



# COMMUNITY REVIEW BOARD ON POLICE PRACTICES

Annual Report  
FY 2017

## BOARD MEMBERS

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Larry McMinn*	

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

### **Executive Director**

Sharmaine Moseley

## CHAIR'S MESSAGE

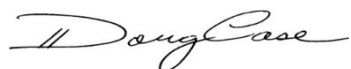
As a result of various incidents across the country in recent years, there is growing distrust of the police in some communities. An erosion of public trust makes law enforcement more challenging and less effective. That's why civilian oversight bodies, such as San Diego's Community Review Board on Police Practices (CRB), play a more crucial role than ever in building trust by promoting transparency and accountability.

Because of legally-mandated confidentiality restrictions, most of our work goes on behind the scenes; consequently, many San Diegans are unaware of the vital work the CRB does. Our volunteer members spend hundreds of hours, working in three-person teams, reviewing San Diego Police Department (SDPD) Internal Affairs (IA) files regarding complaints, officer-involved shootings and in-custody deaths – including listening to police, complainant and witness interviews; watching body worn camera and other videos; analyzing evidence; evaluating IA reports; and where necessary, engaging in discussions with IA staff. The teams then make presentations to the full CRB, which votes on whether each report is accurate and complete and that the findings are correct based on the evidence. Unlike other jurisdictions that have a similar review model, the IA case is not closed until the CRB completes its review, and it is common for IA to make changes in investigation reports based on CRB input. For sustained findings, we also evaluate the discipline imposed to determine whether we agree it was fair and appropriate. Our independent review helps improve the quality of IA investigations and ensures that both complainants and police officers are treated with impartiality.

Through our case review, the CRB sometimes identifies SDPD policies and procedures that merit review. We conduct research to ensure that the SDPD is using best practices and make recommendations accordingly. We welcome public input into CRB procedures as well as general comments regarding police practices at our open meetings.

A review board can only be effective if it has unqualified cooperation and collaboration from the police department. We are fortunate that the SDPD administration has demonstrated that it respects our work by giving serious consideration to the input we provide regarding incident reviews and policy recommendations. San Diego has a reputation of having a very professional police department. The CRB's goal is to enhance that professionalism.

A review board can also only be effective if its members are well-trained and committed. In addition to the 1,626 hours devoted to case review in the last fiscal year, CRB members spent over 3,500 hours participating in board and committee meetings, police ride-alongs, educational seminars, and training activities and community outreach. We are constantly striving to improve the work we do in order to best serve America's finest city.



Doug Case  
Chair

## TABLE OF CONTENTS

BACKGROUND .....	5
HIGHLIGHTS AND ACCOMPLISHMENTS .....	6
COMPLAINT PROCESS .....	10
CASE REVIEW STATISTICS .....	11
COMMUNITY REVIEW BOARD CASE REVIEW PROCESS .....	12
DEFINITIONS OF SDPD INTERNAL AFFAIRS INVESTIGATION FINDINGS.....	13
CATEGORIZATION OF ALLEGATIONS AND FINDINGS .....	14
COMPARISON OF INTERNAL AFFAIRS AND CRB FINDINGS.....	15
DISAGREEMENTS/CHANGES IN CASE REVIEW .....	16
TIMELINE FOR COMPLETION OF CASES.....	17
REVIEW OF SDPD ADMINISTRATION OF DISCIPLINE.....	17
OFFICER-INVOLVED SHOOTINGS AND IN-CUSTODY DEATH STATISTICS.....	18
BODY WORN CAMERAS.....	21
CASE DEMOGRAPHICS .....	21
SUMMARY OF CRB ACTIVITIES .....	23
MEETINGS OF THE BOARD .....	23
POLICY COMMITTEE .....	23
CONTINUING EDUCATION COMMITTEE.....	26
TRAINING TOPICS .....	26
RECRUITMENT & TRAINING COMMITTEE.....	27
OUTREACH COMMITTEE .....	29
RULES COMMITTEE .....	30
CONCLUSION .....	31

## BACKGROUND

The Citizens' Review Board on Police Practices (CRB) was established in November 1988 through 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 (ICD) and Officer-Involved Shootings (OIS) 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's 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 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.

In the complaint process, there are two types of complaints – Category I and Category II complaints. Category I complaints involve allegations of arrest, criminal conduct, discrimination, force and/or slur. Category II complaints involve allegations of procedure, courtesy, conduct and/or service. The CRB reviews Category I complaints. The CRB does not review Category II complaints unless the allegation is in conjunction with a Category I complaint.

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.

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San Diego's CRB is comprised of 23 volunteer appointed members and up to 23 prospective members. The Mayor appoints members to the CRB and selects individuals who went through the application process and background check to become prospective members. Prospective members are required to complete training classes before they can be considered for appointment to the CRB.

To ensure fairness and diversity on the CRB, a recruitment and retention committee exists 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, Deputy Chief Operating Officer for Neighborhood Services and the CRB's Executive Director. The panel reviews and chooses from amongst the applicants. A background check is conducted on those selected. Only those applicants that pass the background check are forwarded to the Mayor for consideration. The volunteers are recruited from throughout the City of San Diego and are rigorously trained through a variety of activities including community discussions, presentations, ride-alongs 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.



## 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.

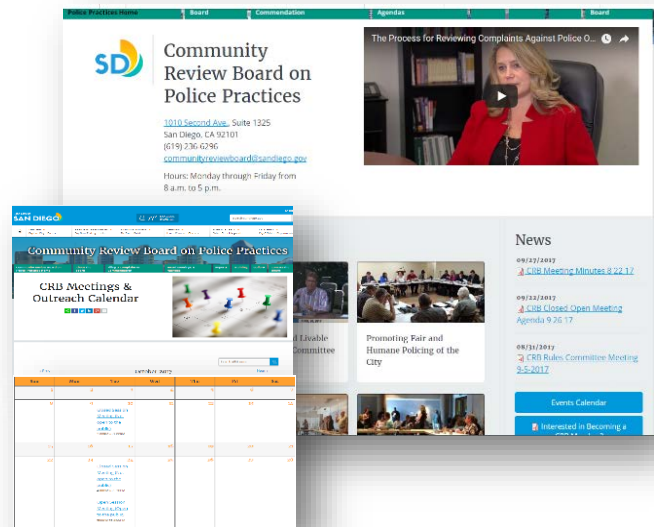
In fiscal year 2017, the CRB members and CRB Executive Director have actively engaged in a process of community outreach and engaged with stakeholders in local law enforcement oversight. The goal is to identify and reach milestones and work to build a more effective oversight model in the City.

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

1) **Outside Legal Counsel** – In 2016, the CRB determined there was a conflict with the City Attorney representing the organization and voted to retain the right for outside legal counsel. The City budgeted \$25,000 for the CRB to retain independent legal counsel to be used on an as-needed basis for conflicts arising during case review. As of June 30, 2017, the CRB was working with the City Attorney's Office in creating a request for proposal (RFP) for the selection and retention of an outside legal counsel.

