

# **Citizens' Review Board on Police Practices**



## **Annual Report**

**Fiscal Year 2016**

(July 1, 2015 – June 30, 2016)

**The City of San Diego**  
**Citizens' Review Board on Police Practices**  
**Annual Report**  
**Fiscal Year 2016**  
**(July 1, 2015—June 30, 2016)**

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<b>Thomas J. Lincoln</b>	<b>Martin Workman</b>

**Note: Members who did not serve the entire time period have an asterisk (\*) next to his/her name.**

**Executive Director**

**Sharmaine Moseley**

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## **BACKGROUND**

The Citizens' Review Board on Police Practices (CRB) was established in November 1988 as a result of the passage of Proposition G to review and evaluate complaints brought by the public against the San Diego Police Department (SDPD). The CRB also reviews officer-involved shooting (OIS) cases, in-custody death (ICD) cases, and the administration of discipline resulting from "sustained" complaints. Officer-Involved Shootings and In-Custody Death cases are investigated by the SDPD Homicide Unit, the District Attorney's Office, and Internal Affairs before being reviewed by the CRB.

When appropriate, the CRB makes policy and procedural recommendations to the SDPD resulting from case review. The CRB also publishes semi-annual reports which present statistics on the number of complaints filed, the types of allegations, the findings of the Police Department's Internal Affairs Unit investigations, and the CRB's findings. The semi-annual reports are submitted to the Mayor and City Council.

The CRB is comprised of 23 dedicated San Diego citizen-volunteers with diverse backgrounds, life experiences, and viewpoints. The Mayor appoints the 23 volunteer citizens to the CRB for one (1) year terms beginning each July 1. The Mayor also appoints up to 23 citizens as non-voting "Prospective" board members who are trained for appointment to the CRB as vacancies occur throughout the year. These volunteers are recruited from throughout the City of San Diego and are rigorously trained through a variety of activities including discussions, presentations, ride-along with SDPD officers, and police procedure and policy classes at the Miramar Regional Public Safety Training Institute. This training is crucial so that when it is time to review cases, they are reviewed with care, intelligence, and knowledge. The public can have the confidence that the CRB is interested in a fair and complete process which neither advocates for the public nor for the officer.

## **HIGHLIGHTS AND ACCOMPLISHMENTS**

Transparency, collaboration, and accountability are critical in citizen 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. Citizen oversight of law

enforcement is always a work in progress and the CRB strives to develop and follow best practices. The following are highlights and accomplishments of the CRB for this fiscal year.

- In September 2015, CRB 2<sup>nd</sup> Vice Chair Doug Case, Board member Nancy Vaughn, and CRB Executive Director Sharmaine Moseley attended the 21<sup>th</sup> Annual National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference in Riverside, CA. NACOLE is a non-profit organization that brings together people working to establish or improve community police relations nationally and internationally. The conference provides an opportunity for community members, practitioners of police oversight, and law enforcement officials to exchange information about police oversight and law enforcement accountability.

FY 2016 NACOLE topics included areas such as: community engagement, racial reconciliation & building community trust; oversight of violence in jails and prisons, prosecuting police misconduct, effective boards and commissions, assessing police tactics/de-escalation tactics, international perspectives on police oversight, effective evaluation of officer-involved shootings, police use of emerging technology, use of open data, conducting effective interviews, implicit bias, decriminalizing mental illness, search and seizure of persons, policing and homelessness, and body worn cameras.

- A new collaborative complaint tracking system was developed by CRB and the San Diego Police Department Internal Affairs (IA). It became fully operational and implemented on August 10, 2015. The system began compiling complaint information as of July 1, 2015. It is a collaboration between IA and the CRB in sharing information regarding CRB complaints that are filed with the SDPD and CRB. This system enables the CRB to know the status and other information regarding complaints filed. It also makes it easier to pull statistics regarding case review.
- The CRB website is a tool for communicating with the public that has

been underutilized for several years. After a thorough review, revisions have been made to make the website more user friendly and provide more information to the public. This space can also be used to develop and enhance a community around the CRB. Additions have been made like adding pictures of CRB activities, categorization of CRB meetings, transparent CRB minutes, addition of links to organizations that are relevant to law enforcement oversight, electronic complaint form submittal, and CRB calendar of events and meetings.

- In order to improve the ability for the public to understand the CRB complaint process, the CRB complaint form was revised. The form now includes directions to help the public understand how to properly fill out the form. Individuals can also submit a complaint electronically via a computer, laptop, or smartphone.
- In October 2015, the CRB approved an Administrative Standing Rule regarding the implementation of a consistent guideline for the CRB to use when writing and presenting case reviews.
- In November 2015, the CRB held a joint community forum with Thomas Jefferson School of Law.
- On September 29, 2015, the CRB and staff participated in a retreat that focused on the written format and presentation of case reports and revisions to the CRB bylaws.
- At its March 2016 retreat, the CRB identified seven (7) strategic initiatives to focus on that would improve the CRB process. Those seven (7) initiatives were assigned to the CRB's Rules, Outreach, Continuing Education, Recruitment and Training, and Policy Committees.
  - Continue to work with Internal Affairs on flexibility with regards to case review
  - Review the complaint review process to identify potential process improvements

- Provide consistent reporting and explore the potential for a Public Official Liaison Committee
  - Provide a comprehensive communication plan to continue efforts to build relationships and educate the community
  - Arrange additional training on completing investigations
  - Arrange educational opportunities to learn more about the community we serve
  - Explore the issues and opportunities associated with legal counsel
- In May 2016, the CRB developed its work plan for the second half of FY 2016 through the beginning of FY 2017. The work plans will continue to be updated with tasks as we move forward.
  - In April 2016, the Annual Report for Fiscal Year 2015 was completed and submitted to the Mayor and City Council. The compilation of data for Semi-Annual reports will begin on July 1, 2016 with the anticipated completion date for later this year.
  - The CRB continues tracking those cases where Body Worn Camera (BWC) video was captured during an incident. The BWC statistics are included in this Annual Report.

