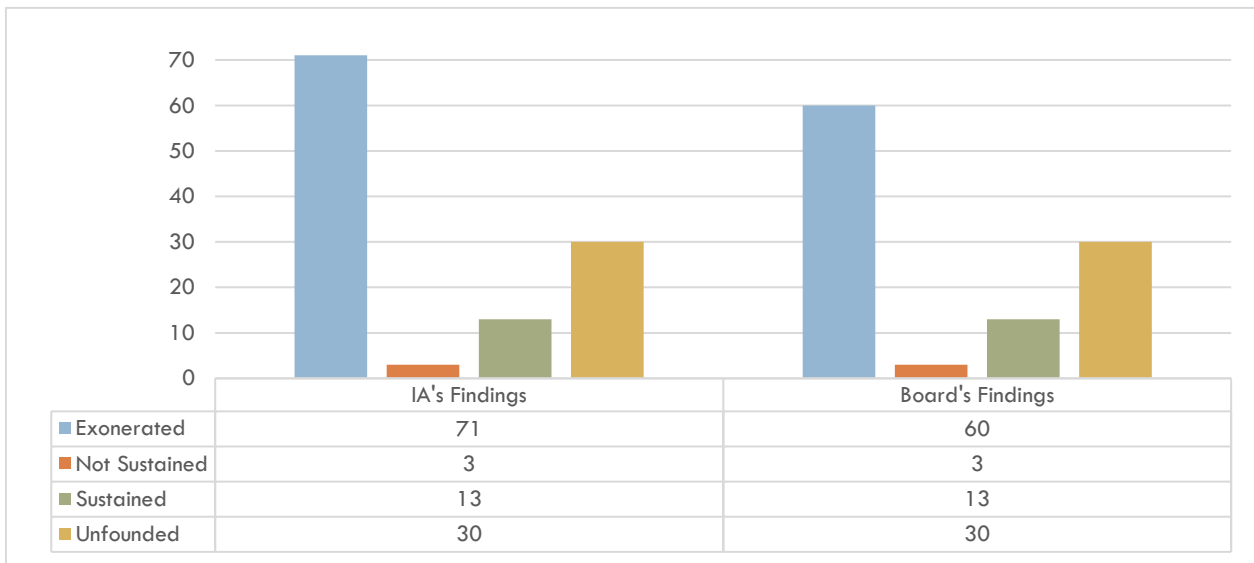


Figure 3: Comparison of IA & CRB Findings (June 30, 2017 – July 1, 2018)

The CRB agreed with comment for IA’s findings on nine allegations. Those allegations consisted of eight findings of “**exonerated**” for an allegation of force and one finding of “**exonerated**” for an allegation of arrest. Three cases reviewed by the CRB each had two agreed with comment decisions made by the CRB.

Out of the 13 allegations that were “**sustained**” by IA, the CRB agreed with IA’s findings in all those allegations. Out of the three allegations that were “**not sustained**” by IA, the CRB agreed with IA’s findings for all three allegations – one courtesy and two procedure allegations. One of the procedure findings was initially “**exonerated**” prior to being changed

to “not sustained.” This was previously mentioned on page 15 of this report as the case that was sent to the Mayor for the adjudication of the finding for that allegation.

From the 71 allegations that were “**exonerated**” by IA, the CRB agreed with IA’s findings for 60 allegations–34 force, 16 arrests, 10 procedures; agreed with comment for nine allegations–eight force, one arrest; and disagreed with comment for two allegations–one force, one arrest. Out of the 30 allegations that were “**unfounded**” by IA, the CRB agreed with IA’s findings for all 30 allegations–12 discrimination, seven procedures, six force, three courtesy, one conduct and one slur.

Disagreements/Changes in Case Review

During a team’s review of a case, the team may notice that a case may need further investigation, and/or the team may suggest a change to IA regarding a case. IA may take a team’s suggestion into consideration and make that change in the case. Changes that can be made to a case may include:

- Allegations – allegations added, deleted, or wording changed
- Findings – findings changed from one finding to another
- Interviews – Additional questions are asked of previously interviewed officers, complainants, witnesses and experts or new interviews conducted
- Evidence – Additional evidence requested, sought; and policies

The statistical breakdown of cases reviewed by the CRB indicated a small number of disagreements/ changes/additional requests with the recommended IA findings or case investigations during fiscal year 2018. However, changes were made in 7 of the 43 cases reviewed by the CRB prior to the presentation of the cases to the full CRB based on discussions initiated by the CRB Teams. These discussions between the CRB Team, Investigators, and Internal Affairs Staff were successful in resulting in these changes, thus resolving disagreements prior to full CRB consideration. Had these discussions not been conducted, 7 cases could likely have resulted in formal disagreements between the CRB and Internal Affairs.

Timeline for Completion of Cases

The CRB takes its review of all cases seriously. The CRB Teams work diligently in reviewing cases and preparing those cases for deliberation by the entire Board. With the introduction of body worn camera video to its case file load, some cases may take longer to review than others. Figure 4 shows that the largest number of cases, 24, was reviewed by the CRB within 120 days of receiving those cases from IA. In fiscal year 2017, the largest number of cases was reviewed by the CRB within 90 days.

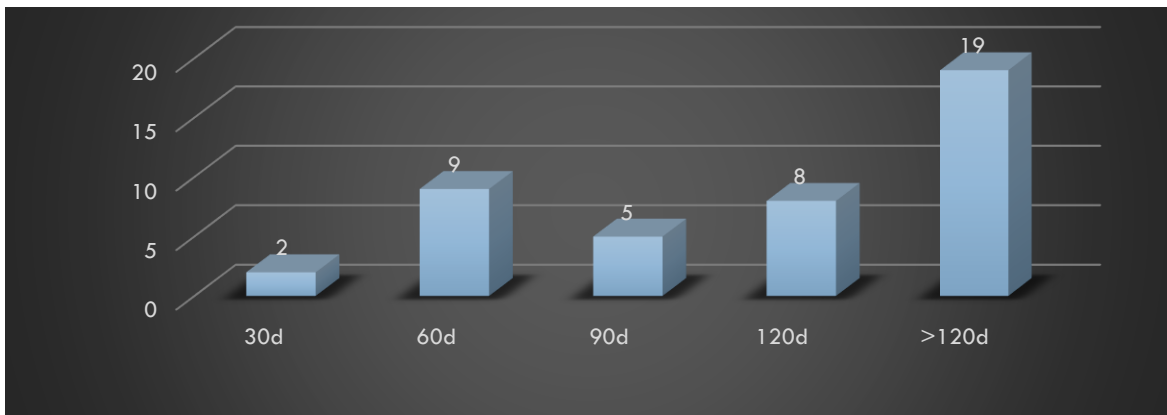


Figure 4: FY 2018 Timeline for Completion of Cases

Review of SDPD Administration of Discipline

In addition to reviewing complaints filed against members of the SDPD, the CRB must also evaluate disciplinary action taken against an officer as a result of a “sustained” finding of misconduct. In June 2015, the Mayor signed an operational standing procedure for the CRB’s review of the SDPD’s administration of discipline. This procedure ensures consistency in the discipline memo received from the SDPD and provide a guideline for the CRB to follow when reviewing and evaluating the administration of discipline for those cases that are “sustained.” The procedure also charges the CRB Executive Director to maintain statistics on how the CRB voted in these cases.