2) **Information Accessibility** – The City's IT department created an online complaint form submittal system for the CRB. The complaint form submittal system was made available to the public in June 2016. We will continue to explore ways to make information easily accessible to the public.

3) **Updated Website** – 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, video section, categorization of CRB meetings, transparent CRB minutes, meeting/outreach calendar, as well as links to organizations that are relevant to law enforcement oversight.



4) **CRB Prospective Training** – The CRB is continuing its efforts in providing a well-rounded training program for new Board members. A new initiative included a Community Component for prospective members as well as current appointed members. The CRB will continue to explore training topics and working with Internal Affairs to implement a well-rounded training program for new Board members.

5) **Focus on Strategic Initiatives** – At its January 2017 retreat, the CRB focused on developing 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 2017–2018. 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 2017–2018 Work Plan was adopted by the CRB at its March 28, 2017, Open Session Meeting.



6) **CRB Retreat** – At its January 2017 retreat, the CRB and staff focused on the development of the Board's strategic initiatives and participated in a two-hour Community Engagement Panel. The Community Engagement Panel consisted of speakers from the American Civil Liberties Union, Community Assistance Support Team and the Commission on Gang Prevention and Intervention. Tasha Williamson, Director of the Center for Community Cohesion facilitated this informative retreat. The addition of this Community

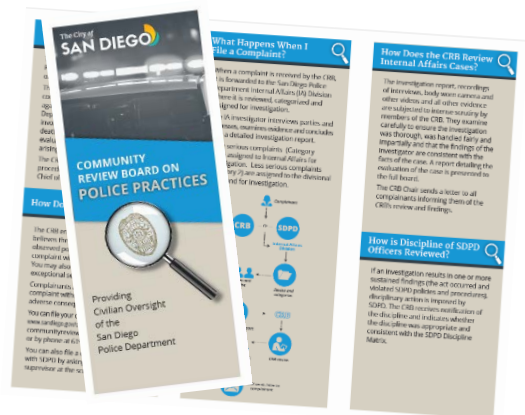
Engagement Panel to the New Prospective Member trainings will provide educational opportunities for the CRB to learn more about the communities in which they serve.

7) **CRB Reports** – The annual report for fiscal year 2016 was completed in September 2016. The Annual Reports covering fiscal years 2010–2014 were completed in January 2017.

8) **Bylaws Revision** – Between October 2015 and Aug. 23, 2016, the CRB approved several changes or clarifying language in its bylaws. These revisions are necessary for the effective operation of the CRB. These revisions are awaiting approval based on the outcome of implementation of the Municipal Code. Some of these changes/clarifying language included:

- Internal Procedure for Complaint Review
- Eligibility to Serve on the Board after Serving 8 Consecutive Years
- Clarify Appointed Member Term Service, Abstention & Voting by Chair, Service for Alternate Members
- Timely Election to Fill Vacancy

9) **Increase Media/Community Outreach** – The City's Communications Department worked with the Executive Director in creating a communication plan proposal for the CRB. The communication plan provides public information support for media, press releases, social media, photography, website updates, annual report and brochure production. The Communications Department will continue to work with the Executive Director and CRB Outreach Chair in providing support for CRB meetings and outreach efforts. The CRB's new brochure was released in late fiscal year 2017.





10) **Community Engagement Bus Tour** – In March 2017, the CRB collaborated with the Center for Community Cohesion to organize an all-day long bus tour to educate the CRB on the interactions between the community and law enforcement. This was accomplished by bringing the CRB to the community where meetings were held with several local groups such as: LGBT Community Center, Alliance for Community Empowerment (ACE), 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 explored ways to increase public participation at CRB 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 groups and expanding the CRB's Community Email List. We will continue to explore different ways to increase public participation at CRB Open Meetings.

12) **Education of SDPD New Officers** – CRB presentations were given to SDPD's new academy graduates to educate them about the CRB.

13) **Educational Training Opportunities** – The CRB and/or Executive Director participated in various educational training opportunities such as the: National Association for Civilian Oversight of Law Enforcement Conference, National Black Police Association Conference, Love & Justice H.E.A.T Symposium, National Urban League Conference and International Association of Chiefs of Police Conference. Other training opportunities included: webinars, Inside SDPD, news articles, community meetings and hands on demonstrations.

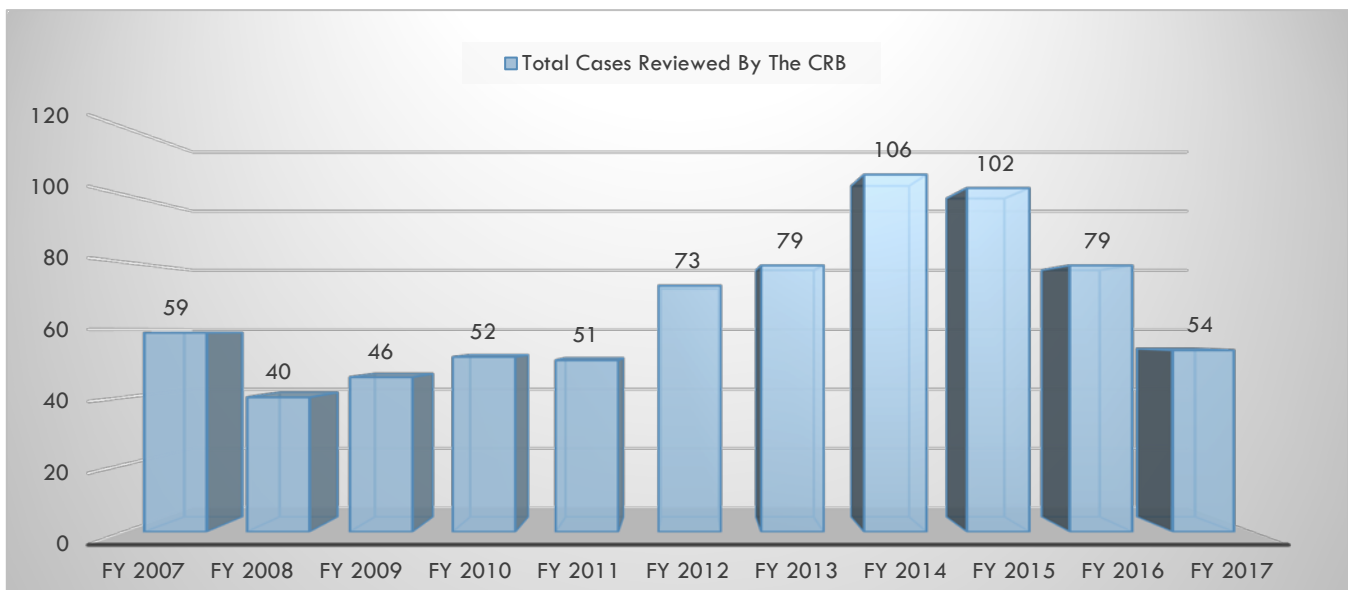
In addition to these process improvements, there are upcoming improvements to the CRB process which are included in the CRB Fiscal Year 2018 Work Plan. Some of those upcoming improvements are as follows:

