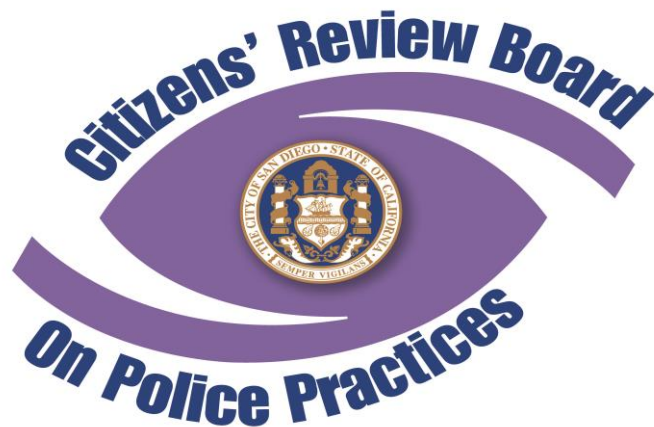


# Citizens' Review Board on Police Practices



Fiscal Year 2015  
Annual Report



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## **Board Members**

<b>Yuki Marden, Chair</b>	<b>Kenneth Martone*</b>
<b>Jason Kaplan, 1st Vice Chair*</b>	<b>Lucy Pearson</b>
<b>Doug Case, 2<sup>nd</sup> Vice Chair</b>	<b>Ernestine Smith</b>
<b>Angela Alvarez*</b>	<b>Lisa M. Sorce</b>
<b>William Beck</b>	<b>Pauline Theodore</b>
<b>Benetta Buell-Wilson</b>	<b>Alexis Torrey</b>
<b>Joe W. Craver</b>	<b>Dennis Vincent*</b>
<b>Ruben Garcia*</b>	<b>Kathy Vandenheuvel</b>
<b>Bryon Garner*</b>	<b>Nancy Vaughn</b>
<b>Jim Herrera*</b>	<b>Pamela White*</b>
<b>Godwin Higa</b>	<b>Martin Workman</b>
<b>Jim Hurl, Jr</b>	

**Note: Members who did not serve the entire FY15 have an asterisk (\*) next to his/her name.**

## **Prospective Members**

**Diana Dent   Taura Gentry   Brandon Hilpert   Tom Lincoln   Larry McMinn  
Charlene McAdory   Joyce Mohrlock   Pieter O'Leary   Mary O'Tousa**

## **Executive Director**

**Danell Scarborough (Prior to February 2015)**

**Sharmaine Moseley (February 2015-Present)**

## **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 shootings (OIS), in-custody deaths (ICD), 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.

## **FY 2015 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 2014, CRB Chair Yuki Marsden and CRB Executive Director Dr. Danell Scarborough attended the 20<sup>th</sup> Annual National Association for Civilian

Oversight of Law Enforcement (NACOLE) Conference in Kansas City, MO. 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.

- In February 2015, Sharmaine Moseley was appointed as the CRB's Executive Director. She brings to San Diego years of experience overseeing the Albany Citizens' Police Review Board. She is also actively engaged in community outreach and stakeholders with the goal of identifying and reaching milestones and working to build a more effective oversight model in San Diego.
- In June 2015, the Mayor signed an operational standing procedure regarding the administration of discipline by the SDPD. This document is important because the CRB is charged with reviewing and evaluating the administration of discipline arising from "sustained" complaints and there was a lack of consistency in this process. 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 Executive Director to maintain statistics on how the CRB voted in these cases. These statistics are reported in the CRB's semi-annual reports.
- 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 so additions have been made like adding pictures of CRB activities as well as links to organizations that are relevant to law enforcement oversight.
- 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.

## **COMPLAINT PROCESS**

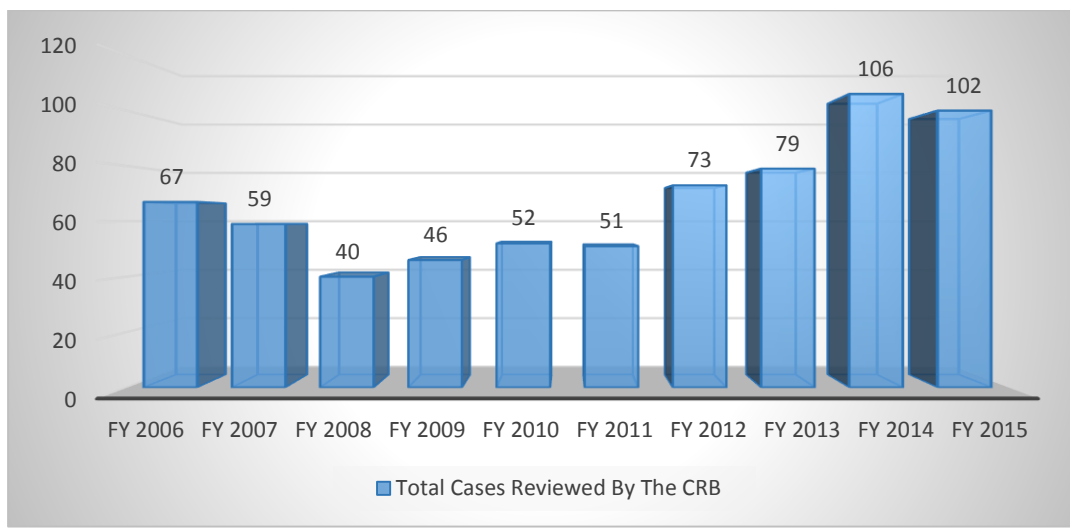
Complaints against SDPD officers may be lodged by citizens at a number of locations including the police department and the CRB office and may be made in person, in writing by email, letter, or fax, or by telephone. As long as the allegations in the complaint are

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, 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

In FY 2015, the CRB received, reviewed, and evaluated one hundred and two (102) cases. These cases were either received at the CRB office or issued to the CRB after IA completed its investigations. Over the last ten 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).