From July 1, 2017 – June 30, 2018, there were 10 cases with a total of 13 sustained findings. Two of the 10 cases were officer-involved shooting cases and 1 was an in-custody death case. The 10 cases warranted the CRB’s evaluation of the SDPD’s administration of discipline. In fiscal year 2018, the CRB evaluated disciplinary action taken in 8 cases. One of the 8 cases where the discipline was reviewed by the CRB was from fiscal year 2018. In that case, the CRB unanimously disagreed that the disciplinary action taken against the officer was within the SDPD Discipline Matrix and that the discipline imposed was proper. The discipline evaluated by the CRB in 7 cases were from cases reviewed by the CRB in previous fiscal years. The CRB agreed with IA that the reported disciplinary action in those 7 cases were consistent with the SDPD Discipline Matrix. The 9 cases that were not evaluated during this time period will be reported in the CRB’s Fiscal Year 2019 Annual Report.

Officer-Involved Shooting and In-Custody Death Statistics

Given the significant public impact of police shootings, CRB officials – including CRB Members, the Mayor and the Chief of Police – established procedures for the CRB to review and evaluate shooting incidents involving death or injury, regardless of whether or not a complaint had been filed.

Such review occurs after all internal and external investigations have been completed and reviewed by the SDPD Homicide Unit, the San Diego County District Attorney, and SDPD

Internal Affairs Unit. A similar agreement was reached between the CRB and the San Diego Police Department with regard to in-custody death cases.

In fiscal year 2018, there were a total of 6 officer-involved shooting cases reviewed by the CRB. After the review and deliberation of these cases, the CRB determined that the shootings all occurred within SDPD policy. The incidents in two of the 6 cases took place in fiscal year 2015. The incidents in four of the 6 cases took place in fiscal year 2016. More than one officer was involved in two of the 6 cases. The officers wore body worn cameras (which were turned on) in 5 cases. In one of the 6 cases, two officers did not turn on their body worn cameras, but the other officers on the scene turned on their body worn cameras. In two of the 6 officer-involved shooting cases, the CRB agreed with IA's other finding of sustained for 3 procedural violation and disciplinary action was taken against the officers.

During this same period, the CRB reviewed one in-custody death case and agreed with comment that it was within policy. The CRB agreed with IA's other finding of sustained for a procedural violation and disciplinary action was taken against the officer. Although the officer activated his body worn camera after the incident took place, the other officers on the scene turned on their body worn cameras, which was helpful in the investigation and review of the case. This incident occurred in a previous fiscal year.

Over the last twelve years, the CRB reviewed 101 officer-involved shooting cases (see Figure 5 for fiscal year breakdown.) Officer-involved shooting cases averaged eight cases per year. Between fiscal years 2012 and 2014, there was a significant increase in the number of officer-involved shootings reviewed by the CRB (seven).

According to Figure 5, the number of officer-involved shooting cases reviewed by the Board declined between fiscal years 2014 and 2016. In fiscal year 2017, the CRB reviewed 14 officer-involved shooting cases – nine more cases than in fiscal year 2016. In fiscal year 2018, the CRB reviewed eight cases less than in fiscal year 2017. Please note that these numbers do not reflect the actual number of officer-involved shootings that occurred in that fiscal year. These numbers reflect the number of officer-involved shootings that the CRB reviewed and closed out per fiscal year.

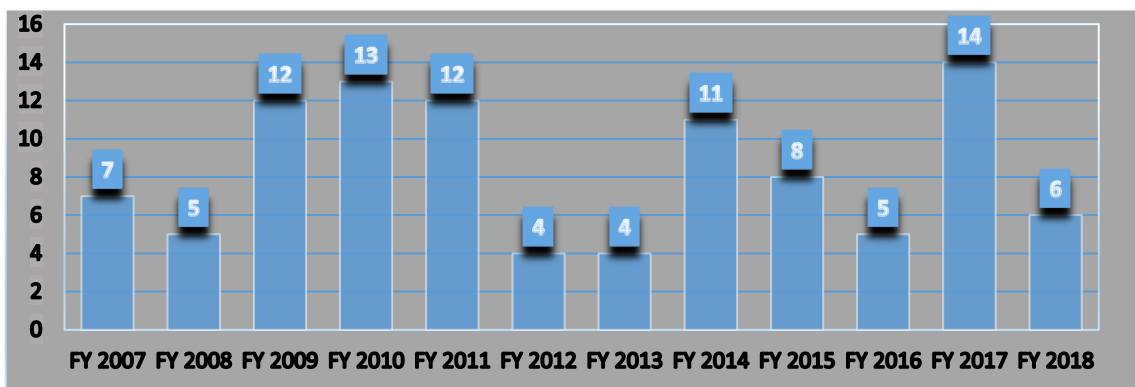


Figure 5: Officer-Involved Shooting Cases Reviewed by the CRB (FY 2007 - FY 2018)

Figure 6 shows the location of officer-involved shooting cases reviewed by the CRB in fiscal year 2018. The largest percentage (50 percent) of officer-involved shooting cases reviewed by the CRB were from Southeastern, which had a total of three cases. In fiscal year 2017, the largest number of cases reviewed by the CRB were from the Western division. The CRB also reviewed officer-involved shooting cases in the Northwestern, Northern and Mid-City divisions.

In fiscal year 2018, the total number of subject officers involved in the six officer-involved shooting cases reviewed by the CRB was 13. Two of the six cases had only 1 officer involved in each case. Two of the six cases had two officers involved in each case. Lastly, two of the six cases had three or more officers involved in those cases.