- Continue to work with Internal Affairs on flexibility with regards to case review, the development of a more defined complaint intake process and placing SDPD's Policy and Procedures online to create more transparency for the community
- Continue recruitment and retention efforts in council districts
- Continue the Community Engagement Bus Tour and arrange for more educational opportunities to learn more about the community we serve
- Collaborate with the Community Advisory Board and the Commission on Gang Prevention & Intervention regarding policy recommendations to SDPD
- Arrange additional training on completing investigations
- Explore the opportunities associated with including more detailed explanations in letters sent to the complainant
- Ensure that SDPD Motorcycle Units are required to carry first aid/trauma kits
- Explore providing additional case information other than statistics to the public via the CRB website

- Develop procedures for the utilization of outside legal counsel
- Formalize Category II Complaint Audit Process
- Recommendation to SDPD regarding the Body Worn Camera Policy related to when officers turn on camera
- Recommendation to SDPD that Internal Affairs submit a report for canine-related Use of Force (Category 1) complaints to the CRB for review
- Develop an outreach plan for youth
- Develop a comprehensive list of events/activities for CRB Outreach
- Finalize policy and procedures regarding case review

## 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, or via 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. 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 currently 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 officer 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 2017, the CRB received from IA, reviewed and evaluated 54 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 FY 2016 – FY 2017 the number of cases reviewed by the CRB decreased by 25. A similar decrease of 23 cases occurred during FY 2015–FY 2016.

According to Figure 1, in fiscal year 2017, a majority of cases reviewed by the CRB occurred in the Police Department's Western (13) and Central Divisions (12). In FY 2016, a majority of cases reviewed by the CRB occurred in the Mid-City (15) and Southeastern (15) Divisions. In Fiscal 2017, the next largest number of cases occurred in the Northern (7), Mid-City (6) and Southeastern (5) Divisions. These five divisions had an accumulated total of (56 percent) of the 54 cases reviewed by the CRB. When comparing fiscal year 2017 to fiscal year 2016, the number of complainant incidents in cases reviewed by the CRB decreased in

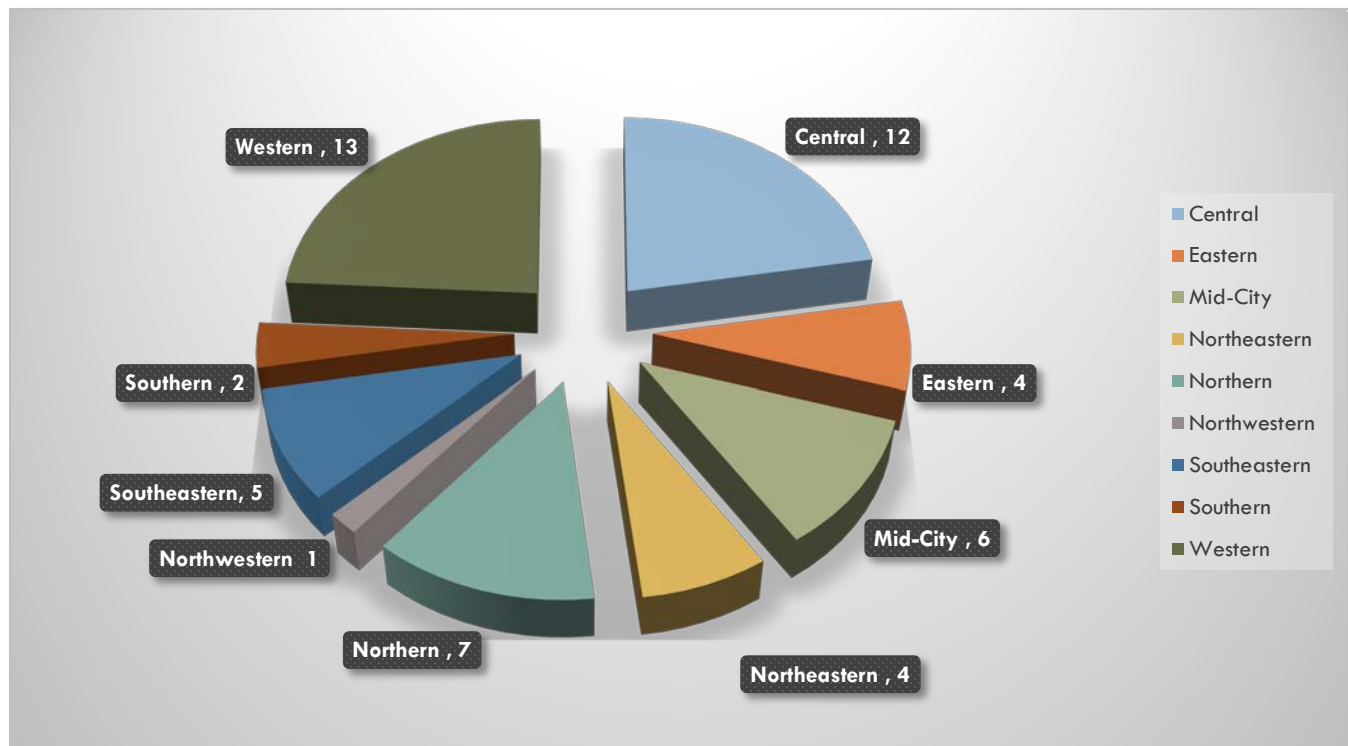


FIGURE 1: COMPLAINANT INCIDENT LOCATIONS (FISCAL YEAR 2017)

the Southeastern, Mid-City, Northern and Southern divisions and increased in the Western and Central divisions in fiscal year 2017.

## **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 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**

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 come to 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 its 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 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.



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 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” 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 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 chart below represents the different allegations made in 54 cases reviewed by the CRB in fiscal year 2017. The CRB reviewed, evaluated and issued findings on a total of 54

Total Cases Reviewed by CRB	Allegation Category	Exonerated	Not Sustained	Sustained	Unfounded	Total Number of Allegations
	Arrest	16	0	0	0	16
	Conduct	0	1	1	0	2
	Courtesy	0	1	1	12	14
	Criminal Conduct	0	0	0	0	0
	Discrimination	0	0	0	10	10
	Force	43	1	0	9	53
	Procedure	26	3	7	13	49
	Service	0	0	0	0	0
	Slur	0	0	0	0	0
	Other Findings	0	0	12	0	12
<b>54</b>		<b>85</b>	<b>6</b>	<b>21</b>	<b>44</b>	<b>156</b>

separate citizen complaint cases. Each case contained a number of allegations totaling 156 allegations overall. This is a noticeable decrease in the number of cases and allegations reviewed by the CRB in fiscal year 2017 in comparison to fiscal year 2016. In fiscal year 2016, the CRB reviewed, evaluated and issued findings on a total of 79 cases which contained a total of 406 allegations.