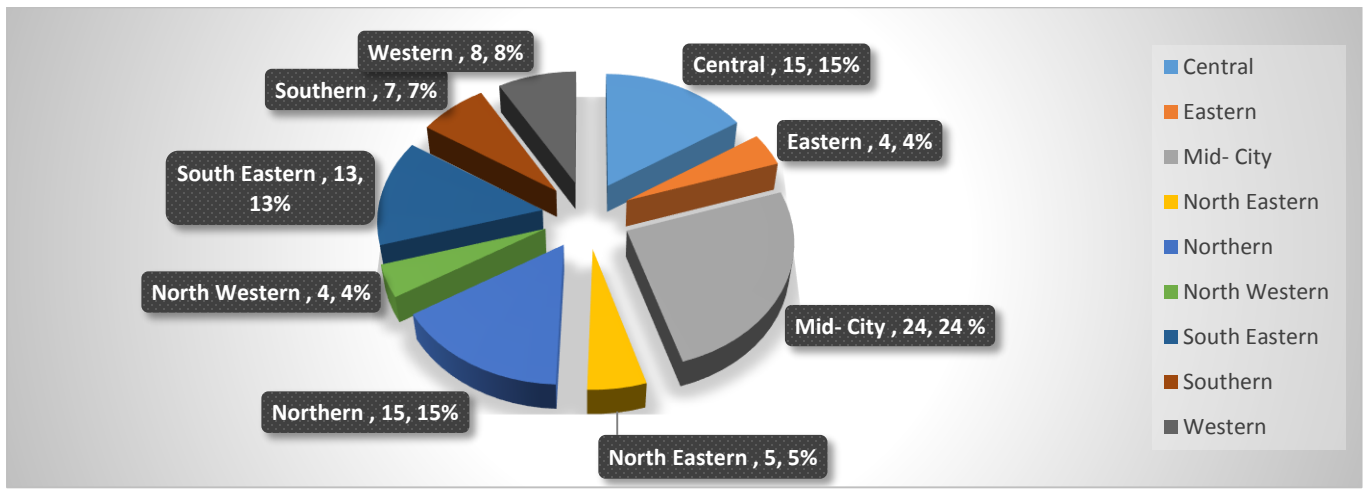


Figure 1: Complainant Incident Locations (Fiscal Year 2015)

According to Figure 1, in Fiscal Year 2015, a majority of complaints filed against members of the SDPD occurred in the Mid-City (24%), Northern (15%), South Eastern (13%), and Central (15%) Divisions which totaled sixty-seven (67%) of the one hundred and two (102) cases reviewed by the CRB.

## CITIZENS' REVIEW BOARD CASE REVIEW PROCESS

After IA investigates and renders its finding(s) on a complaint, it 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 include 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



Total Cases Reviewed by CRB	Allegation Category	Exonerated	Not Sustained	Sustained	Unfounded	Total Number of Allegations
	Arrest	35	1	1	0	37
	Conduct	0	2	1	4	7
	Courtesy	0	5	4	20	29
	Criminal Conduct	0	1	0	7	8
	Discrimination	1	1	1	15	18
	Force	46	3	1	20	70
	Procedure	46	11	10	28	95
	Service	3	0	0	2	5
	Slur	0	0	0	2	2
	Other Findings	0	0	13	0	13
<b>102</b>		<b>131</b>	<b>24</b>	<b>31</b>	<b>98</b>	<b>284</b>

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., will be listed and a determination made whether “Sustained,” “Not Sustained,” etc.

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**

## CATEGORIZATION OF ALLEGATIONS AND FINDINGS

The above chart represents the different allegations made in one hundred and two (102) cases reviewed by the CRB from July 1, 2014 and June 30, 2015. The CRB reviewed, evaluated, and issued findings on a total of one hundred (102) separate citizen complaint cases. Each case contained a number of allegations totaling two-hundred and eighty-four (284) allegations overall.