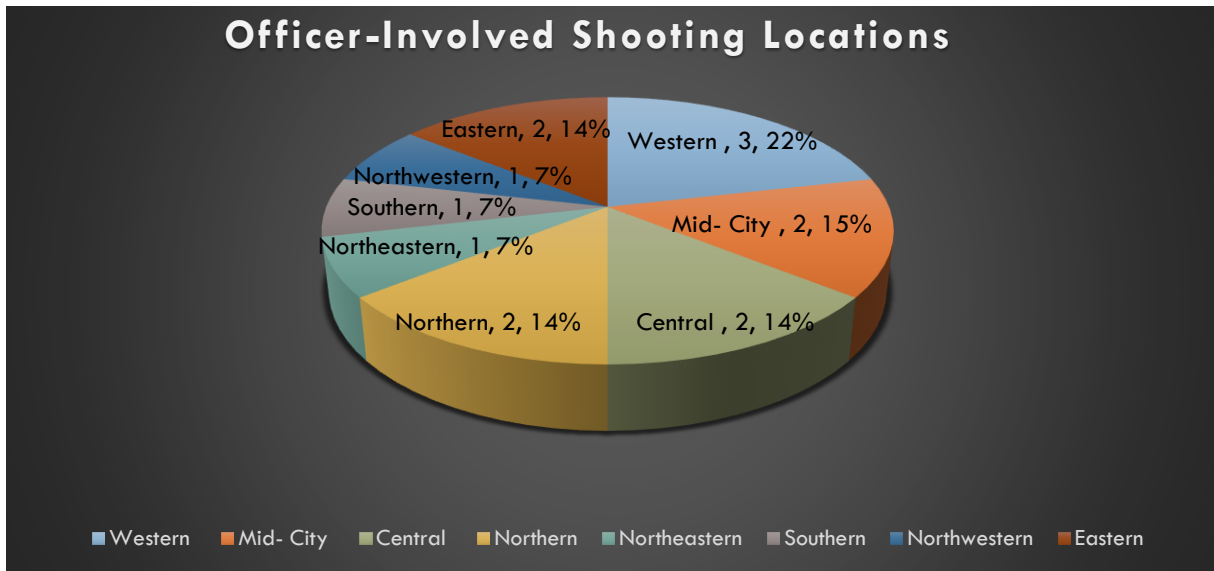


Figure 6: FY 2018 Officer-Involved Shooting Locations

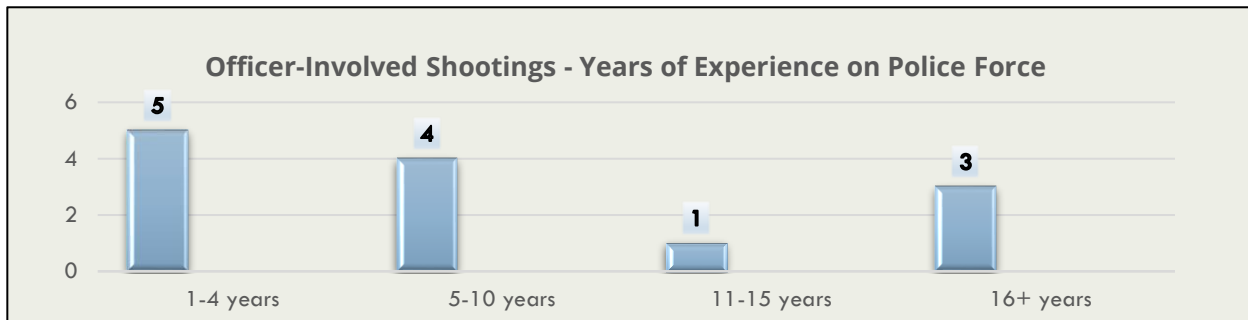


Figure 7: Officers Years of Experience

Figure 7 shows the years of experience on the police force for the number of officers involved in the officer-involved shooting cases reviewed by the CRB. Five officers had 1-4 years of experience on the force. Four officers had 5-10 years of experience on the force. One officer had 11-15 years of experience on the force. Lastly, three officers had over 16 years of experience on the force. No conclusion can be drawn by looking at an officers' years of experience, because the CRB looks at the entirety of each case file.

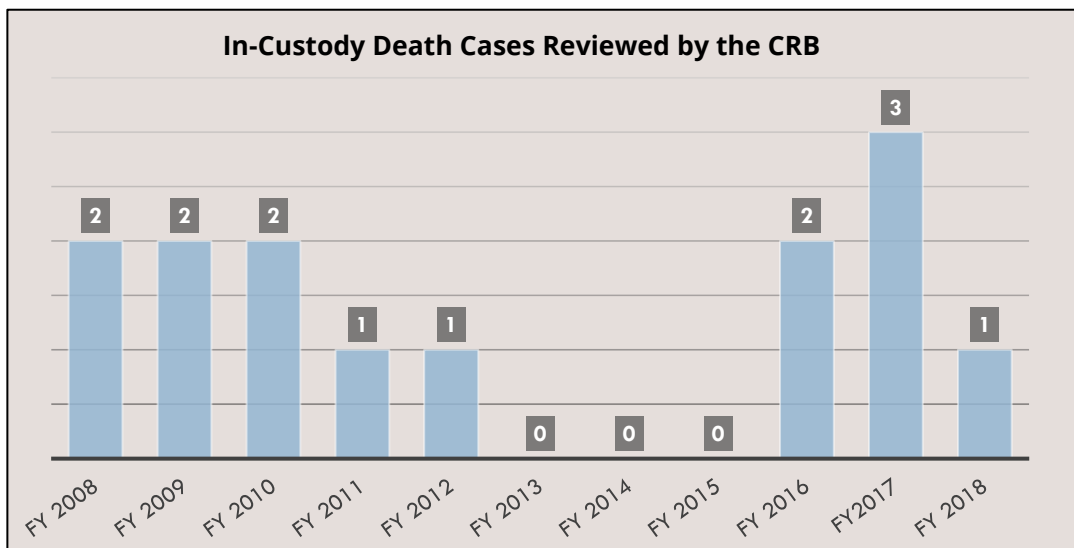


Figure 8: In-Custody Death Cases Reviewed by the CRB (FY 2008 –FY 2018)