In fiscal year 2017, IA investigated and sustained 21 allegations in all of the above categories except arrest, criminal conduct, discrimination, service and the use of slur. Out of the 156 allegations, 13 percent of the allegations were sustained by IA. This 13 percent includes the 12 procedural violations listed in the chart as “other findings.” Without the procedural violations, the number of allegations that were sustained by IA would be six percent. The number of allegations sustained in cases regarding: Conduct totaled one allegation; Courtesy totaled one allegation; and Procedure totaled seven 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 12 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 shows a breakdown of allegations in cases reviewed by the CRB during the 2017 fiscal year. Thirty-two percent of the allegations identified in the 54 cases reviewed by the CRB were classified as “procedure.” Thirty-five percent of the misconduct alleged were classified as “force.” Eleven percent of the allegations were classified as “arrest.” Based on these figures, we can conclude that the largest total number of allegations in the 54 cases reviewed by the CRB in FY 2017 were: procedural, force 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.

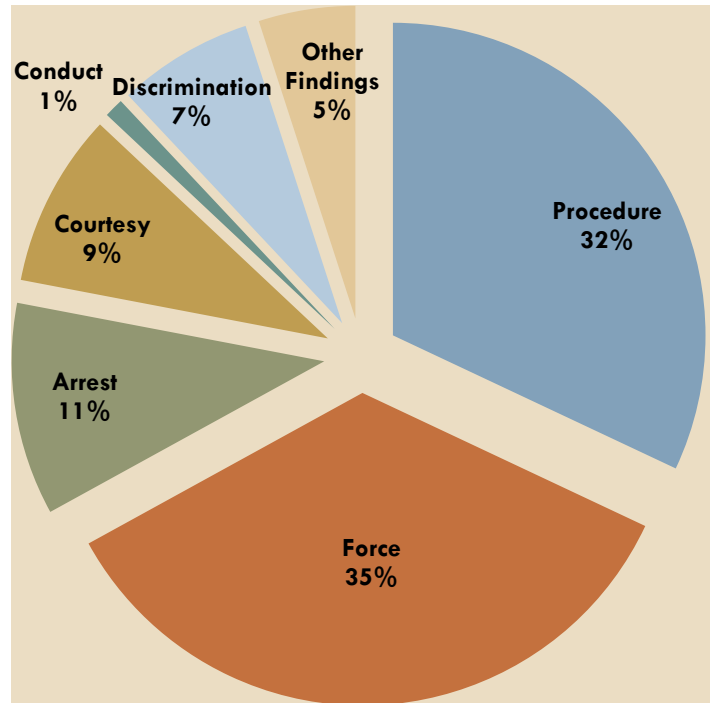


FIGURE 2: PERCENTAGES OF ALLEGATIONS IN CASES REVIEWED BY THE CRB (JULY 1, 2016- JUNE 30, 2017)

### 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 54 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 54 cases contained a total of 156 allegations of misconduct or procedural violations. The CRB agreed with IA’s findings in mostly all allegations except for one allegation, although on many of the cases there were dissenting votes. The disagreed upon finding of “unfounded” was for a courtesy allegation. The CRB agreed with comment for IA’s findings on eight allegations. Those allegations consisted of: one “sustained” finding for a procedural violation; one “not sustained” finding and three “unfounded” findings for procedure allegations; and three allegations that were “exonerated” by IA that involved procedures, arrest and force misconduct. Two of the eight allegations where the CRB agreed with comment for IA’s findings belonged to the same case.

Out of the 21 allegations that were sustained by IA, the CRB agreed with IA's findings in all those allegations. Out of the six allegations that were not sustained by IA, the CRB agreed with IA's findings in five allegations and agreed with comment in one of six allegations. From the 85 allegations that were exonerated by IA, the CRB agreed with comment for three allegations—one procedural, one arrest and one force.

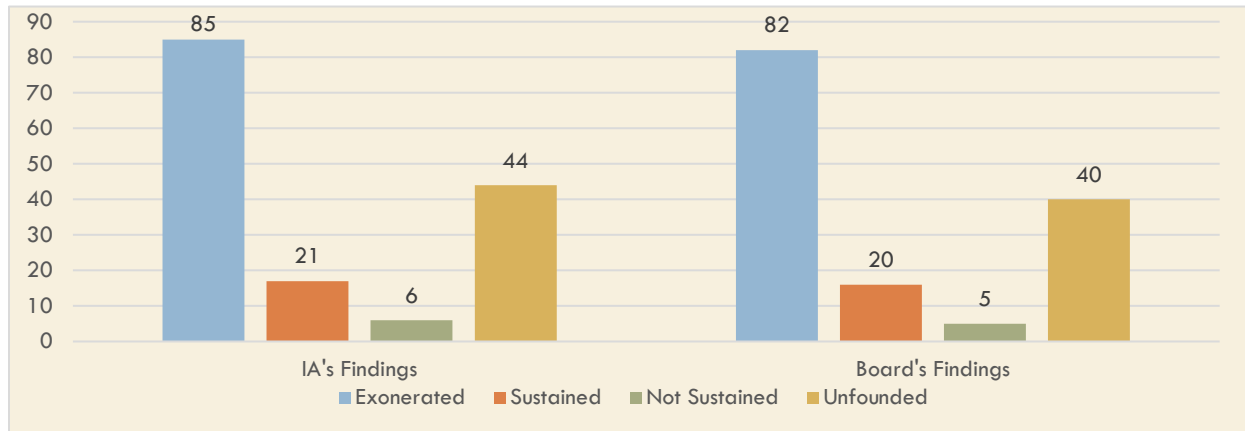


FIGURE 3: COMPARISON OF IA & CRB FINDINGS (JUNE 30, 2016 – JULY 1, 2017)

## 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 2017. However, changes were made in eight of the 54 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 eight 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 29 was reviewed by the CRB within 90 days of receiving those cases from IA.