## **COMPLAINT PROCESS**

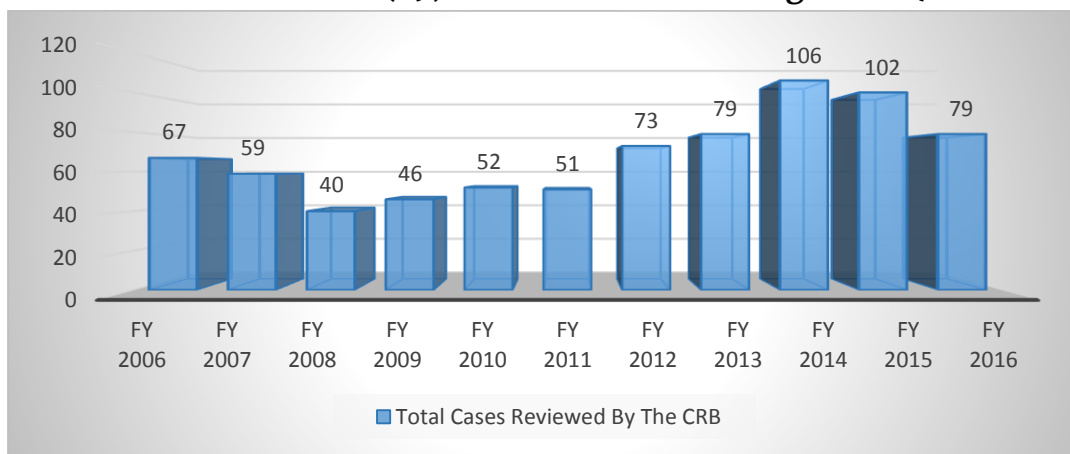
Complaints against SDPD officers may be lodged by citizens at a number of locations including the police department and the CRB office and may be made in person, in writing by email, letter, or fax, or by telephone. As long as the allegations in the complaint are against members of the San Diego Police Department, all complaints are sent to the Internal Affairs Unit of the Police Department. IA then categorizes the complaint as a **Category I** or **Category II**. **Category I** complaints include **force, arrest, discrimination, slur, and criminal conduct**. 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 Internal Affairs 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 review and evaluate Category II complaints.

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, videos, civilian witnesses, witness officers, and the subject officer, and an examination of the physical evidence, if any. Internal Affairs considers each allegation in the complaint separately.

### CASE REVIEW STATISTICS

During Fiscal Year 2016, the CRB received from IA, reviewed, and evaluated seventy-nine (79) cases. 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 was a decrease in the number of cases reviewed by the CRB between FY2006 - FY2008. There was a gradual increase over the next several years up until FY 2015 where the number of cases reviewed by the CRB decreased by four (4). Between FY2015-FY2016, the number of cases received from IA and reviewed by the CRB decreased by twenty-three (23) cases. A similar decrease of nineteen (19) cases occurred during FY2007-FY2008.





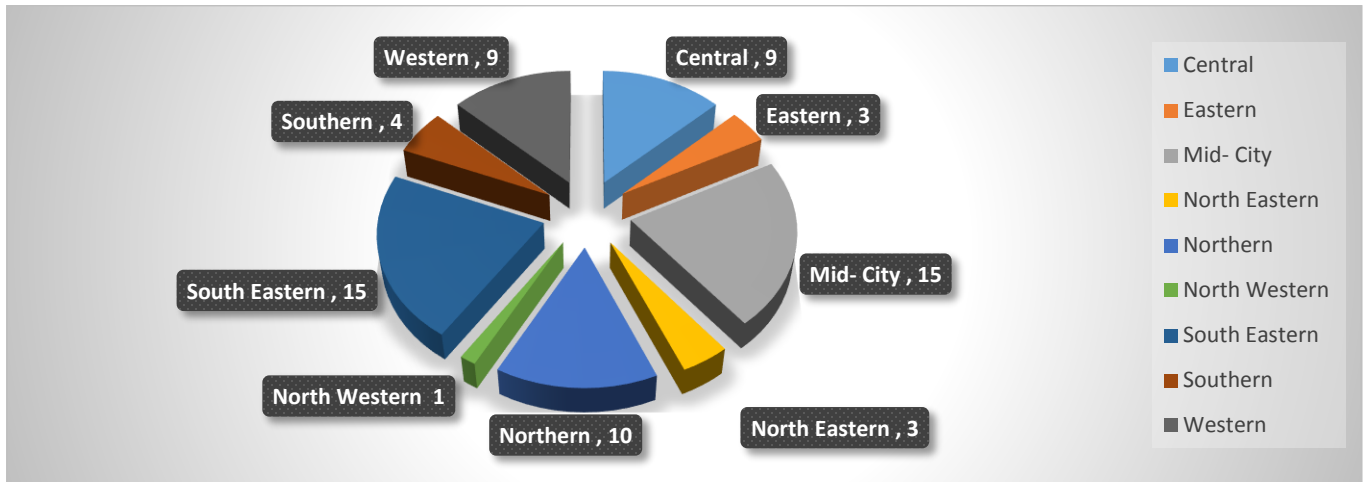


Figure 1: Complainant Incident Locations (Fiscal Year 2016)

According to Figure 1, in Fiscal Year 2016 a majority of cases reviewed by the CRB occurred in the Mid-City (15) and Southeastern Divisions (15). The next largest number of cases occurred in the Northern (10), Western (9), and Central (9) Divisions. These five divisions had an accumulated total of (73%) of the seventy-nine (79) cases reviewed by the CRB. Other cases reviewed by the CRB in Fiscal Year 2016, involved members of the Investigations/Gang Suppression Team (2), Gang Suppression Team (2), Canine Unit (1), Traffic (2), and Parking Enforcement (1) or occurred in Headquarters (2).

### **CITIZENS' 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 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. IA 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 the IA to preserve the mandated confidentiality law by the State of California.

The Team then prepares recommendations to the entire CRB to either agree or disagree with the 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 that 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**
- **Refer to the CRB Policy Committee** any specific policy or procedural issues arising from a case which do not directly relate to the allegations of that case

In closed session meetings, the CRB will come to one of these conclusions. The CRB may agree with Internal Affairs findings but comment that the incident could have been handled differently. 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. 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, all of the Board's work is confidential and must be conducted in closed session pursuant to California Government Code Section 53947 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.