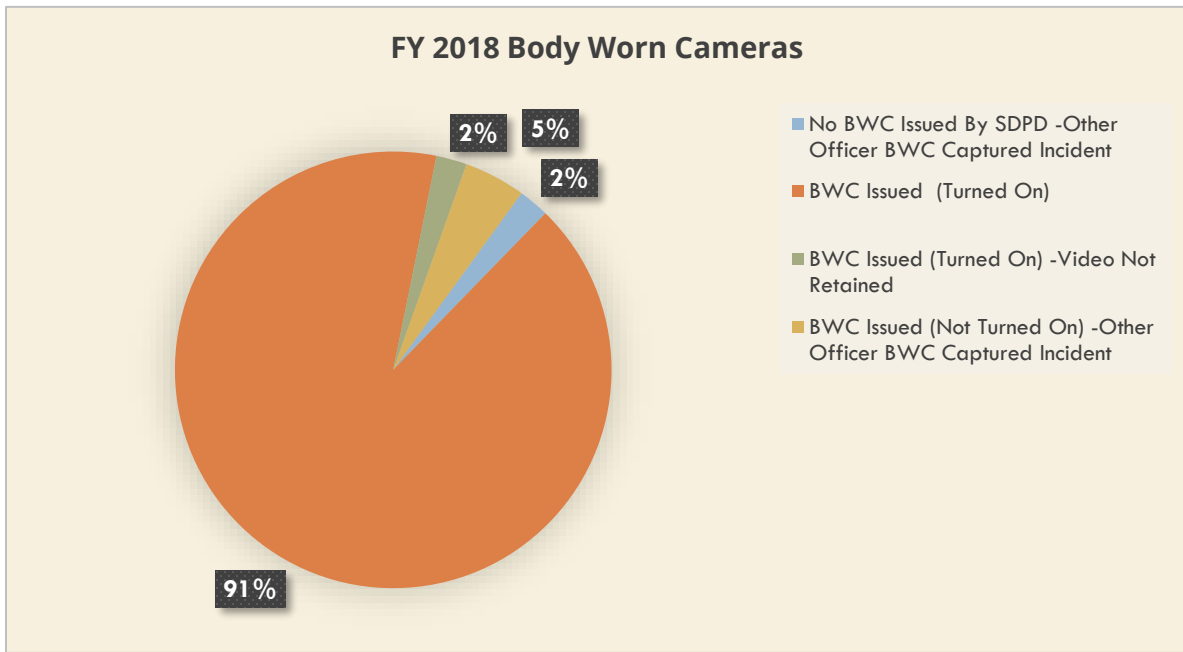
Figure 8 shows the number of in-custody death cases reviewed by the CRB over a ten-year time period from FY 2008 – FY 2018. Over the last 10 years, the CRB reviewed 14 in-custody death cases. In-custody death cases averaged one case per year. In fiscal year 2018, the CRB received and reviewed one in-custody death case. After the team’s review, the CRB deliberated and agreed that the actions of the officers were within policy. The CRB’s decision was not unanimous and passed with a vote of 13-1-1 with the Chair abstaining from the vote.

Body Worn Cameras

In January 2015, the CRB began tracking its cases to provide the public with body worn camera data. Since then, the CRB saw an increase in the number of cases that had video footage from body cameras worn by SDPD officers since the issuance of the body worn camera.

In fiscal year 2018, out of the 43 cases reviewed by CRB teams, officers were issued body worn cameras in 42 cases. Out of the 42 cases, officers turned on his/her camera in 40 cases reviewed by the CRB teams. In two of the cases reviewed by the CRB teams, the officers in the incident did not turn on his/her body worn camera. However, the CRB teams were able to view the videos from the other witness officers on the scene. Out of the 42 cases where the officers were issued and turned on his/her camera, the video was deleted in one case due to SDPD’s retention policy.

In conclusion, a majority of SDPD officers follow the procedure for activating his/her body worn camera according to SDPD’s Policies and Procedures. The CRB feels strongly that these videos are helpful in the CRB reaching decisions on cases.



Case Demographics

Characteristics of Complainants

In fiscal year 2018, 43 cases reviewed by the CRB contained demographics of forty-five (45) complainants. Of the 43 cases, 28 were filed by male complainants and 17 were filed by female complainants. The number of complainants may be larger than the number of cases because more than one complainant’s name can be listed on a single complaint form.

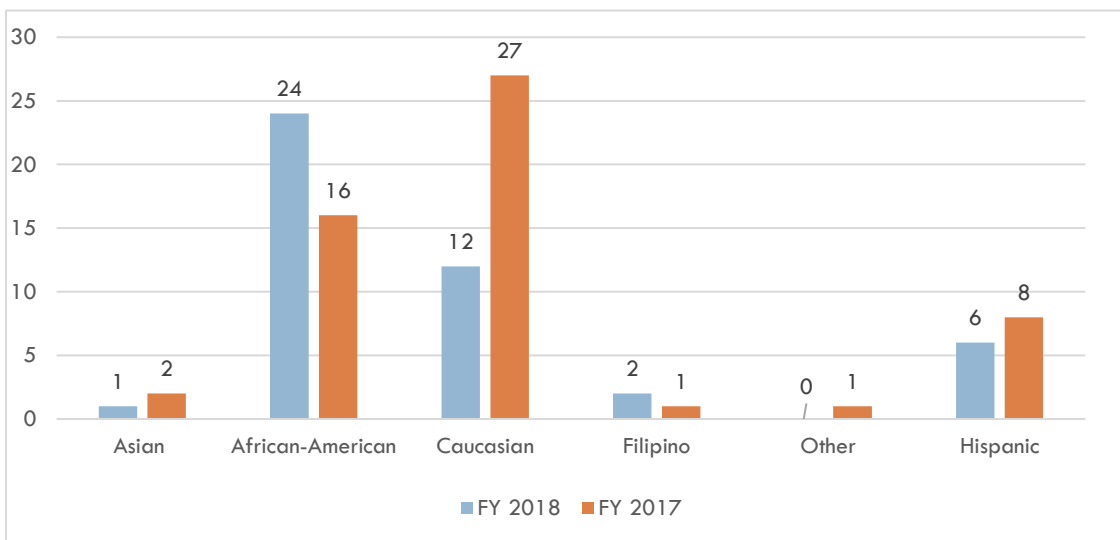


Figure 9: Comparison of Race/Ethnicity of the Complainant (FY 2017 & FY 2018)

Figure 9 shows the race/ethnicity breakdown of complainants who provided information for statistical purposes in fiscal year 2018 and 2017. In fiscal year 2018, 24 of the complainants identified as African-American, 12 complainants identified as Caucasian, six complainants

identified as Hispanic, two complainants identified as Filipino, and one complainant identified as Asian. In fiscal year 2017, the largest number of complainants in cases reviewed and closed by the CRB were Caucasian.