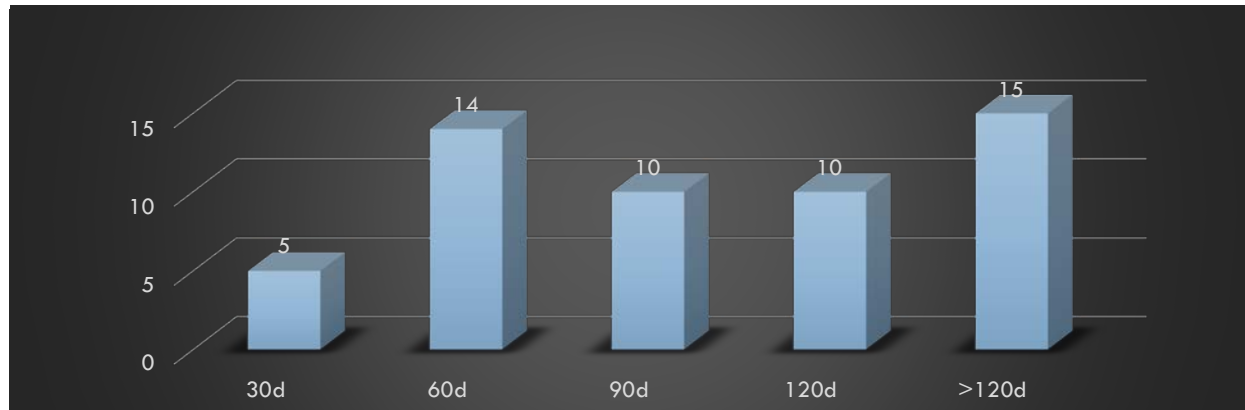


FIGURE 4: FY 2017 TIMELINE FOR COMPLETION OF CASES

## 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, 2016 – June 30, 2017, there were 12 cases with sustained findings. Those 12 cases contained 21 allegations that warranted the CRB’s evaluation of the SDPD’s administration of discipline. In FY 2017, the CRB evaluated disciplinary action taken in eight cases. Two of the eight cases were reviewed by the CRB in FY 2016. 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 all eight cases evaluated. One case that was evaluated was an officer-involved shooting case. The CRB agreed with IA that the shooting was within policy. This case also had four other findings that were sustained. The CRB agreed with IA that the reported disciplinary action was consistent with the SDPD Discipline Matrix. The six cases that were not evaluated during this time period will be reported in the CRB’s Fiscal Year 2018 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 2017, there were a total of 14 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. Three of the 14 cases occurred in fiscal year 2016, but were reviewed and deliberated by the CRB in fiscal year 2017. More than one officer was involved in five of the 14 cases. The officers had body worn cameras (which were turned on) in eight of the fourteen cases. In one of the 14 cases, the body worn camera was not yet made available to the officer. In one of the 14 cases, the CRB Team was able to view the video that belonged to a civilian. In three of the 14 cases, the officers were issued body worn cameras, but did not have them turned on.

During this same period, the CRB reviewed three In-Custody Death cases and found they all were within policy. Two of the cases occurred in fiscal year 2016, but were reviewed by the CRB in fiscal year 2017. More than one officer was involved in all three cases.

Over the last eleven years, the CRB reviewed 95 officer-involved shooting cases (see Figure 5 for each fiscal year.) Officer-involved shooting cases averaged ten cases per year. Between FY 2012 and FY 2014 there was a significant increase of seven officer-involved shooting cases reviewed by the CRB.

According to Figure 5, the number of officer-involved shooting cases reviewed by the Board declined between FY 2014 and FY 2016. In FY 2017, the CRB reviewed 14 officer-involved shooting cases – nine more cases than in FY 2016. 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 shooting cases the CRB actually reviewed and closed out per fiscal year.

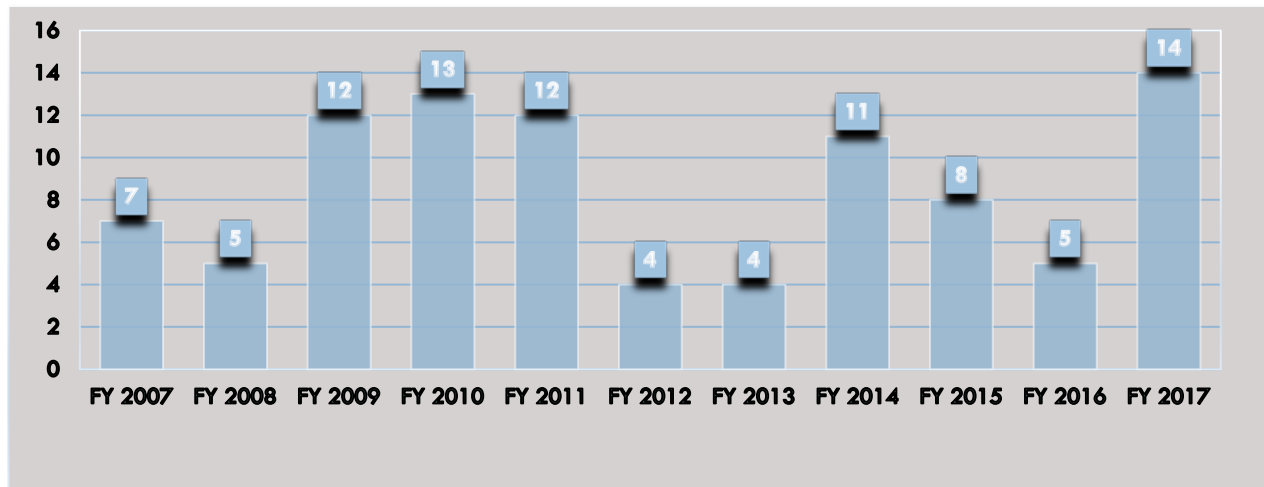


FIGURE 5: OFFICER-INVOLVED SHOOTING CASES REVIEWED BY THE CRB (FY 2007 - FY 2017)

Figure 6 shows the location of officer-involved shooting cases reviewed by the CRB in fiscal year 2017. The largest percentage (22 percent) of officer-involved shooting cases reviewed by the CRB were from Western, which had a total of three cases. The CRB reviewed officer-involved shooting cases in all divisions except for Southeastern.