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 decide whether it agrees or disagrees that the reported discipline is consistent with the SDPD Discipline Matrix. The team also agrees or disagrees that 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 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" made for a finding, a category such as force, procedure, courtesy, etc., and 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 forward 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**

Total Cases Reviewed by CRB	Allegation Category	Exonerated	Not Sustained	Sustained	Unfounded	Total Number of Allegations
	Arrest	28	3	0	1	32
	Conduct	0	0	1	8	9
	Courtesy	0	12	3	19	34
	Criminal Conduct	0	0	1	11	12
	Discrimination	0	1	0	39	40
	Force	85	6	6	30	127
	Procedure	46	11	18	32	107
	Service	0	0	0	2	2
	Slur	0	4	0	2	6
	Other Findings	0	0	37	0	37
<b>79</b>		<b>159</b>	<b>37</b>	<b>66</b>	<b>144</b>	<b>406</b>

### **CATEGORIZATION OF ALLEGATIONS AND FINDINGS**

The above chart represents the different allegations made in seventy-nine (79) cases reviewed by the CRB in Fiscal Year 2016. The CRB reviewed, evaluated, and issued findings on a total of seventy-nine (79) separate citizen complaint cases. Each case contained a number of allegations totaling four hundred and six (406) allegations overall. This is a noticeable decrease in the number of cases and an increase in the number of allegations reviewed by the CRB in fiscal year 2015.

In Fiscal Year 2016, IA investigated and sustained sixty-six (66) allegations in all of the above categories except arrest, discrimination, service, and the use of slur. Out of the four hundred and six (406) allegations, 16% of the allegations were sustained by IA. This 16% includes the thirty-seven (37) procedural violations listed in the chart as “other findings.” Without the procedural violations, the number of allegations that were sustained by IA would be 7%. The number of allegations sustained in cases regarding: Conduct totaled one (1) allegation; Courtesy totaled three (3) allegations; Criminal Conduct totaled one (1) allegation; Force totaled six (6) allegations; and Procedure totaled eighteen (18) 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 or when an officer did not complete their duties in the

correct manner after an encounter. Based on the above chart, IA discovered thirty-seven (37) procedural violations that were not alleged by the complainant. 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 that IA imposed on the officer.

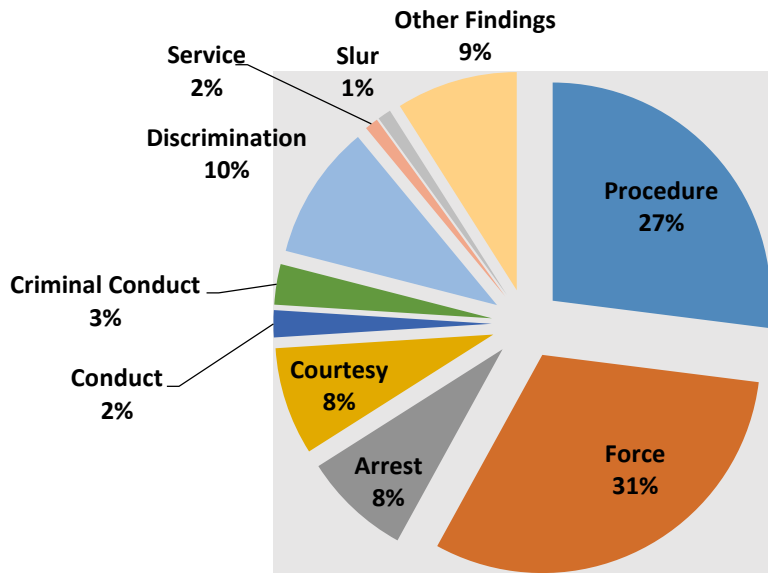


Figure 2: Percentages of Allegations in Cases Reviewed by the CRB (July 1, 2015- June 30, 2016)

Figure 2 shows a breakdown of allegations in cases reviewed by the CRB during the 2016 fiscal year. Thirty-six percent (36%) of the allegations identified in the seventy-nine (79) cases reviewed by the CRB were classified as “procedures.” Thirty-one percent (31%) of the misconduct alleged were classified as “force.” Ten percent (10%) of the allegations were classified as “discrimination.” Based on these figures, we can conclude that the largest total number of allegations in the seventy-nine (79) cases reviewed by the CRB in FY 2016 were: procedural, force, and discrimination. The total percentages of these classifications are seventy-seven percent (77%). The least total number of allegations were: slur, service, courtesy, criminal conduct, arrest, 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. Since the seventy-nine (79) 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 seventy-nine (79) cases contained a total of four hundred and six (406) allegations of misconduct or procedural mishaps. The CRB agreed with IA's findings in mostly all allegations except for two (2) allegations. One of the disagreed upon findings was a not sustained for a courtesy allegation. The second disagreed upon finding was exonerated for an arrest allegation. The CRB agreed with comment for IA's finding of exonerated for a separate arrest allegation. All three (3) allegations were a part of cases that contained more than one allegation

Out of the sixty-six (66) allegations that were sustained by IA, the CRB agreed with IA's findings in all those allegations. Out of the thirty-seven (37) allegations that were not sustained by IA, the CRB agreed with IA's findings in thirty-six (36) of those allegations. From the one hundred and fifty-nine (159) allegations that were exonerated by IA, the CRB disagreed with one of those findings and agreed with comment in a separate allegation.

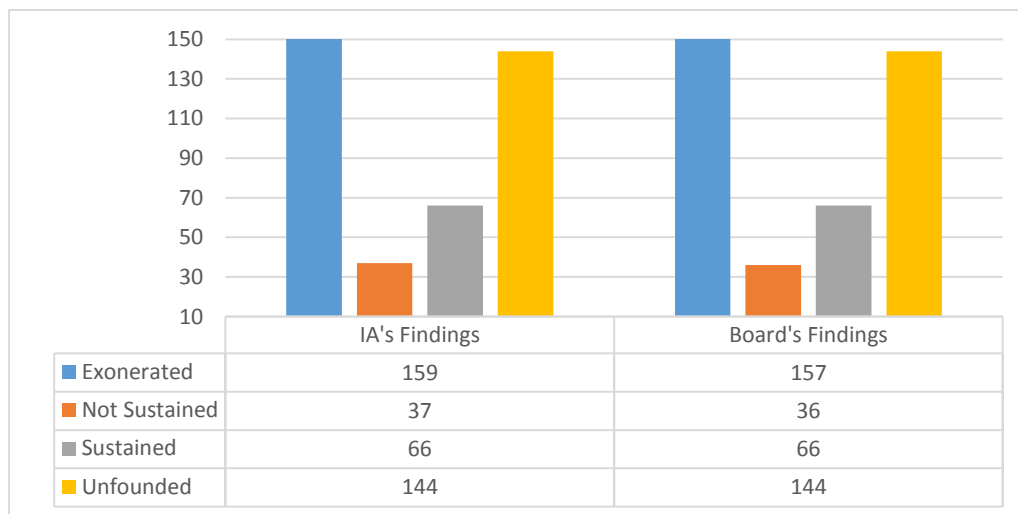


Figure 3: Comparison of IA & CRB Findings (June 30, 2015 – July 1, 2016)

## **DISAGREEMENTS/CHANGES IN CASE REVIEW**

During a team's review of a case, the team may notice that a case may need a 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 FY 2016. However, changes were made in nine (9) of the seventy-nine (79) 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, these nine (9) 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 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 (34) was reviewed by the CRB within 90 days of receiving those cases from IA.