In Fiscal Year 2015, IA investigated and sustained thirty-one (31) allegations in all of the above categories except criminal conduct, service, and the use of slur. Out of the two-hundred and eighty-four (284) allegations, 11% of the allegations were sustained by IA. This 11% includes the thirteen procedural violations listed in the chart as “other findings.” Without the procedural violations, the number of allegations that were sustained by IA would be 6%. The number of allegations sustained in cases regarding: Arrest totaled one

(1) allegation; Conduct totaled one (1) allegation; Courtesy totaled four (4) allegations; Discrimination totaled one (1) allegation; Force totaled one (1) allegation; and Procedure totaled ten (10) 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 thirteen (13) 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

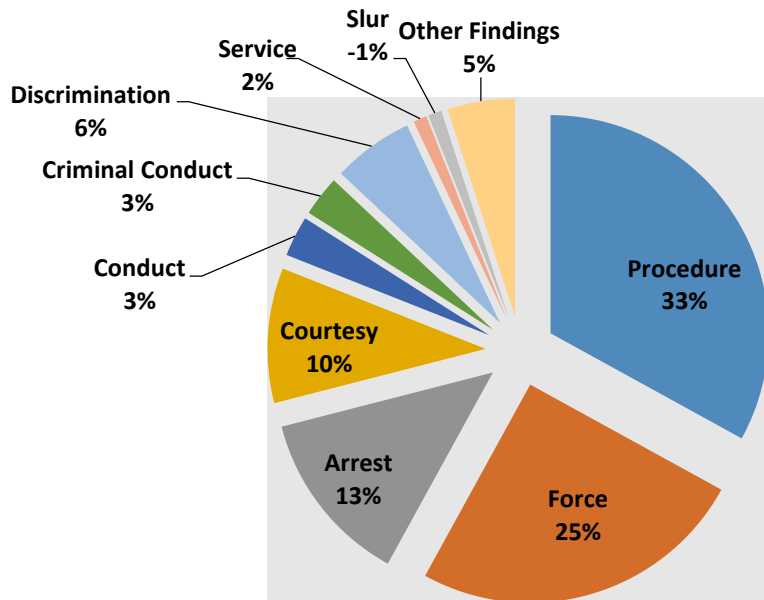


Figure 2: Percentages of Allegations in Cases Reviewed by the CRB (July 1, 2014- June 30, 2015)

against the officer. The CRB evaluates the disciplinary action that IA imposed on the officer.

Figure 2 shows a breakdown of allegations in cases reviewed by the CRB during the 2015 fiscal year. Thirty-nine percent (39%) of the allegations identified in the one hundred and two (102) cases reviewed by the CRB were classified as “procedures.” Twenty-five percent (25%) of the misconduct alleged were classified as “force.” Thirteen percent (13%) of the allegations were classified as “arrest.” Based on these figures, we can conclude that the largest total number of allegations in the one hundred and two (102) cases reviewed by the CRB in FY 2015 were: procedural, force, arrest, and courtesy.

The total percentages of these classifications are eighty-one percent (81%). The least total number of allegations were: slur, service, discrimination, criminal conduct, 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 one hundred and two (102) 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 findings were rendered by IA. The one hundred and two (102) cases contained a total of 284 allegations of misconduct or procedural mishaps. Although, the CRB agreed with IA's findings in all of the cases it reviewed, there was one allegation that was exonerated where the CRB agreed with comment.

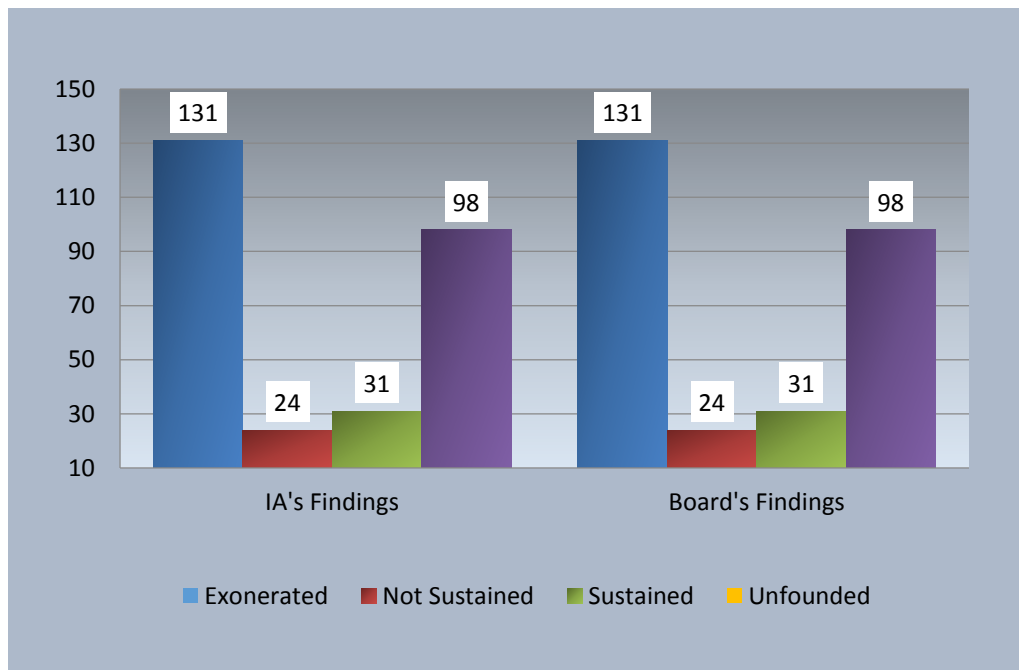


Figure 3: Comparison of IA & CRB Findings (June 30, 2014 – July 1, 2015)

### 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 did not indicate any record of disagreements with the recommended findings of the San Diego Police Department Internal Affairs during FY-2015. However, findings were changed in sixteen (16 or 16%) of the hundred and two (102) 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 changing these findings, thus resolving disagreements prior to full CRB consideration. Had these discussions not been conducted, these sixteen (16) 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 (43) were reviewed by the CRB within 60 days of receiving those cases from IA.