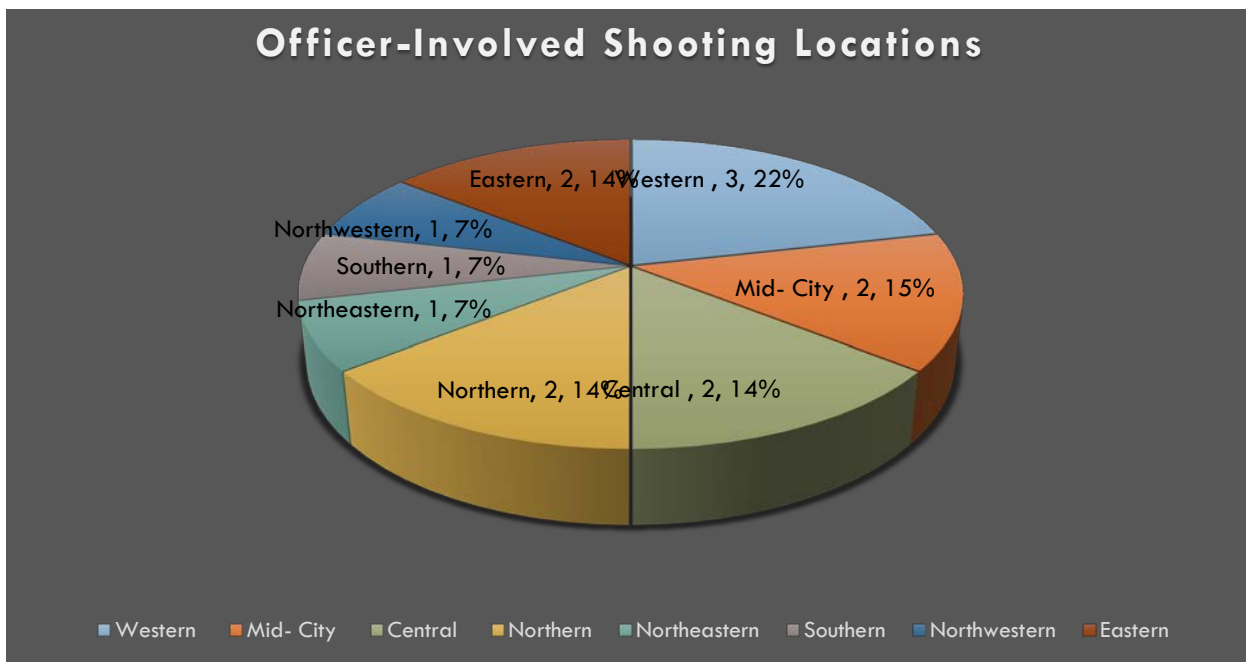


FIGURE 6: FY 2017 OFFICER-INVOLVED SHOOTING LOCATIONS

Three out of the 14 officer-involved cases reviewed by the CRB did not include the suspects' use of a weapon. The other three cases involved the suspects' use of various weapons such as a: steak knife, pellet gun, replica of 9 mm, box cutter, handguns, switch blade knife, semi-automatic guns, revolver and AK 47 style rifle.

In fiscal year 2017, the total number of officers involved in the 14 officer-involved shooting cases reviewed by the CRB was 21. Nine 9 of the 14 cases had only one 1 officer involved in each case. Two of the 14 cases had two officers involved in each case. Lastly, one of the 14 cases had four 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. Seven officers had one to four years of experience on the force. Three officers had 5-10 years of experience on the force.



FIGURE 7: OFFICERS YEARS OF EXPERIENCE

Five officers had 11-15 years of experience on the force. Lastly, six officers had over 16 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 8 shows the number of In-Custody Death cases reviewed by the CRB over a ten year period from FY 2008 – FY 2017. Over the last ten years, the CRB reviewed 13 In-Custody Death cases. In-Custody Death cases averaged one case per year. In fiscal year 2017, the CRB reviewed three In-Custody Death cases. After the Team's review, the CRB deliberated and agreed the actions of the officers were within policy in all three cases. In two of the cases, the CRB's decision was unanimous. While in the other case, the CRB's vote was 12-3.

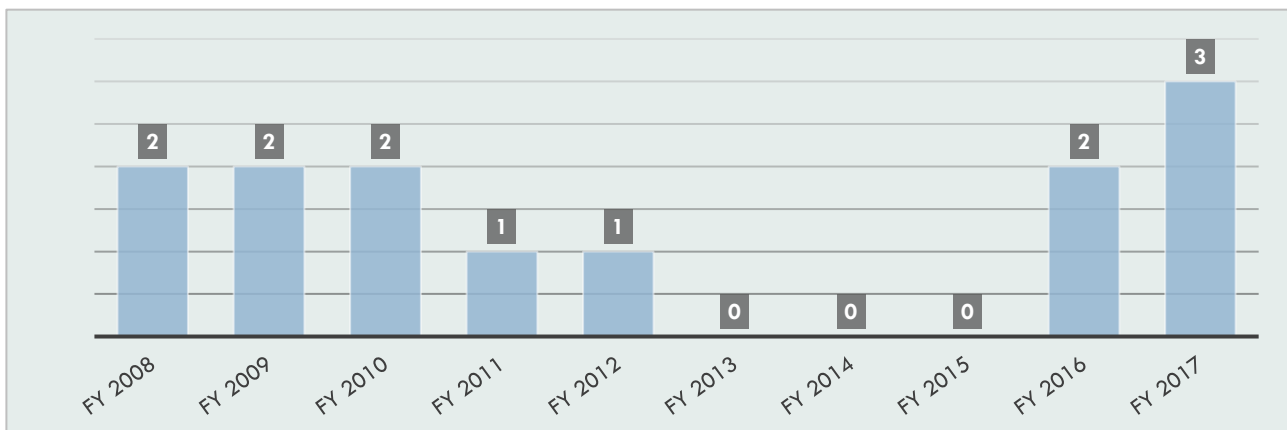


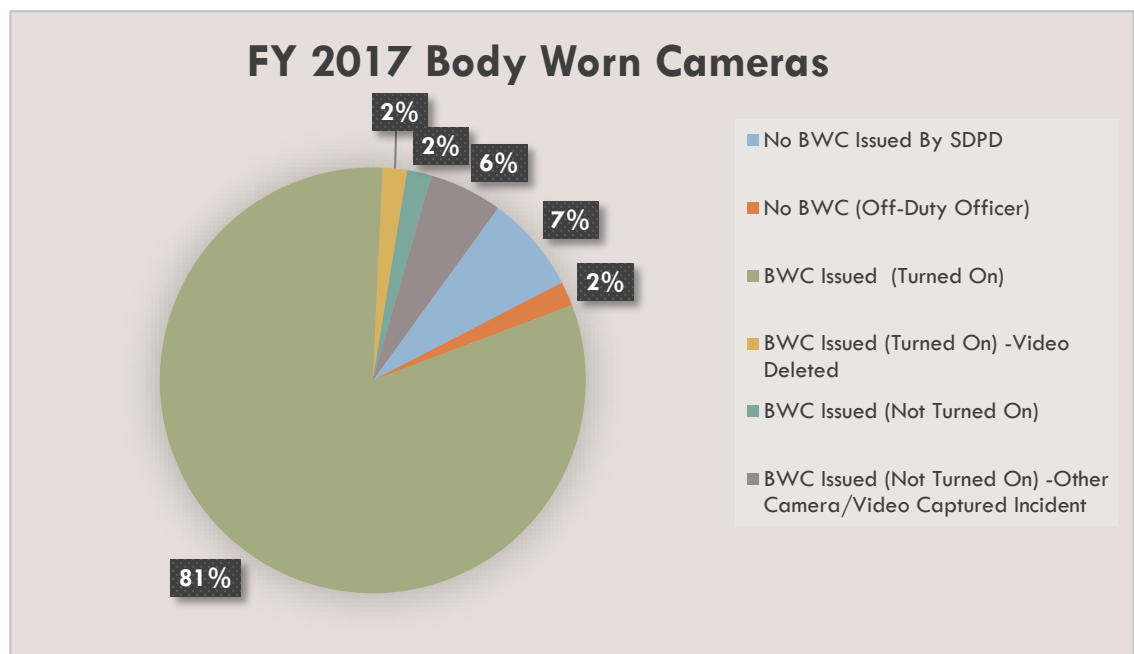
FIGURE 8: IN-CUSTODY DEATH CASES REVIEWED BY THE CRB (FY 2008 –FY 2017)



## BODY WORN CAMERAS

In January 2015, the CRB began tracking its cases to provide the public with Body Worn Cameras (BWC) 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 BWC. In FY 2017, out of the 54 cases reviewed by CRB teams, 49 were cases where the officers were issued body worn cameras. Out of the forty-nine (49) cases, officers turned on his/her camera in forty-four (44) cases reviewed by the CRB teams. In five 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 three of the five cases. Out of the 44 cases where the officers were issued and turned on his/her camera, the video was deleted in one case due to the retention policy. In the cases reviewed by the CRB in FY 2017, body

worn cameras were not yet issued to the officers in four cases. Lastly, one case involved an off-duty officer, so no body worn camera video was available.