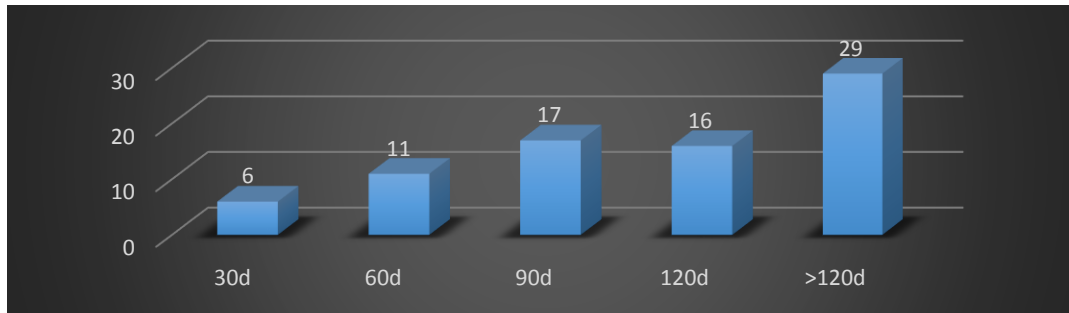


Figure 4: FY 2016 Timeline for Completion of Cases

## 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 will ensure 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, 2015 – June 30, 2016, there were twenty-two (22) cases with sustained findings. Those twenty-two (22) cases contained sixty-six (66) allegations that warranted the CRB’s evaluation of the SDPD’s administration of discipline. In FY 2016, the CRB evaluated disciplinary action taken in twenty (20) cases. Two of the twenty cases were reviewed by the CRB in FY 2015. The CRB agreed that the disciplinary action taken against the officer was within the SDPD Discipline Matrix and that the discipline imposed was proper in seventeen (17) of the twenty (20) cases evaluated. One case that was assigned to the CRB, was not evaluated because the officer resigned. In another case, the CRB agreed that the reported disciplinary action was consistent with the SDPD Discipline Matrix. However, the CRB disagreed with comment on the imposed discipline. In one case, the CRB agreed that although the discipline imposed to the officer fell outside the SDPD Discipline Matrix, the discipline was proper. The two (2) cases that were not evaluated during this time period will be reported in the CRB’s next 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, 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. Similar agreement was reached between the CRB and the San Diego Police Department with regard to In-Custody Death cases.

In FY 2016, there were a total of five (5) officer-involved shooting cases reviewed by the CRB. After the review and deliberation of these cases, the CRB determined that the shootings occurred within SDPD policy. The officers had body worn cameras (which were turned on) in two of the five cases. More than one officer was involved in two of the five cases. In three of the five cases, the body worn cameras were not yet made available to the officers. However, those case files contained surveillance video. During this same period, the CRB reviewed two in-custody death cases and found that they were both within policy.

Over the last eleven years, the CRB reviewed eighty-seven (87) officer-involved shooting cases (See Figure 5 for each fiscal year.) Officer-involved shooting cases averaged eight (8) cases per year. Between FY 2012 and FY 2014, there was a significant increase of seven (7) officer-involved shootings. Since FY 2014, there has been a decrease in officer-involved shooting cases. In FY 2016, there were five officer-involved shooting cases.

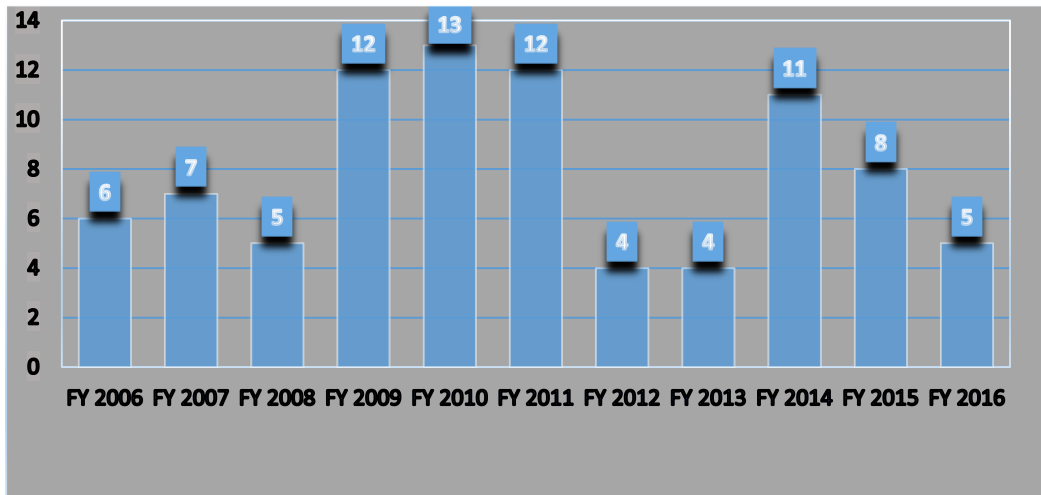


Figure 5: Officer-Involved Shooting Cases Reviewed by the CRB (FY 2006 - FY 2016)