Characteristics of Subject Officers

Historically, officers who are subjects of complaints reflect the racial/ethnic/gender makeup of the Police Department in which they work. In fiscal year 2018, a total of 73 officers were the subjects of 43 cases reviewed by the CRB. Most of the officers who received complaints against them were males (67). A total of 6 female officers received complaints against them during this period. Of the 73 officers that received complaints against them: one was Filipino, four were Asian, five were African-American, 17 were Hispanic and 46 were Caucasian.

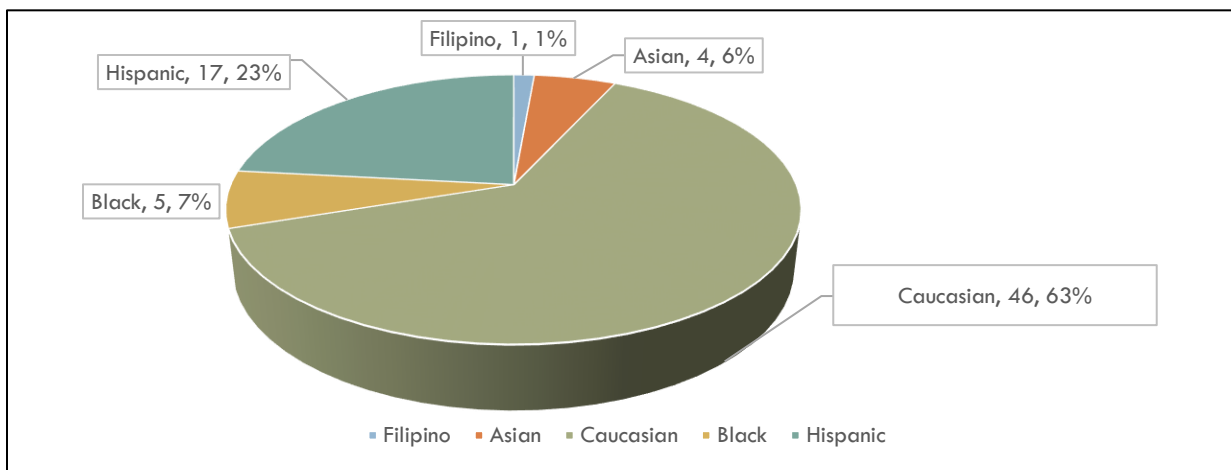


Figure 10: Race/Ethnicity of the Subject Officer (FY 2018)

SUMMARY OF FY2018 CRB ACTIVITIES

Over the years, the CRB has reviewed hundreds of citizen complaints in closed session as required by California Law. The CRB meets in closed session every second and fourth Tuesday of each month to review cases. These discussions involve confidential personnel issues and are closed to the public. During fiscal year 2018, the Board convened in open session on the fourth Tuesday of each month at 6:30 p.m. The public is always welcome to attend the open session meetings of the CRB and encouraged to share their views about the complaint process or police practices and/or issues. The CRB does not discuss specific cases in these open sessions. There is a public comment period held at the beginning of each open meeting. The CRB does not meet on the fourth Tuesday of December.

MEETINGS OF THE BOARD

In fiscal year 2018, the CRB met 20 times in closed session and 11 times in open session for business at various locations in the City of San Diego. In addition to its regularly scheduled meetings, the CRB held one community/working retreat. The special meeting took place on Jan. 27, 2018, at the Balboa Park Recital Hall. The retreat focused on the development of the Board’s fiscal year 2019 work plan and a presentation by Dr. Jacqueline Leak on “An African-American Woman’s View on Policing from a Unique Perspective.” The meetings and retreat were open to the public.

The CRB is organized into committees which report on issues that come under their jurisdiction as established by the City Charter. The committees also propose activities or training to assist the CRB in performing its responsibilities. Summary reports of these committees’ fiscal year 2018 activities are as follow:

EXECUTIVE COMMITTEE

The Executive Committee of the Community Review Board on Police Practices is responsible for the jurisdiction over the health and welfare of the Board. At the suggestion of the CRB’s Executive Director, this Committee became active again in May 2018 due to the increased activity load of the Board. During fiscal year 2018, the Executive Committee met twice for business. Meetings were held on May 15, 2018, and June 20, 2018, at the American Red Cross Building located at 3950 Calle Fortunada in San Diego. CRB Executive Committee meetings are open to the public.

POLICY COMMITTEE

The Policy Committee of the Community Review Board on Police Practices examines San Diego Police Department policy and procedural issues and makes recommendations to the full CRB. The Committee’s recommendations are presented to facilitate the work of the CRB. The purpose of those recommendations is to clarify the relationship between the CRB and the Department, to suggest policy reviews and, if appropriate, policy changes to the Department, and to encourage dialogue and communication between the Department, the CRB, and the public.

The Committee’s work ensures that citizens have a fair and effective means of registering and resolving complaints against officers whom they believe have executed their duties improperly. Moreover, policy recommendations initiated by the Committee are meant to provide long-term systemic procedural changes designed to help the Department better fulfill its mission of community-oriented policing. This pro-active involvement of the CRB in helping to develop police policy has lasting benefits to the Department, its officers and the citizens of San Diego.

During this fiscal year, the Policy Committee met seven times for business. Meetings were held on July 11, 2017, Oct. 10, 2017, Nov. 14, 2017, Jan. 9, 2018, Feb. 13, 2018, March 13, 2018, and May 8, 2018, at the Mission Valley Branch Library in San Diego.

In fiscal year 2018, the Policy Committee's items for discussion/review/action included the following:

1. Police Procedures and Resources When Confronted by Individuals with Mental Health Challenges

On May 9, 2017, the CRB sent a report to Mayor Kevin Faulconer, asking that the City explore and implement best practices when dealing with suspects displaying possible mental health issues. Specifically, the CRB recommends that the City adopt the Police Executive Research Forum's Guiding Principles on the Use of Force. These principles include adoption of a de-escalation policy as a formal department policy, utilization of the Critical Decision-Making Model, and implementation of a comprehensive training program to deal with mental health issues (with suggested minimum training requirements that exceed what is currently provided by the SDPD). At the end of that fiscal year, the CRB did not receive a formal response from the Mayor on this request.

At its Sept. 26, 2017 open meeting, the CRB decided that its request to the Mayor was too broad. As a result, the CRB referred this item back to its Policy Committee with a request for the Policy Committee to develop specific policy recommendations for the San Diego Police Department instead of the Mayor.