In conclusion, a majority of SDPD officers are in compliance with 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 2017, 54 cases reviewed by the CRB contained demographics of 55 complainants. Of the 54 cases, 44 were filed by male complainants and 11 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. Twenty-seven of the complainants identified as

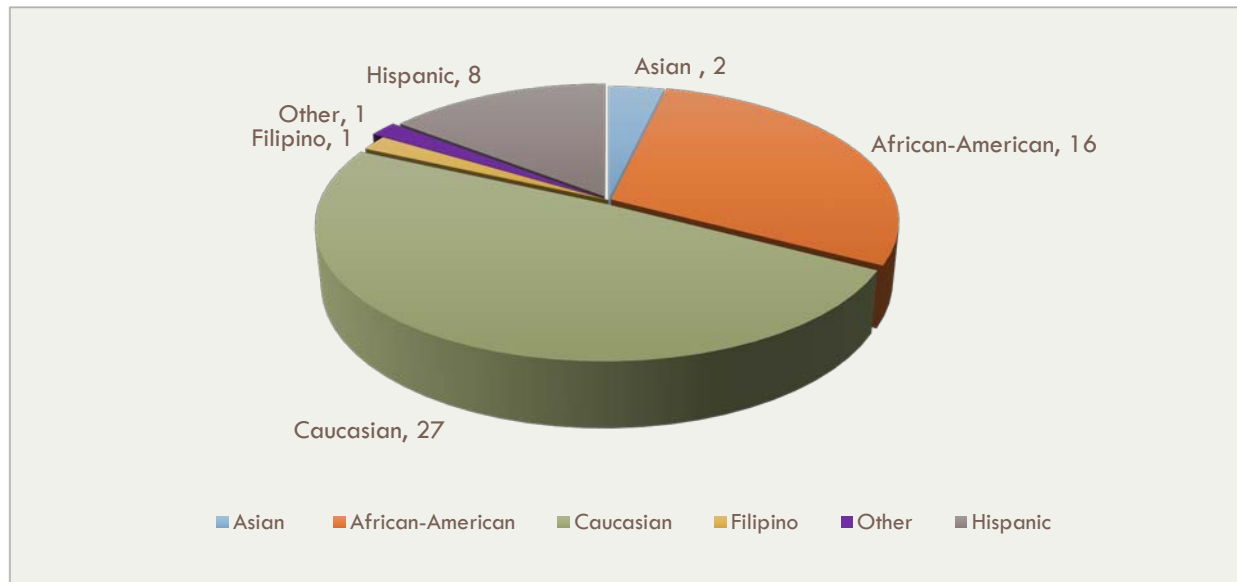


FIGURE 10: RACE/ETHNICITY OF COMPLAINANT (FY2017)

Caucasian. Sixteen complainants identified as African-American. Eight complainants identified as Hispanic. Two complainants identified as Asian. One complainant identified as Filipino. One complainant identified as “other.”

### 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 2017, a total 118 officers were the subjects of the 54 cases reviewed by the CRB. A majority of the officers who received complaints against them were 110 males. A total of eight female officers received complaints against them during this period. Of the 118 officers that received complaints against them: one was Asian; two were Filipino; five were African-American; 22 were Hispanic; and 88 were Caucasian.

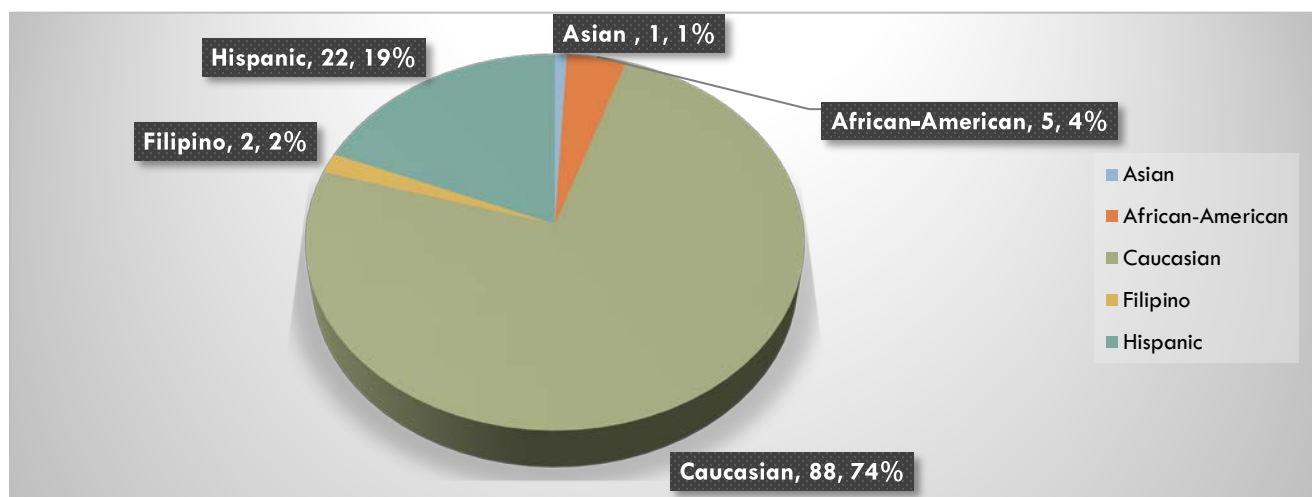


FIGURE 11: RACE/ETHNICITY OF THE SUBJECT OFFICER (FY 2017)

## **SUMMARY OF FY-2017 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 FY 2017, 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 did not meet on the fourth Tuesday of December.

## **MEETINGS OF THE BOARD**

In fiscal year 2017, the CRB met as a whole 22 times in closed session and 11 times in open session for business. In addition to its regularly scheduled meetings, the CRB held one special meeting and one community/team building retreat. The special meeting took place on February 14, 2017, at the Mission Valley Branch Library. The retreat took place on January 28, 2017 at the American Red Cross on Calle Fortunada. The special meeting focused on the CRB operational process and procedures for case review. The retreat focused on the development of the Board's strategic initiatives and a two-hour Community Engagement Panel. The meeting and retreat were open to the public.

## **COMMITTEES**

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's fiscal year 2017 activities are as follow:

### **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 five times for business. Meetings were held on October 11, 2016, January 10, 2017, March 14, 2017, May 9, 2017 and June 13, 2017 at the Mission Valley Branch Library.

In fiscal year 2017, 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 de-escalation 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). As of June 30, 2017, the CRB has not yet received a formal response from the Mayor on this request.

2. Review of SDPD Procedure on Turning on Body Worn Camera(s)

At the March 28, 2017, meeting, the CRB recommended the following changes to SDPD's Axon Body Worn Cameras Procedures, Section V. I, (Mandated Recordings), 1. (Enforcement Related Contacts):

1. 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.
2. 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.