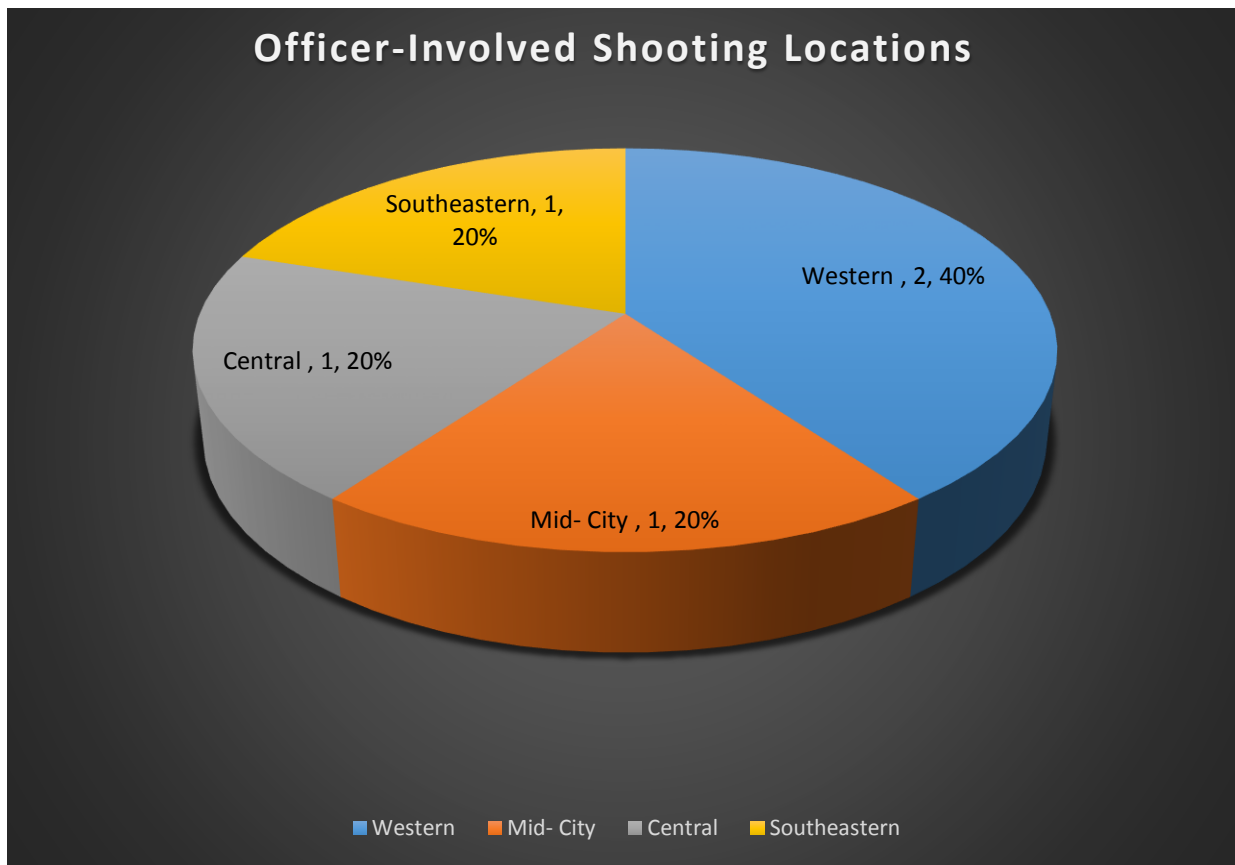


Figure 6: FY 2016 Officer-Involved Shooting Locations

Figure 6 shows the location of officer-involved shootings by members of the SDPD during Fiscal Year 2016. The largest percentage (40%) of officer-

involved shootings took place in Western, which had a total of two shootings. Several divisions (Southeastern, Central, and Mid-City) each had an officer-involved shooting that occurred during Fiscal Year 2016.

Two out of the five officer-involved shooting cases included the suspect using a car as a weapon. The other three cases involved the suspects' use of various weapons such as a: machete, chef knife, red metal pole, meat cleaver, and pistol.

In Fiscal Year 2016, the total number of officers involved in the five officer-involved shooting cases reviewed by the CRB was nine. Three of the five cases had only one (1) officer involved in each case. One (1) of the five cases had four officers involved in that one case. Lastly, one (1) of the five cases had two officers involved in that one case.

Figure 7 shows the years of experience on the police force for the number of officers involved in these types of officer-involved shooting cases. Two (2) officers had 1-4 years of experience on the force. Six (6) officers had 5-10 years of experience on the force. None of the officers had 11-15 years of experience on the force. One officer had over sixteen years of experience on the force. No conclusion can be drawn by looking at the years of experience, because the CRB looks at the entirety of each case file.

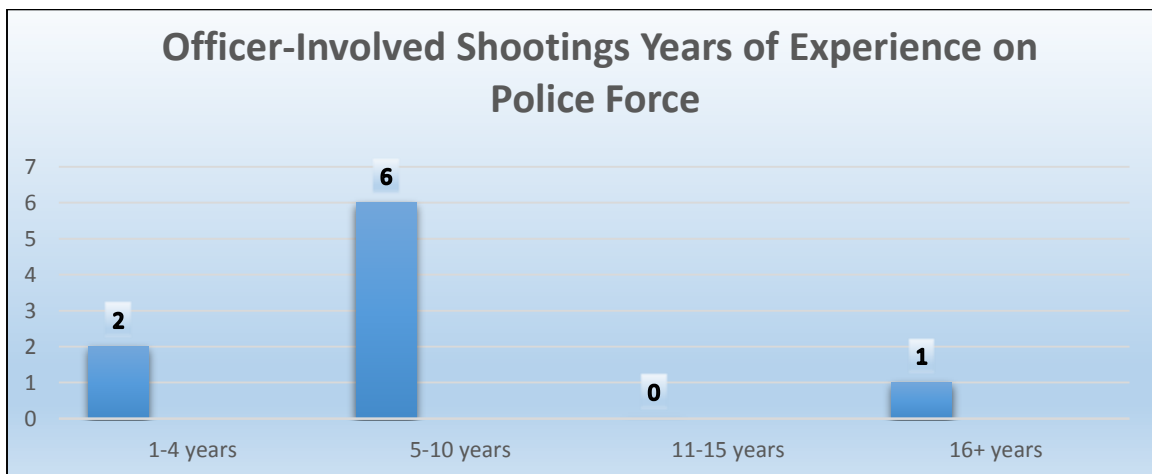


Figure 7: Officers Years of Experience

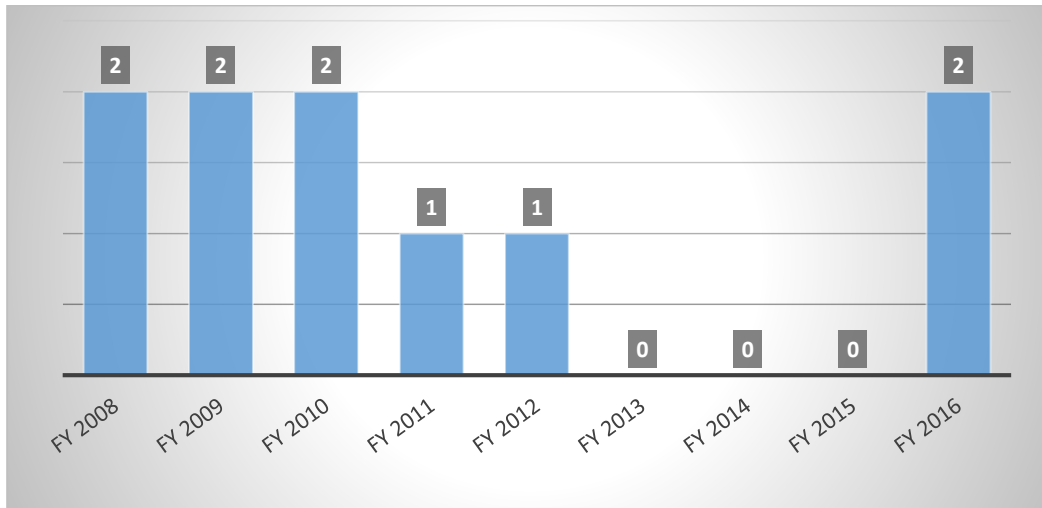


Figure 8: In-Custody Death Cases Reviewed by the CRB (FY 2008 – FY 2016)