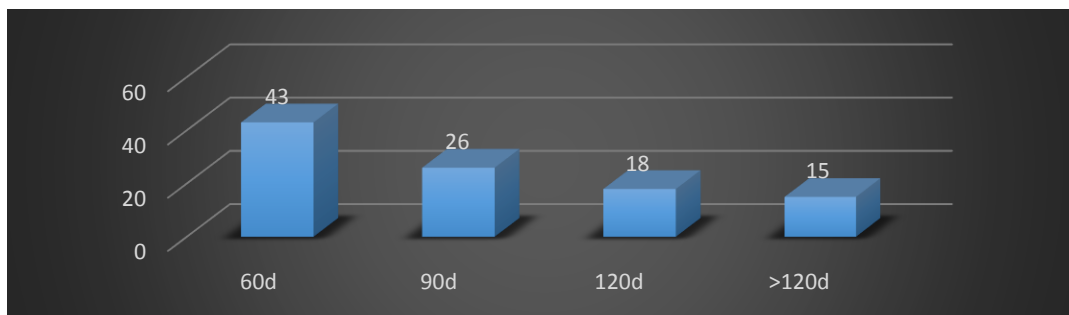


Figure 4: FY 2015 Timeline for Completion of Cases

## 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, 2014 – June 30, 2015, there were twenty (20) cases with sustained findings that warranted an evaluation of the SDPD's administration of discipline. However, the CRB evaluated the disciplinary action taken in nine (9) of the twenty (20) cases that contained sustained findings. In all nine (9) cases, the CRB agreed that the reported disciplinary action was consistent with the SDPD Discipline Matrix and that the discipline imposed was appropriate. The eleven (11) 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 – mutually agreed to establish 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 2015, there were a total of eight (8) officer-involved shooting cases reviewed by the CRB. After the review and deliberation of these cases, the CRB determined that the shooting occurred within SDPD policy. During this same period there was zero in-custody death cases reviewed by the CRB.

Over the last ten years, the CRB reviewed eighty-two (82) 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, but that increase declined in FY 2015 to eight (8) officer-involved shootings.

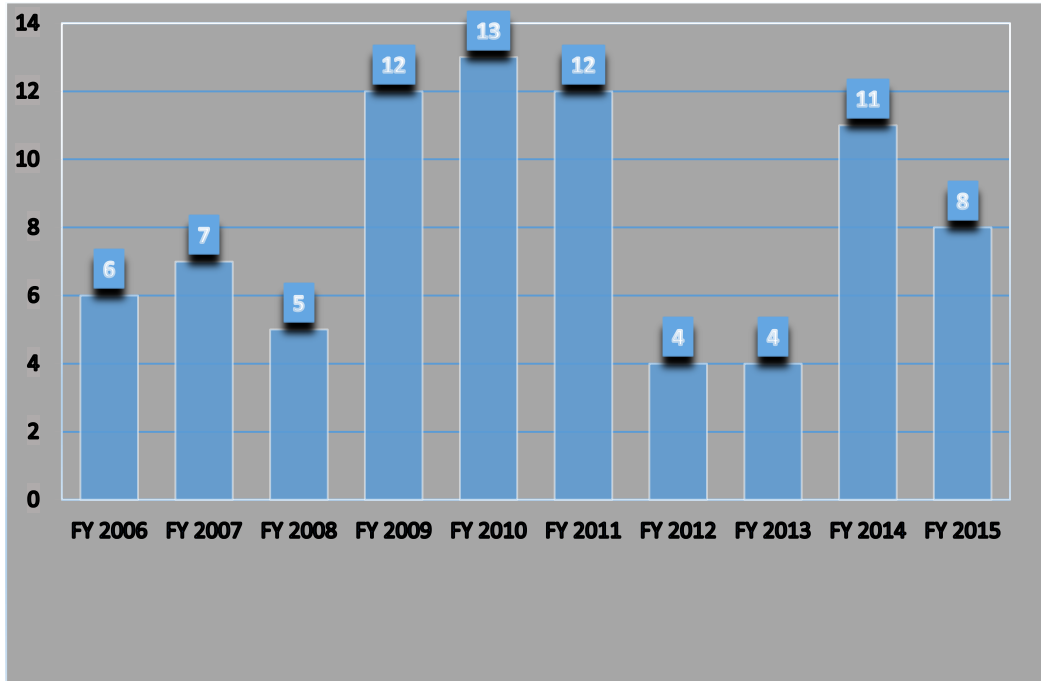


Figure 5: Officer-Involved Shooting Cases Reviewed by the CRB (FY 2006 - FY 2015)