The Policy Committee reviewed the BWC policies of 29 law enforcements in California and nationwide to determine the most appropriate language for the policy. With only a couple of exceptions, those agencies that specified when the BWC should be activated used “shall” or “must” in their policy, rather than “should.” The CRB is concerned that the term “should” could be interpreted as indicating that the activation is discretionary. The CRB believes that the activation should be mandatory, with specified exceptions. Furthermore, most policies reviewed made exceptions when the safety of the officer or others could be compromised by activating the BWC or when it is impractical to do so. The SDPD policy does not specify practicality as an exception; the CRB believes that it should be included.

The SDPD has reviewed the CRB’s recommendation and is conferring with the Police Officers Association.

### 3. Review of Canine Complaints

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

The SDPD has changed its procedures based on this recommendation and further CRB training on use of canine units will be provided in FY 2018.

### 4. Third Party Mediation

The SDPD has a former policy regarding the use of third party mediation in certain circumstances. The CRB believes that there are benefits to both the police officers and community members to such mediation, creating better understandings as well as providing substantial cost savings. The Policy Committee is continuing to research best practices of successful mediation programs in other cities.

### 5. Review of Board Worn Camera (BWC) Videos by Officers

With the proliferation of BWC use nationwide, there debate within law enforcement regarding whether police officers should review their own BWC video prior to writing their report and/or prior to being interviewed in use of force incidents. One

recommendation, still under consideration by the CRB, is that officers write a preliminary report prior to watching the video and supplement the report, if necessary, with additional observations based on review of the video.

The FY 2017 Policy Committee Members were: Committee Chair Joe Craver, Doug Case, Darwin Fishman, Larry McMinn, Tom Lincoln, 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 SDPD* overview sessions include Use of Force, DUI Stops, Mock Vehicle Stops, Firearms Training Simulator, K-9 Demonstration

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

## TRAINING TOPICS

During fiscal year 2017, training topics presented at the CRB's Open Session Meetings included:

"SDPD Recruitment, Hiring, Training and Retention" (Presented by Detective Sergeant Richard Fox – SDPD Background & Recruiting Department)

“The Role of an Officer’s Union Representative during an Internal Affairs Investigation” (Presented by Attorney Rick Pinckard & Director Tom Bostedt – San Diego Police Officers Association)

“Political Activity and City Employees/Officials” (Presented by Deputy City Attorney Noah Brazier)

“Status of Review Bylaw Changes” (Presented by Jonathan Herrera – City of San Diego Director of Public Safety & Neighborhood Services)

“Brief Overview of City Attorney’s Office” (Presented by City Attorney Mara Elliott)

“Psychiatric Emergency Response Team (PERT)” (Presented by Marla Kincaid – Law Enforcement Liaison and Dr. Mark Marvin – PERT Director)

“City of San Diego’s Communications Plan for the CRB” (Presented by Perette Godwin – Senior Public Information Officer, City of San Diego Communications Department)

“San Diego Police Department Gang Suppression Team” (Presented by Captain Brian Ahearn; Lt. Marshall White; Sgt Allan Brouchard)

“Fourth Amendment/Search & Seizure” (Presented by Eugene Iredale, Esq.)

## **CRB MEMBER TIME COMMITMENT**

During fiscal year 2017, data on the amount of time spent by CRB members on CRB duties and educational opportunities were reported from twenty-one members. Together these members reported a total of approximately 5,127.55 hours of participation in CRB duties and educational opportunities. Of these hours, 334 hours were spent participating in Ride-Alongs; 360 hours in Training (includes the Police Department Citizens’ Academy); 1,625.55 hours on Case Review in Internal Affairs; 1,087.25 hours at Board Meetings; 651.5 hours at Committee Meetings; 434.5 hours in Conferences, Seminars and Workshops; and 634.75 hours on other activities. On average, each member participated in approximately 244.17 hours in CRB duties and educational opportunities during fiscal year 2017.

## **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 Community 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. The Committee then sends a list of finalists to the Mayor for his selection.

In the beginning of fiscal year 2017, the Mayor selected four candidates as prospective members of the CRB. Out of the four prospective members, two members completed the required training. One of the four prospective members did not complete the training and resigned from the CRB due to a personal commitment. One of the four prospective members went on a leave of absence.

After the Mayor made the above four selections, the Committee continued to interview candidates for the CRB and selected 15 candidates as potential prospective members. However, due to passage of Ballot Measure G in 2016, the selection of prospective members were 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. At the end of fiscal year 2017, the 23 member board had 20 members. Two of the members are on a leave of absence.

The training of new members is accomplished in five 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; Firearms Training Simulator; and body worn cameras
- (4) Internal Affairs process and the CRB case review process, report writing and presentation

(5) Community Component which includes presentation by community organizations and the Community Engagement Bus Tour.

Prospective members are also required to participate in a ride-along and report on their experience. In FY 2017, prospective members were collectively assigned an actual case to review and present under the supervision of CRB officers.

The FY 2017 Recruitment and Training Committee Members were: Committee Chair Joe Craver, Doug Case, Taura Gentry, Mary O'Tousa and Executive Director Sharmaine Moseley.

## 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 2017, 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; Martin Luther King Jr. Parade; Martin Luther King Jr. Breakfast; All People's Celebration, Southeastern San Diego Community Meetings; City Heights/Mid-City 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; Voice & Viewpoint District, Annual Juneteenth Celebration, Third Annual Unity Games, Better A Block Paradise Hills, Embrace San Diego Game Changers, Inside SDPD Community Trainings and many more. The Outreach Committee promotes CRB awareness and has engaged in collaborative community relationships in San Diego and has distributed CRB informational brochures, provided booth presence at events. A notable improvement this year includes the purchase of Community Review Board polo-shirts for members to wear to represent the Board on ride-alongs with officers and at community events. The polo-shirts have been 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 100 community events and meetings in fiscal year 2017.



The FY 2017 Outreach Committee members were: Committee Chair Taura Gentry, Mary O'Tousa, Ernestine Smith, Diana Dent, Martin Workman 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.

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The focus of the Rules Committee's efforts in FY2017 was developing and refining procedures related to the case review process. After several committee meetings and a board view during open meetings, the board gave conditional approval to the draft of the Operational Rule on Case Review, which 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. Some issues are being referred to outside counsel for review prior to final approval by the CRB.

The Rules Committee also developed Operating Procedures for the CRB to conduct audits of Category II complaints that are not associated with an incident that includes one or more Category I complaints. Category II complaints can involve some serious matters, including allegations of improper search and seizure and unlawful detentions. The CRB believes that the investigation of Category II incidents, which are conducted at the 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. A pilot process was successfully implemented by the committee and the Operating Procedure will be forwarded to the appropriate City entities for approval once the Measure G implementation ordinance is enacted.

The FY 2017 Rules Committee members were: Committee Chair Brandon Hilpert, Doug Case, Diana Dent, Nancy Vaughn and Marty Workman.

## CONCLUSION

Over the last 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. 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 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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