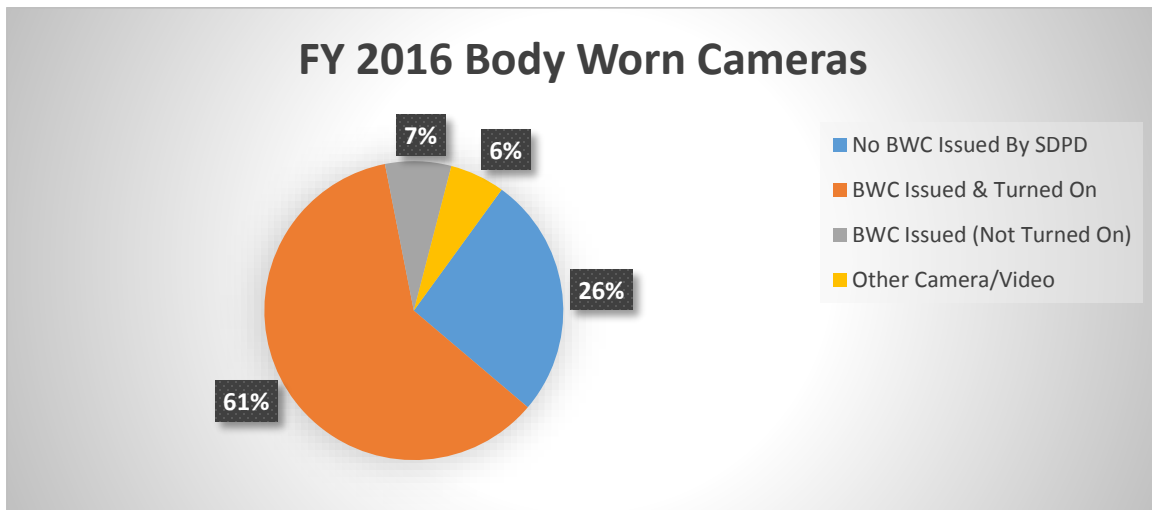
Figure 8 shows the number of In-Custody Death cases reviewed by the CRB over an eight year time period from FY 2008 – FY 2016. Over the last nine (9) years, the CRB reviewed ten (10) In-Custody Death cases. In-Custody Death cases averaged one (1) case per year. In Fiscal Year 2016, the CRB reviewed two in-custody death cases. In both cases, after the Team's review, the CRB deliberated and agreed that the actions of the officers were within policy. In one of the cases, the CRB's decision was unanimous. While in the other case, the CRB's vote was 14-1.

## BODY WORN CAMERAS

In January 2015, the CRB began tracking its cases to provide the public with BWC data. During January 2015–July 2015, the CRB reviewed fifty-four (54) cases. Out of fifty-four (54) cases, forty-seven (47) cases did not have video because the incident occurred prior to the issuance of the BWC to SDPD officers.

However, in Fiscal Year 2016, 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 BWC. In FY 2016, out of the seventy-nine (79) cases reviewed by CRB teams, fifty-seven (57) were cases where the officers was issued body worn cameras. Out of the fifty-seven (57) cases, officers turned on his/her camera in fifty-one (51) cases reviewed by the CRB teams. In six of the cases reviewed by the CRB teams, the officer did not turn on his/her body worn

camera. However, the CRB teams were able to view surveillance video in two (2) of the six (6) cases. During FY 2016, body worn cameras were not yet issued to the officers in twenty-two (22) cases. However, the CRB teams were able to view surveillance video in three (3) of the twenty-two (22) cases. The CRB feels strongly that these videos are helpful in the CRB reaching decisions on cases.



## CASE DEMOGRAPHICS

### *Characteristics of Complainants*

In Fiscal Year 2016, the seventy-nine (79) cases reviewed by the CRB contained demographics of eighty-five (85) complainants. Of the seventy-nine (79) cases, forty-eight (48) were filed by male complainants and thirty-seven (37) 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 10 shows the race/ethnicity breakdown of complainants who provided that information for statistical purposes. Thirty (30) of the complainants were African-American; twenty-eight (28) were Caucasian; twenty-three (23) were Hispanic; three (3) were Asian; and one (1) was Biracial.

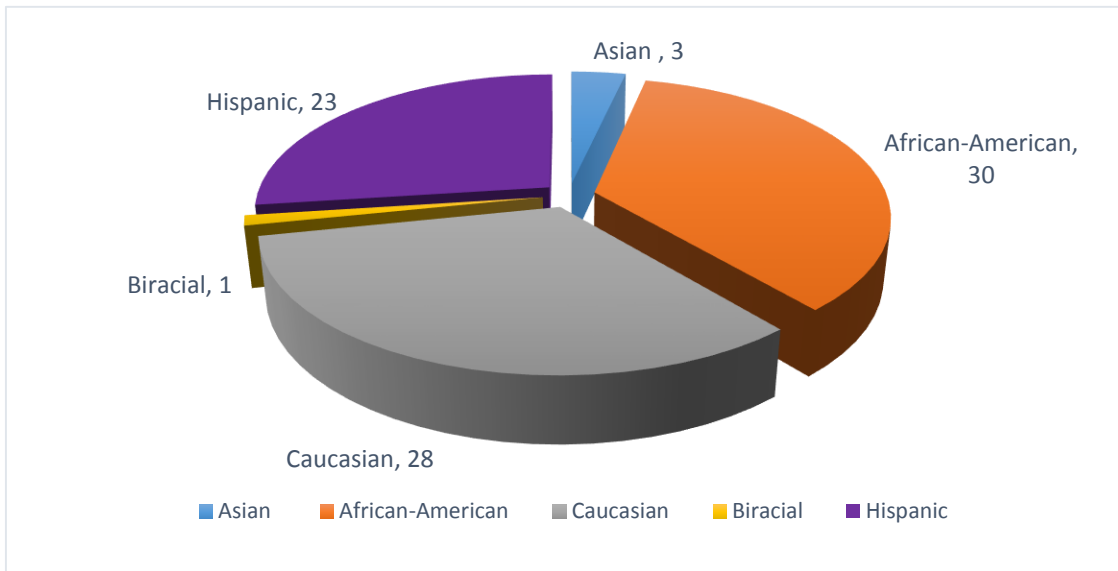


Figure 10: Race/Ethnicity of the Complainant (FY 2016)