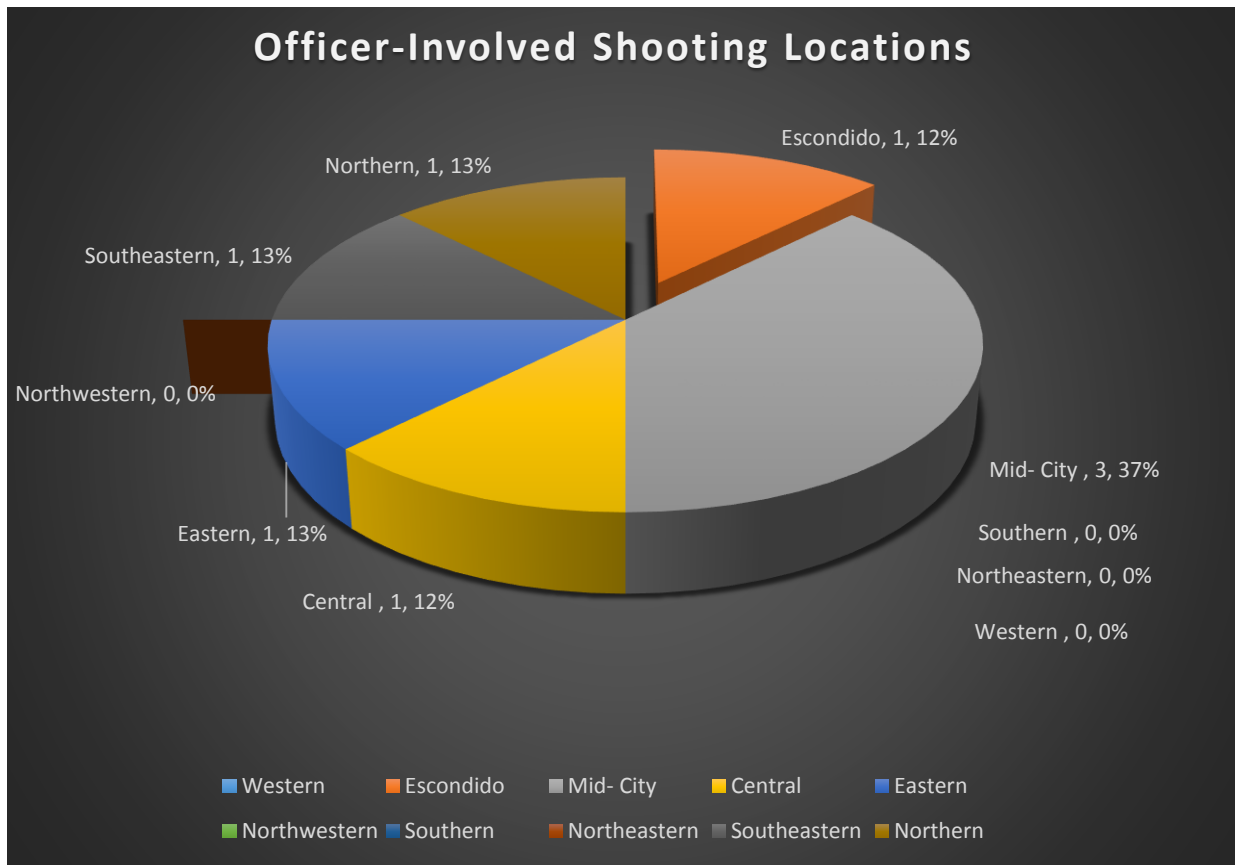


Figure 6: FY 2015 Officer-Involved Shooting Locations

Figure 6 shows the location of officer-involved shootings by members of the SDPD during Fiscal Year 2015. The largest percentage (37%) of officer-involved shootings took place in Mid-City which were a total of three (3) shootings. Several divisions (Northern, Southeastern, Eastern, and Central) each had an officer-involved shooting that occurred during Fiscal Year 2015. One (1) officer-involved shooting occurred in Escondido, CA.

Three (3) out of the eight (8) Officer-Involved Shooting cases included the suspect using a car as a weapon. One (1) case involved a car chase. The other cases involved the suspects' use of various weapons such as: a homemade shotgun, seven pipe bombs, seven smaller devices, three "crickets", four homemade firearms, two knives, an AR-15, a shotgun, a rifle and a pair of scissors.

In Fiscal Year 2015, the total number of officers involved in the eight (8) cases reviewed by the CRB was fifteen (15). Five (5) of the eight (8) cases had only one (1) officer involved in each case. One (1) of the eight (8) cases had two (2) officers involved in that one case. While one (1) of the eight (8) cases had three (3) officers involved in that one case. Lastly, one case had five (5) officers involved.

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. Three (3) officers had 1-4 years of experience on the force. Six (6) officers had 5-10 years of experience on the force. Two (2) officers had 11-15 years of experience. While four (4) officers 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.