2. Investigation of SDPD Canine-Related Use of Force Complaints

At its March 28, 2017 open meeting, the CRB made a recommendation to SDPD that the Canine Unit continue to investigate and evaluate complaints regarding canine deployments and forward their reports to Internal Affairs. When there is a canine-related Use of Force (Category 1) complaint, Internal Affairs will submit a report to the CRB for review. When such a case is on the CRB agenda, someone from the Canine Unit will be invited to the meeting to be available to answer questions. It is further recommended that the CRB receive additional training on evaluating canine-related complaints.

Status: Implemented- As of July 2017, SDPD's canine cases will now be reviewed by SDPD's Internal Affairs Unit after the Canine Unit completes its investigation. The Internal Affairs Unit will review the investigation and send a report to the CRB for the CRB to review.

3. SDPD Procedure on Turning on Body Worn Camera(s)

At the March 28, 2017 open meeting, the CRB made a recommendation to SDPD regarding SDPD's Axon Body Worn Cameras Procedures, Section V. I, (Mandated Recordings), 1. (Enforcement Related Contacts):

a. Officers shall use the event mode to record enforcement related contacts. The event mode ~~should~~ must be activated prior to actual contact with the citizen, or as soon as practical and safely possible thereafter, and continue recording until the contact is concluded or the contact transitions from an enforcement contact into intelligence gathering.

b. Officers ~~should~~ must begin recording in the event mode while driving to a call that has the potential to involve an enforcement contact, provided it is safe and practical to do so.

Status: Implemented- In September 2017, SDPD changed its body worn camera policy from “should” to “must.”

4. Body Worn Camera Compliance Matrix

At its Nov. 28, 2017 open meeting, the CRB encouraged SDPD to work with the CRB to develop a compliance matrix for body worn camera activations.

Status: SDPD does not believe that a matrix is necessary. According to SDPD, officers are either using his/her body worn camera and are within policy or not using his/her body worn camera and are not within policy. If they are not using the body worn camera the officer will not be within policy and will be disciplined. This request is closed.

5. Officers Viewing of Own Body Worn Camera Video

At its March 27, 2018 open meeting, the CRB made a recommendation to SDPD that they require an officer writing a report in a use of force incident not be permitted to view his/her own body worn camera video prior to writing an initial report. The CRB believes the officer should have the option of writing a supplemental report after viewing the video. However, officers should not be permitted to view their body worn camera video prior to being interviewed in in-custody death and officer-involved shooting cases.

Status: SDPD will not implement this recommendation.

6. Adopt a De-Escalation Policy

At its March 27, 2018 open meeting, the CRB made a recommendation to SDPD that SDPD adopt a de-escalation policy and use the Baltimore Police Department's policy as a model. The Police Executive Research Forum Guiding Principles on the Use of Force (2016) recommend that police departments adopt de-escalation as a formal agency policy. The CRB commends SDPD for its programs in training officers on de-escalation techniques, but expectations for de-escalation need to be included in the Use of Force policy. The CRB believes that Baltimore's policy is balanced and recognizes that de-escalation is not possible or appropriate in all circumstances.

Status: SDPD agreed to review its Use of Force Procedure for any potential changes.

7. Amend Category I Complaints

At its March 27, 2018 open meeting, the CRB made a recommendation to SDPD that SDPD change its unlawful detention and unlawful search and seizure complaints to Category I. The CRB believes that these violations of constitutional rights are significantly more serious than other procedural violations such as failure to complete required forms. The level of discipline per the SDPD Misconduct Related Discipline Matrix for these violations are comparable to Category I complaints.

Status: Implemented

8. Prohibit Officers from Viewing Body Worn Camera Video of Others

At its April 24, 2018 open meeting, the CRB made a recommendation to SDPD that SDPD establish a policy that would prohibit officers from viewing surveillance videos or body worn camera videos of other officers prior to being interviewed by Internal Affairs.

Status: SDPD has not reached a decision on this recommendation. If a decision is made in fiscal year 2019, it will be included in the annual report for that fiscal year.

9. SDPD Use of Force Procedure: Carotid Restraint

At its May 22, 2018 open meeting, the CRB made a recommendation to SDPD to remove the carotid restraint from SDPD's Use of Force Department Procedure 1.04 for Active Resistance Behavior and retain for Assaultive or Life-Threatening Behavior. If SDPD uses the carotid restraint on a person, the person must be transferred immediately to a medical facility.

Status: SDPD has not reached a decision on this recommendation. If a decision is made in fiscal year 2019, it will be included in the annual report for that fiscal year

10. Documentation of Evidence

The CRB recommends that when any branch of the San Diego Police Department (“SDPD”) shares evidence with the San Diego Medical Examiner’s Office regarding an in-custody death or officer-involved shooting, SDPD must thoroughly document in writing each piece of evidence shared with the Medical Examiner, including, but not limited to, body worn camera footage. SDPD should document the date and time the evidence is shared, the title of the evidence, who it was shared by, whom it was shared with, whether the Medical Examiner retained the evidence, and in the case of body worn camera footage, the date and time the video was shown, the title of each video clip shown, whether each video was viewed in its entirety, and the names of everyone (including SDPD personnel) who viewed the video(s). This information must become part of the Internal Affairs file and must be available for Community Review Board members to review.

Status: SDPD has not reached a decision on this recommendation. If a decision is made in FY 2019, it will be included in the annual report for that fiscal year.

The FY 2018 Policy Committee members were: Committee Chair Joe Craver, Doug Case, Darwin Fishman, Tom Lincoln*, Richard Stanford, Pauline Theodore and Nancy Vaughn.

CONTINUING EDUCATION COMMITTEE

The Continuing Education Committee is a standing committee of the CRB responsible for assuring that each CRB member receives appropriate training and experience so that members can fully and properly evaluate citizen complaints, officer involved shootings and in custody deaths.

During this period, the Continuing Education Committee provided a number of education and training opportunities to members and prospective members of the CRB. The trainings provided were made possible through the combined efforts of the Continuing Education Committee, individual CRB Members, members of San Diego City organizations, the San Diego Police Department and the Regional Public Safety Training Institute (Regional Academy). A regular schedule of training presentations was provided to members and prospective members at the CRB’s monthly open session meetings.

In addition to the formal group training, individual CRB members and prospective members take advantage of individual educational opportunities such as:

- ❖ Ride-Alongs
- ❖ Effective Interaction Trainings
- ❖ In-Service and Regional Academy classes

- ❖ *Inside the SDPD* overview sessions included Use of Force, DUI Stops, Mock Vehicle Stops, Firearms Training Simulator and a K-9 Demonstration

Members and prospective members discuss their ride-along and training activity experiences in the open sessions of meetings.