### *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 2016, a total of one hundred and ninety-four (194) officers were the subjects of the seventy-nine cases (79) cases reviewed by the CRB. A majority of the officers who received complaints against them were one hundred and seventy-three (173) males. A total of twenty-one (21) female officers received complaints against them during this period. Of the one hundred and ninety-four (194) officers that received complaints against them: one (1) was Japanese; four (4) were Filipino; nine (9) were African-American; ten (10) were Asian; thirty (30) were Hispanic; and one hundred and forty (140) were Caucasian.

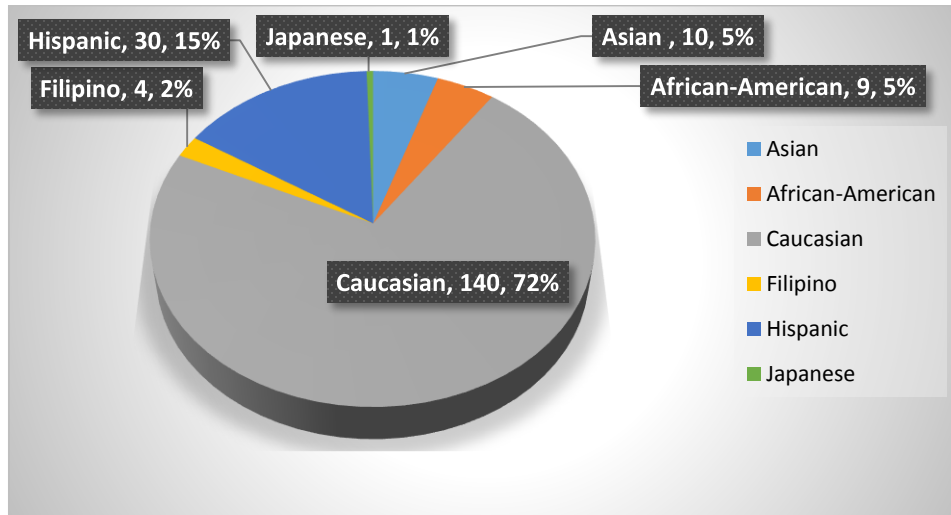


Figure11: Race/Ethnicity of the Subject Officer (FY 2016)

## **SUMMARY OF FY-2016 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 2nd and 4th Tuesday of each month to review cases. These discussions involve confidential personnel issues and are closed to the public. The Board convenes in open session on the 4th Tuesday of each month at 6:30 p.m. The public is welcome to attend the open session meetings of the CRB and 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 was a public comment period held at the beginning of each open meeting. The CRB does not meet on the 4<sup>th</sup> Tuesday of December.

### ***MEETINGS OF THE BOARD***

In Fiscal Year 2016, the CRB met as a whole twenty-three (23) times in closed session and eleven (11) times in open session for business. In addition to its regularly scheduled meetings, the CRB held two special meetings and one informational meeting. The special meetings took place on September 15, 2015 and March 19, 2016 at the American Red Cross on Calle Fortunada. These meetings focused on the CRB operational process and procedures, and the development of the CRB's strategic plan. The informational session meeting took place on October 28, 2015 at the Sherman Heights Community Center. The focus of this meeting was to provide information about the CRB to

members of the community as well as to recruit new members for the CRB. All three meetings were open to the public.

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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 Committee Fiscal Year 2016 activities are as follow:

### ***POLICY COMMITTEE***

The Policy Committee of the Citizens' 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 six (6) times for business. Meetings were held on October 13, 2015, November 10, 2015, January 12, 2016, February 9, 2016, May 24, 2016, and June 14, 2016 at the Mission Valley Branch Library in San Diego, CA.

The Policy Committee's items for discussion/review/action included the following:



## 1. Review of Prisoner Van Policy On Seat Belting Individuals

In Fiscal Year 2016, the Policy Committee reviewed the existing policy regarding prisoner van seat belting, and received approval from the board to submit a formal recommendation to the San Diego Police Department to add a fourth section to their policy stating that if an officer is unable to seatbelt a prisoner, they must document it. This official recommendation was sent in March to the San Diego Police Department for review and implementation. The status of this recommendation will be reported in the CRB's Fiscal Year 2017 Annual Report

## 2. Taser Policy

In Fiscal Year 2016, the Policy Committee reviewed the San Diego Police Department's policy regarding the use of Tasers on individuals standing in or near an open body of water. After checking with the manufacturer, it was discovered that the Tasers do not harm individuals standing in or near water. As a result of that finding, the Committee agreed that no official formal recommendations were necessary.

## 3. Installation of Video Cameras at the Volunteers of America Sobering Center

The Policy Committee looked into the use of cameras at the Volunteers of America Sobering Center (VASC). The Committee research and closed this item after discovering that the (VASC) contract ended and a new Sobering Center would be in use. The committee did not have any further information regarding cameras at the new Sobering Center.

## 4. Body Worn Camera Policy

The Policy Committee reviewed the San Diego Police Department's policy on the use of Body Worn Cameras. SDPD made changes to the policy and shared those changes with the CRB in August 2015. The new changes to the policy were as follows:

- a. Single officers may transport individuals if their Body Worn Camera is on during entire transport.

- b. Officers are to activate Body Worn Cameras prior to enforcement contact.
- c. Sergeants are now required to conduct monthly audits of Body Worn Cameras to assure that officers have properly used them.

## 5. Mental Health

The Policy Committee continues to explore police procedures and resources regarding police officer training in interacting with mentally ill individuals.

## 6. Independent Legal Counsel Analysis

The Policy Committee reviewed the possible conflict of interest in having the Deputy City Attorney advise the CRB. The Committee found that there is a conflict of interest in having the Deputy City Attorney advise the CRB. The City Council approved the proposal for independent legal counsel. At its June 28, 2016 meeting, the CRB unanimously approved the Committee's motion that the Board pursue a proposal for independent legal counsel.