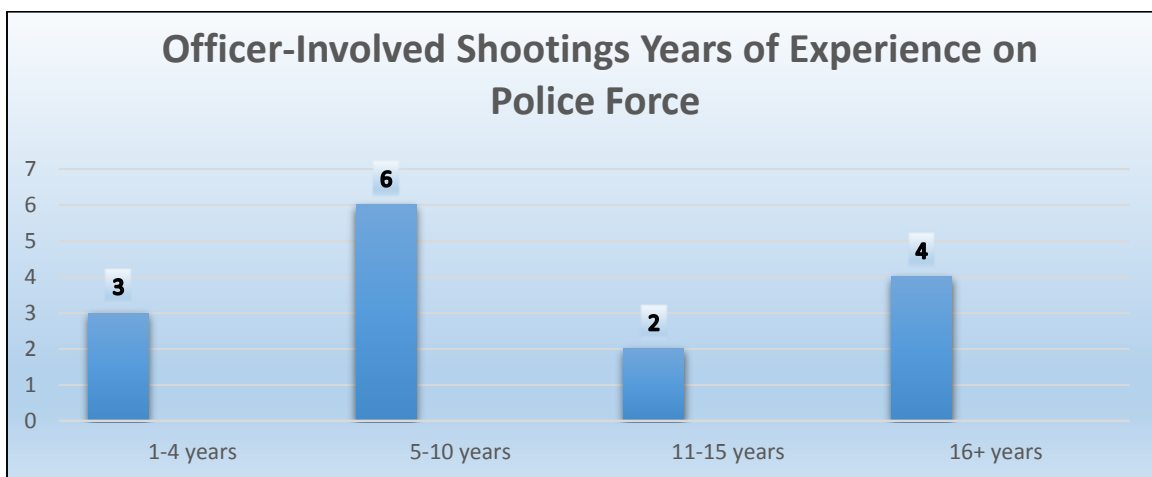


Figure 7: Officers Years of Experience

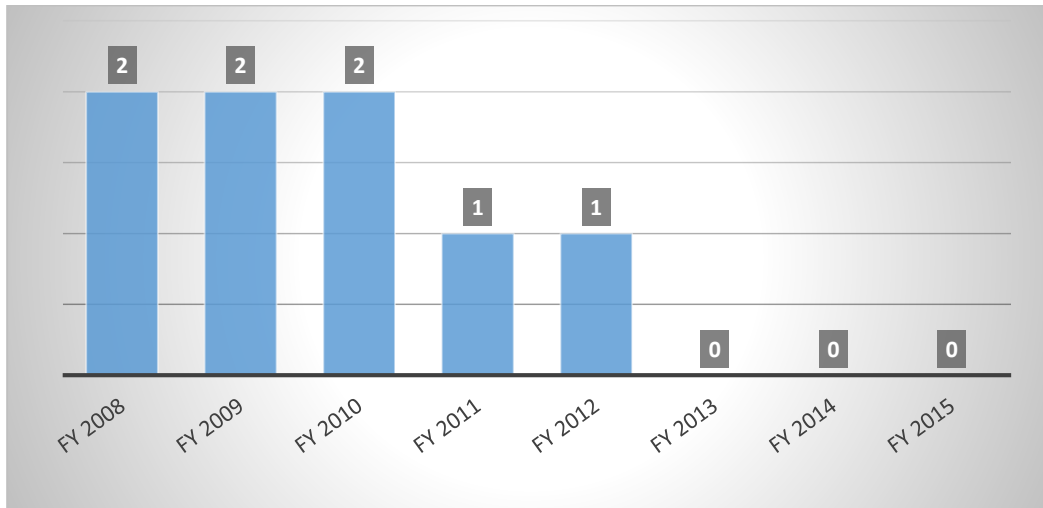


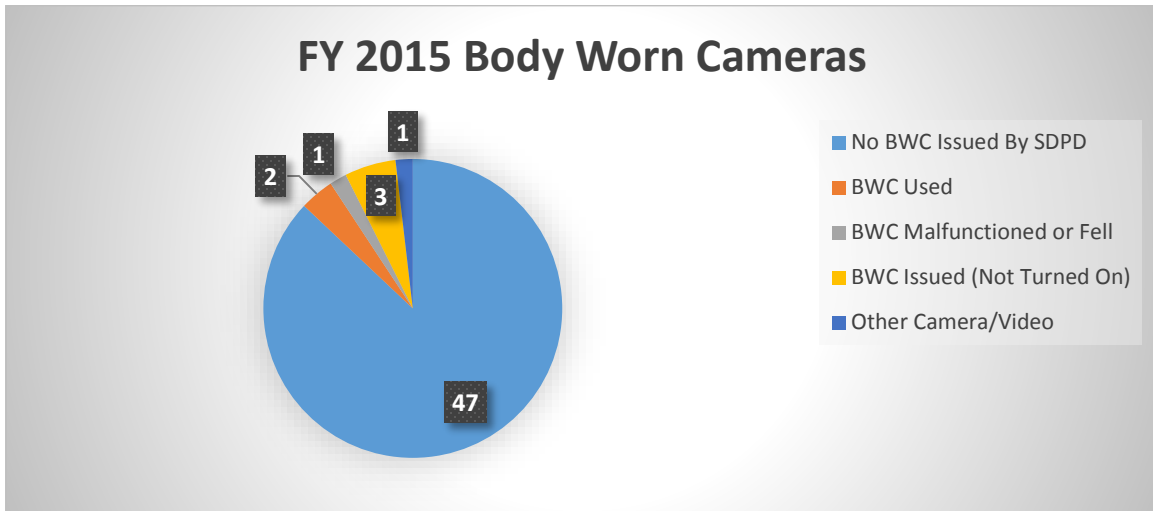
Figure 8: In-Custody Death Cases Reviewed by the CRB (FY 2008 –FY 2015)

Figure 8 shows the number of In-Custody Death cases reviewed by the CRB over an eight year time period from FY 2008 – FY 2015. Over the last eight (8) years, the CRB reviewed eight (8) In-Custody Death cases. In-Custody Death cases averaged one (1) case per year. Over the last three (3) years, the CRB did not review any In-Custody Death cases.