The FY 2018 Continuing Education Committee members were: Committee Chair Pieter O’Leary.

TRAINING TOPICS

During fiscal year 2018, the training topics presented at the CRB’s open session meetings included:

“Homeless Outreach Team (HOT) (presented by Police Lt. Carole Beason) July 25, 2017, at Mission Valley Branch Library.

“Refresher on Operational Standing Rule: Review of SDPD Administration of Discipline” (presented by CRB Chair Doug Case) July 25, 2017, at Mission Valley Branch Library.

“Update from the Mayor’s Office” (presented by Jen Lebron - City of San Diego Director of Public Safety & Neighborhood Services) Aug. 22, 2017, at Balboa Park Club, Santa Fe Room.

“Implementation of Measure G” (presented by David Graham - City of San Diego Deputy Chief Operating Officer) Aug. 22, 2017, at Balboa Park Club, Santa Fe Room.

“Homelessness in San Diego” (presented by Michael McConnell, Homeless Advocate and Jonathan Herrera, City of San Diego Senior Advisor on Homelessness Coordination) Sept. 26, 2017, at Cherokee Point Elementary School.

“Policing and the Hispanic Community Perspective” (presented by Katherine Turner, PhD, and Sara Roldan, PhD candidate – San Diego State University) Oct. 24, 2017, at Cherokee Point Elementary School.

“Gang Suppression Team Follow-Up” (presented by Capt. Brian Ahearn, Lt. Marshall White and Lt. Anthony Dupree) Nov. 28, 2017, at Cherokee Point Elementary School.

“Police Officers Use of the Carotid Restraint” (presented by Dr. William Smock, MD – Police Surgeon Louisville Metro Police Department) Jan. 23, 2018, at Balboa Park Club, Santa Fe Room.

“SDPD Use of Force Policy and Officers Use of the Carotid Restraint” (presented by Sgt. Michael Belz, Officer Mike Rhoten and Officer Ken Kries - SDPD In-Service Training Unit) Feb. 27, 2018, at Cherokee Point Elementary School.

“Citizens Advisory Board on Police/Community Relations” (presented by Brian Pollard, Chair of Citizens Advisory Board on Police/Community Relations) March 27, 2018, at Valencia Park/Malcolm X Branch Library.

Guest Speaker-New Chief of Police David Nisleit on March 27, 2018, at Valencia Park/Malcolm X Branch Library.

“SDPD Early Intervention System for Officer Behavior” (presented by Sgt. Daniel Meyer and Officer Sergio Zamora) April 24, 2018, at Skyline Branch Library.

“Policing and San Diego’s Immigrant Communities” (presented by Andrea Guerrero – Executive Director, Alliance San Diego) May 22, 2018, at Balboa Park Club, Santa Fe Room.

“Update on the Appointment Process” (presented by John Ly – City of San Diego Director of Appointments) Aug. 22, 2017, at Balboa Park Club, Santa Fe Room.

RECRUITMENT AND TRAINING COMMITTEE

The Recruitment and Retention Committee of the CRB is a standing committee which is responsible for identifying, recruiting, interviewing and retaining members for the CRB.

To ensure fairness and diversity on the CRB, the CRB has a Recruitment and Retention Committee that is responsible for the recruitment of new members to the CRB. There is an interview process where the applicant is interviewed by a panel. The panel consists of: CRB members, past and present CRB Chairs and the CRB’s Executive Director. The panel reviews and chooses from amongst the applicants. A background check is conducted on those selected by the Committee. Only those applicants that pass the background check are appointed by the Mayor and confirmed by the City Council. The Mayor selects individuals who went through the application process and background check prior to the appointment and confirmation process. Members of the CRB are recruited from throughout the City of San Diego and are rigorously trained through a variety of activities including community discussions, presentations, ride-along with SDPD officers, police procedure, policy classes at the Miramar Regional Public Safety Training Institute and experience reviewing cases under the supervision of CRB officers and team leaders. This training is crucial so that when it is time to review cases, they are reviewed with care, intelligence and knowledge. The public can be confident that the CRB is interested in a fair and complete process which neither advocates for the public nor for the officer.

Although the Mayor appoints members to the CRB, to ensure a process that is fair to all, members of the City Council are encouraged to nominate individuals to the Mayor. On May 10, 2018, the Mayor solicited input from the City Council on appointees to the CRB.

At the beginning of fiscal year 2018, the CRB had 17 appointed members and 6 vacancies. At the end of fiscal year, the number of appointed members on the CRB decreased to 14. The Board also had four prospective members (members in training), two of which took a leave of absence for personal reasons. The other two prospective members are due to be considered for appointments to the Board by the Mayor when Measure G is implemented.

Although the CRB appointment process was on hold in fiscal year 2018, the Recruitment Committee continued recruiting and interviewing candidates for the CRB. Some of these candidates were recommended by Council members. The Committee interviewed 21 candidates and selected 19 of those candidates to go through the background check process.

One candidate was disqualified. Six candidates decided to not move forward in the process. Two candidates failed to confirm interest in continuing with the process. At the end of fiscal year 2018, 10 candidate names and 17 CRB appointed and prospective member names were forwarded to the Mayor for consideration. During this fiscal year, the Recruitment and Training Committee met twice for business. Meetings were held on March 16, 2018, and June 18, 2018, in the City Administration Building.

The FY 2018 Recruitment and Training Committee Members were: Committee Chair Maria Nieto-Senour, Doug Case, Joe Craver, Sheila Holtrop, Taura Gentry, Mary O'Tousa and Nancy Vaughn.

OUTREACH COMMITTEE

The Outreach Committee is a standing committee of the CRB which is responsible for educating the public and the police department regarding the functions of the CRB through printed materials, community meetings, the CRB website, and Police Department trainings. The Outreach Committee members continue to look for additional opportunities to provide information to the public. These opportunities include police subdivision outreach, line-up presentations, attending Inside SDPD, as well as other outreach opportunities throughout the city.