## 7. Monitoring Subjects in Police Vehicles

The Policy Committee reviewed the policy regarding the monitoring of subjects in patrol vehicles. No further recommendations were made because an existing policy is already in place.

The FY-2016 Policy Committee Members were: Committee Chair Joe Craver, Doug Case, Larry McMinn, Tom Lincoln, Pauline Theodore, Kathy Vandenheuval, 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-Along
- ❖ In-Service and Regional Academy classes
- ❖ *Inside the SDPD* overview sessions included Use of Force, DUI Stops, Mock Vehicle Stops, Fire Arms 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.

During Fiscal Year 2016, data on the amount of time spent by CRB members on CRB duties and educational opportunities were reported from fifteen members. Together these members reported a total of 3,964.27 hours of participation in CRB duties and educational opportunities. Of these hours, 233.75 hours were spent participating in Ride-Alongs; 114.5 hours in Academy Training; 1,538.45 hours on Case Review in Internal Affairs; 951.5 hours at Board Meetings; 361 hours at Committee Meetings; 28 hours at the Police Department Citizens' Academy; 451.32 hours in Conferences, Seminars, and Workshops; and 285.75 hours on other activities. On average, each member participated in

approximately 265 hours in CRB duties and educational opportunities during the Fiscal Year 2016.

## **TRAINING TOPICS**

During Fiscal Year 2016, the training topics presented at the CRB's open session meetings included:

“The Ralph M. Brown Open Meetings Act” (Presented by Michael S. Giorgino, Deputy City Attorney)

“Medical Marijuana and Challenges for Officers” (Presented by Lieutenant Steven Shaw, SDPD Narcotics Unit)

“Bridging the Gap Between the Communities and Police” (Presented by Marquez Equalibria, Conciliation Specialist–United States Department of Justice)

“Psychiatric Emergency Response Team (PERT)” (Presented by Marla Kinkade, Police Liaison and Dr. Mark Morgan, Director)

“Building Trust with the SDPD” (Presented by Bardis Vakili, Senior Staff Attorney at the American Civil Liberties Union (ACLU) in San Diego and Imperial Counties)

“Everything You Want to Know About the Citizens' Review Board on Police Practices (CRB)” (Presented by Lisa Sorce, Citizens' Review Board Chair)

“Release of Officer-Involved Shooting Video” (Presented by Bonnie Dumanis, District Attorney)

“Current Charter Amendments and Recommendations” (Presented by Jonathan Herrera, City of San Diego Director of Public Safety & Neighborhood Services)

The FY-2016 Continuing Education Committee Members included: Committee Chair Charlene McAdory, Taura Gentry, and Pieter O'Leary

## **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 Citizens' Review Board.

Vacancies on the CRB are filled from a pool of Prospective Members appointed by the Mayor. Prospective members go through extensive training after which they are assigned to a team as a non-voting member to receive additional case review training.

The staff, CRB, and Committee work industriously to identify the most diverse group of candidates possible. The CRB strives for diversity of education, employment, geographic location in the city, age, gender, race, ethnicity, sexual orientation and gender identity. Many prospects are identified through community outreach activities of the Executive Director and the Outreach Committee.

Candidates indicate their interest in serving on the CRB. The Executive Director and members of the Committee contact each candidate to and answer any questions the candidate may have and/or invite the candidate to an informational session on the CRB. This session is conducted to provide candidates with an informal orientation and to stress the time commitment involved when serving on the CRB. Candidates who decide to continue with the process submit résumés and letters of interest and are then interviewed by a Committee consisting of the Executive Director, the Chair of the Committee, and two CRB Members. A list of finalists is forwarded to the Mayor for selection. During Fiscal Year 2016, the Mayor selected twelve (12) candidates as Prospective Members of the CRB. Out of the twelve (12) Prospective Members, one member completed the required training, but resigned from the CRB due to an educational commitment. Out of the twelve (12) Prospective Members, one member did not participate in the training components and failed to articulate whether he wanted to be considered for the next round of training components.

The training of new members is accomplished in four components: (1) Overview of the CRB and Internal Affairs and the role of the Deputy City Attorney assigned to the CRB, (2) Meeting with the Chief of Police and Assistant Chiefs and a tour of SDPD headquarters, (3) Training at the San

Diego Regional Public Safety Institute on the laws regarding probable cause, detention and arrest; use of force legal guidelines and demonstrations; Fire Arms Training Simulator; and body worn cameras, and (4) Internal Affairs process and the CRB case review process, report writing and presentation. Prospective members are also required to participate in a ride-along and report on their experience. In FY-2016 a new segment was added – the prospective members were collectively assigned an actual case to review and present under the supervision of CRB officers.

The FY-2016 Recruitment and Training Committee Members were: Committee Chair William Beck, Co-Chair Joe Craver, Doug Case, Taura Gentry, Joyce Mohrlock, and Mary O'Tousa

### ***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 2016, the Outreach Committee has been very active in various community events throughout the city. Some of those events were as follows: American Youth Football and Cheer Awards Ceremony; MLK Jr Parade; MLK Jr Breakfast; Webster Community Meeting; City Heights 830s Community Meetings; City Council Public Safety & Livable Neighborhood Meeting (twice); SDPD Captain's Advisory Board Meetings; Walk with a Cop in Mid City; North Park Street Fair; USS Midway Battle of Midway Gala; Voice & Viewpoint District, and many more.

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 100 community events and meetings in Fiscal Year 2016.

The FY2016 Outreach Committee Members were: Committee Co-Chair Taura Gentry, Co-Chair Ernestine Smith, Godwin Higa, Pieter O'Leary, and Kathy Vandenheuval

### ***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.

The focus of the Rules Committee's efforts in FY2016 was developing and refining procedures related to the case review process. After several committee meetings and a board workshop, the Administrative Standing Rule on the Format and Presentation of CRB Case Review Reports was finalized and approved by the Board on October 27, 2015. The Rules Committee has also been working with SDPD Internal Affairs and the City Attorney's Office to develop the Operational Standing Rule on Case Review Procedure. The Operational Rule will provide detailed instructions for case review by CRB teams and explain all options the Board has when considering a team's case review report. It is anticipated that the Board will vote on the Operational Standing Rule before the end of the 2016 calendar year and forward it to the Mayor for approval.

The FY2016 Rules Committee Members were: Committee Chair Doug Case, Diana Dent, Nancy Vaughn, and Marty Workman

## **CONCLUSION**

Over the last twenty-eight (28) years, the relationship between the CRB and 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. Because of the manner in which 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.

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