## BODY WORN CAMERAS

Some of the cases that were reviewed by the CRB from June 30, 2014 - July 1, 2015 involved the officer's use of Body Worn Cameras (BWC). During this time period, not all SDPD officers were issued BWC and most of the cases reviewed by the CRB occurred prior to the SDPD acquiring BWC for its officers. 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. The CRB reviewed six (6) cases where the SDPD officer(s) were issued BWCs and one (1) case where the video was captured from a store. Out of the six (6) SDPD issued BWCs, three (3) BWCs were not turned on and one BWC fell on the floor. The CRB was able to review the video from the store and video from two (2) of its cases. These videos were helpful in the CRB reaching its decisions on those cases.





## CASE DEMOGRAPHICS

Demographic information is an optional field on the CRB's complaint form. The information gathered is used for statistical purposes, such as in this report. In Fiscal Year 2015, one hundred and fifteen (115) complainants provided gender and race/ethnicity information on his/her complaint form.

### *Characteristics of Complainants*

Of the one hundred and two cases reviewed by the CRB were filed by eighty-one (81) male complainants and thirty-four (34) 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. Forty-nine (49) of the complainants were Caucasian; Thirty-four (34) were African-American, twenty-two (22) were Hispanic, three (3) of the complainants were Asian, and two (2) of the complainants were Filipino. Five (5) of the complainants selected other because his/her race/ethnic group was not listed on the form.

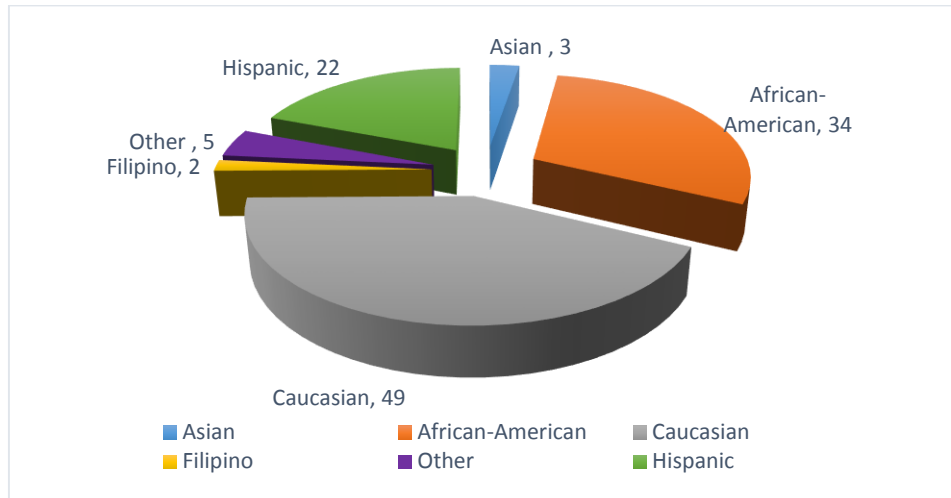


Figure 10: Race/Ethnicity of the Complainant (FY 2015)

### 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 2015, a total of two hundred and twelve officers were the subjects of the one hundred and two cases (102) cases reviewed by the CRB. A majority of the officers who received complaints against them were one hundred and eighty-six (186) males. A total of twenty-six (26) female officers received complaints against them during this period. Of the two hundred and twelve (212) officers that received complaints against them: three (3) were Filipino; nine (9) were Asian; eleven (11) were African-American; thirty-six (36) were Hispanic; and one hundred and fifty-two were Caucasian. One officer identified as “Other.”

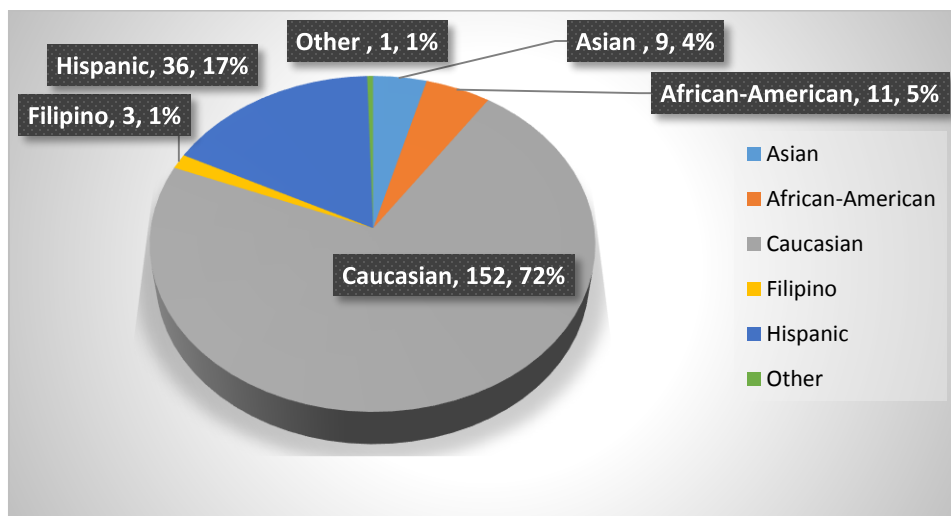


Figure 11: Race/Ethnicity of the Subject Officer (FY 2015)

## **SUMMARY OF FY-2015 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. 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 did not meet as scheduled in November 2014. The CRB does not meet on the 4<sup>th</sup> Tuesday of December.