During fiscal year 2018, the Outreach Committee was extremely active in various community events throughout the city. Some of those events were as follows: American Youth Football and Cheer Awards Ceremony, Martin Luther King Jr Breakfast, Martin Luther King Jr weekend activities, Alliance San Diego's All People's Celebration, Southeastern San Diego Community Meetings, City Heights/Mid-City San Diego Community Meetings, Central/Downtown Community Meetings, Northern San Diego Community Meetings, Eastern San Diego Community Meetings, City Council Public Safety and Livable Neighborhood Meeting (3), SDPD Hiring of New Police Chief Community Panel, SDPD Captain's Advisory Board Meetings, SDPD National Night Out Community Events (3), SDPD Coffee With A Cop events in Northeastern, Mid-City, Southeastern, Eastern, and Northern San Diego Neighborhoods, One San Diego Better A Block in Southeastern San Diego (twice), SAY San Diego fourth annual Unity Games, San Diego Pacific Islander Festival, San Diego Chinese New Year Celebrations, San Diego TET Festival, SD Asian Cultural Festival, Voice & Viewpoint Annual Gala, SDPD 1st Annual Honoring Black Officers Gala and Planning Committee, SD Cooper's Family annual Juneteenth Celebration, Embrace San Diego Game Changers, Inside SDPD Community Trainings, BAPAC San Diego meetings, San Diego Black Law Students Association Justice discussion panel, Hispanic Heritage Month activities and events and many more.

The Outreach Committee continued promoting awareness of the complaint process. It also engaged in building collaborative community relationships in San Diego by becoming highly visible in the communities. The CRB set up informational booths at various community

events. A notable improvement this year includes the participation of the CRB Outreach Committee in advising the SDPD about community best practices for the Inaugural Honoring Black Officers Awards Gala. This effort helped SDPD drive their focus of community policing to enhance the relationship with the African-American communities in San Diego. The investment by the City to provide Community Review Board members with official polo-shirts has increased the visibility of the Board. CRB members wear their polo-shirts during ride-alongs with officers and at community events. The polo-shirts continue to be a great outreach tool that generate conversations about the CRB and law enforcement.

The Executive Director also assists with educating the public and Police Department on the functions of the CRB as well as current topics in citizen oversight of law enforcement. She continues to make regular presentations to various organizations about the CRB and has attended over 150 community events and meetings in fiscal year 2018. The CRB's website continues to be maintained and updated on a regular basis. The Executive Director also created a calendar of CRB trainings, meetings and events. This calendar is available on the CRB website and at CRB open meetings.

The FY 2018 Outreach Committee Members were: Committee Chair Taura Gentry, Pieter O'Leary, Sheila Holtrop, Mary O'Tousa, Ernestine Smith, Diana Dent and Richard Stanford.

RULES COMMITTEE

The Rules Committee is a standing committee of the CRB responsible for evaluating bylaws and procedure recommendations from Board members. This Committee is also responsible for ensuring that any proposed amendment does not violate or conflict with any existing provision in the bylaws or in other rules that govern the Board.

During fiscal year 2018, the Rules Committee focused on implementing CRB related rules and bylaw revisions pending the implementation of Measure G. The Committee also completed revisions to the Board's Operational Standing Rule and continued to refine and enhance case review procedures.

The Committee worked with the full Board and SDPD to re-categorize search and seizure allegations as well as allegations of unlawful detention from Category II to Category I classification. This change will ensure that the CRB will be able to review complaints that allege improper search and seizure or unlawful detention procedural violations.

In fiscal year 2018, the Committee worked with SDPD to implement a procedure that would give the CRB the authority to audit Category II cases. The CRB believes that the investigation of Category II allegations, which are conducted at the SDPD Division level instead of by Internal Affairs, require some level of civilian oversight since the CRB's charter does not distinguish between categories of complaints. Due to the collaborative relationship between the CRB and SDPD, the CRB will begin auditing Category II complaints in FY 2019.

During this fiscal year, the Rules Committee met eight times for business. Meetings were held on July 11, 2017, Sept. 5, 2017, Oct. 10, 2017, Dec. 19, 2017, Jan. 16, 2018, Feb. 13, 2018, March 6, 2018 and May 1, 2018. The meetings were held in the Executive Complex Building, City Administration Building and Civic Center Plaza Building.

The FY 2018 Rules Committee members were: Committee Chair Brandon Hilpert, Doug Case, Diana Dent, Nancy Vaughn and Marty Workman.

MEMBER TIME COMMITMENT

Prior to January 2018, CRB members tracked his/her volunteer hours on a form. At the end of each quarter, members were asked to hand the completed forms to City staff who would then input the hours into an Excel spreadsheet. The CRB's Executive Director worked with the City's Human Resources department to tailor the Better Impact Management Software to fit the time tracking needs of the CRB which would make this task more efficient and convenient. With the new system, CRB members would be able to enter their volunteer hours on a computer and/or smartphone. The development of the new tracking system was completed in late December 2017. In January 2018, CRB members transitioned from using the form to input volunteer hours to using the new time tracking system.

During fiscal year 2018, 14 of the 17 CRB members reported data on the amount of time spent by CRB members on CRB duties and educational opportunities. Three of the 17 members did not log his/her hours using the form and/or the new tracking system. Two of those members are no longer on the Board. The members who reported his/her volunteer hours reported a total of approximately 3,769.33 hours of participation in CRB duties and educational opportunities. A few of those members who reported his/her volunteer hours did not report hours for all four quarters of the fiscal year. Of the hours reported, 388.50 hours were spent in training (Community Workshops, Inside SDPD, PERT, Ride-Alongs, SDPD Menu Training, Tours, CRB Retreat); 203.75 hours in Conferences/Seminars; 733 hours in Community Outreach Events; 1,077.17 hours in case review; 901.91 hours in Meetings (CRB Board and Committee Meetings, Community Meetings, Meetings with Officials); and 465 hours in other CRB Duties (Administrative Duties, Committee Assignments, Emails and News Articles, Presentations). The number of hours reported in this fiscal year was lower than fiscal year 2017 due to the decrease in the number of active members in fiscal year 2018. It should also be taken into consideration that although members are engaged in CRB activities, not all hours were logged into the database.

CONCLUSION

Over the last 29 years, the relationship between the CRB and Internal Affairs (IA) has matured into one which is cooperative rather than adversarial. The CRB and IA recognize the importance of a respectful, professional, and productive working relationship. While the CRB and IA have a cooperative relationship, the CRB understands its role to be fair and objective in evaluation complaints against San Diego Police Department officers and current San Diego Police Department policies and procedures. Each Board member takes this responsibility very seriously. Because of the way cases are reviewed, the relationship with IA, and the awareness in the community of our impartiality, the CRB is nationally recognized as an effective model of civilian oversight of law enforcement.

Both entities will continue to work collaboratively to provide a complaint process that will enhance and provide safe neighborhoods for all. The CRB welcomes community input and encourages individuals who may feel mistreated or may feel that an officer is violating policy and procedures to file a complaint.



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