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

In Fiscal Year 2015, the CRB met as a whole ten (10) times in closed session and nine (9) times in open session for business. In addition to its regularly scheduled meetings, the CRB held two special meetings. One of the special meetings took place on July 22, 2014 at the Tubman/Chavez Multicultural Center. This meeting was to encourage the community's input on the Police Executive Research Forum (PERF) investigation that was taking place in San Diego. The other special meeting was held in May 2015. This meeting was held as a process and team building session for its members. This meeting was open to the public and held at the American Red Cross facility in Kearny Mesa.

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 2015 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 four (4) times for business. Meetings were held on September 9, 2014, January 13, 2015, February 10, 2015, and April 15, 2015 at the Mission Valley Branch Library in San Diego, CA.

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

1. Consider a policy that covers exactly what the officer does when a child is with an adult who is arrested;
2. Review the current SDPD procedure that video cameras are only maintained in the Sally Port at SDPD Headquarters. Consider adding video cameras at all division stations where patrol vehicles can be observed when parked with custody passengers;
3. Consider what the purpose and impact is of the CRB Team knowing if there were any non-sustained charges against an officer;
4. Clarify the procedures to be used if a CRB Team believes that the "description of allegations does not accurately reflect the actual allegation made by the complainant;
5. Recommend that SDPD review whether it is appropriate to taser an individual when they are covered in water or are near an open water source;
6. Consider SDPD current policies and procedures regarding handling/record keeping of personal property of arrestees with particular attention to high value personal items such as jewelry; *and*
7. Consider a change to the policy on the Use of Liquid Chemical Agent Procedure 1.06 Section D 3 specifically to revise the time within which first aid treatment is to be rendered.

The Policy Committee's recommendation to the SDPD that the department restate its Policy /Procedure Memo for the Use of Liquid Chemical Agent Procedure 1.06 Section III D3 and also revise the section to read that "first aid treatment should be rendered as soon as possible" was taken into consideration and re-stated by the SDPD soon after.

The FY-2015 Policy Committee Members were: Kenneth Martone, Joe Craver, Kathy Vandenheuval, and Benetta Buell-Wilson.

## **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
- ❖ 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 2015, the training topics presented at the CRB's open session meetings included:

- Criteria Used for the Documentation of Gang Members (Presented by Captain Al Guaderrama – SDPD Gang Unit)
- Charter Changes for CRB (Presented by Mark Jones – Black Student Justice Coalition)
- Department of Justice PERF Recommendations for SDPD (SDPD Chief of Police Shelley Zimmerman)

The FY-2015 Continuing Education Committee Members included: Benetta Buell-Wilson and Lucy Pearson.

## **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 what is called the Prospective Members List. Individuals appointed to the CRB must be fully trained and prepared to fulfill their duties. The Prospective Members List was formed in 1996 in order to assure that a diverse group of applicants was always available for the City Manager (and now the Mayor) to choose from in filling vacant appointments.

In 2005, it was anticipated that most of the people on the Prospective Members List would be appointed to the CRB to fill a number of expected vacancies. Because of this, the number of Prospective Members available for future appointments would be reduced to a very low number. In the past, recruitment had been accomplished entirely by the City Manager's Office. With the support of the Mayor, a Recruitment Committee was formed to assist his office in identifying, recruiting, and appointing new Prospective Members. The Mayor has decided to retain the Recruitment and Retention Committee as the most effective means of identifying Prospective Members.

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, and sexual orientation. In the past, public notices were placed in local area print media where interested individuals were asked to contact the CRB. This method was quite successful and most of the past and many current Members were selected in this manner.

Candidates indicate their interest in serving on the CRB. The Executive Director and members of the Committee contact each candidate to invite them 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, two CRB Members, and the City's Deputy Chief Operating Officer. A list of finalists is forwarded to the Mayor for selection.

The FY-2015 Rules Committee Members were: Jason Kaplan, Lisa Sorce, Dennis Vincent, and Godwin Higa.

## ***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 the Citizens' Academy, as well as other outreach opportunities throughout the city.

During this fiscal year, the Policy Committee met two (2) times for the conduct of business. At those meetings, the Committee agreed to schedule and implement CRB informational presentations at SDPD line ups. Committee Chair attended all three shifts at several divisions throughout the City of San Diego.

The FY2015 Outreach Committee Members were: Martin Workman, Byron Garner, and Ernestine Smith.

## ***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 Rules Committee members have worked on rules and recommendations that include Discipline subcommittee rules, Case Review changes presented at the May Retreat, and Case Report subcommittee work. This committee has worked over 65 hours on committee efforts and has strived to ensure that the Board is following all the rules and Bylaws that oversee the Board.

The Rules Committee was responsible for creation of the operational standing procedure CRB's review of the SDPD's administration of discipline. After several months of working on this procedure, it was finalized and signed by the Mayor in June of 2015. 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 require that the CRB Executive Director maintain statistics on how the CRB voted in these cases.

The FY2015 Rules Committee Members were: Doug Case, William Beck, and Nancy Vaughn.

## **CONCLUSION**

Over the last twenty-seven 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.

**Citizens' Review Board on Police Practices  
1010 Second Avenue, Suite 1325  
San Diego, CA 92101  
(619) 236-6296  
(619) 236-7344 *fax***

**<http://www.sandiego.gov/citizensreviewboard/>**