



COMMUNITY REVIEW BOARD ON POLICE PRACTICES

A G E N D A

Tuesday, July 24, 2018

**Malcolm X Branch Library
5148 Market Street
San Diego, CA 92114**

A quorum of twelve (12) board members is needed to conduct business. If you cannot attend, please call the CRB Complaint Coordinator at (619) 236-6296.

CLOSED SESSION 4:00 p.m. – 5:30 p.m.

Board Members and Staff Only

- I. Call to Order
- II. Legal Opinion(s) Request & Attorney/Client Privileged Response(s) (0)
- III. San Diego Police Department Feedback on Case Specific Matters Only
- IV. Shooting Review Board Reports (0)
- V. Category II Case Audit Reports (0)
- VI. Discipline Reports (0)
- VII. Case Review Team Reports (4)
- VIII. Case-Specific Recommendations to the Mayor (0)
- IX. Referrals to other governmental agencies authorized to investigate activities of a law enforcement agency (0)

Pursuant to California Government Code Section 54957 — To discuss community complaints brought against San Diego Police Department Officers under California Penal Code Section 832.7.

OPEN/PUBLIC MEETING 6:00 p.m. – 8:00 p.m.

Open to the Public

- I. CALL TO ORDER/WELCOME (Chair Joe Craver)
- II. PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES
- III. APPROVAL OF MINUTES: CRB Open Meeting Minutes of May 22, 2018
- IV. NON-AGENDA PUBLIC COMMENT: (Speaker Slip Required)
- V. GUEST SPEAKER: Joel Day, PhD
City of San Diego Director of Boards & Commissions
“Update from the Mayor’s Office”

- VI. UNFINISHED BUSINESS (DISCUSSION/ACTION): None
- VII. NEW BUSINESS (DISCUSSION/ACTION):
- A. CRB Revised Bylaws (Discussion Item)
- B. Operational Standing Rule on Case Review Procedures (Action Item)
- VIII. COMMITTEE REPORTS (DISCUSSION/ACTION)
- A. Continuing Education Committee (Pieter O'Leary)
- Upcoming Education Topics/Guest Speakers
- B. Outreach Committee (Taura Gentry)
- Monthly Calendar of Events/Outreach Opportunities
- C. Rules Committee (Brandon Hilpert)
- 7/13 Meeting Update
 - Audit of Category II Case
 - Case Summaries for Publication
- D. Policy Committee (Chair Joe Craver)
- Next Scheduled Meeting
- E. Recruitment & Retention Committee (Maria Nieto-Senour)
- 7/13 Meeting Update
- IX. CHAIR'S REPORT (Chair Joe Craver)
- A. Status of Implementation of Measure G Ordinance
- B. NACOLE Annual Conference (September 30–October 4, St. Petersburg, FL)
- C. Fourth Quarter Volunteer Hours Report – **Due July 1, 2018**
- D. CRB Liaison for Citizens Advisory Board on Police Community Relations
- E. Update on the City Council Rules Committee Re: Women Occupy Proposed Charter Amendment
- F. Work Plan Update
- G. CRB Relationship Building Session (Schedule for after July 4th)
- X. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)
- A. Caseload Update & Status of Case Reports
- B. Community Events/Forums/Meetings
- C. Grand Jury Report
- D. Other Items/Reminders
- XI. SAN DIEGO POLICE DEPARTMENT REPORT (Executive Assistant Chief Todd Jarvis)
- A. Status of CRB Recommendations

- Recommendation that SDPD require an officer writing a report in a use of force incident, not to view video prior to writing report & prior to being interviewed in in-custody death & officer-involved shooting cases. In addition, the officer should have the option of writing a supplemental report after viewing the BWC video.
- Recommendation for SDPD to adopt a de-escalation policy and use Baltimore's policy as a model
- Recommendation for SDPD to change unlawful detention & unlawful search and seizure complaints to Category I
- Recommendation that SDPD remove the Carotid Restraint from SDPD's Use of Force Department Procedure 1.04 for Active Resistance Behavior and retain for Assaultive or Life-Threatening Behavior. If SDPD uses the Carotid Restraint on a person, the person must be transferred immediately to a medical facility
- Recommendation for SDPD to document evidence shared with the Medical Examiner's Office

B. Other Items

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

XIII. BOARD MEMBER ANNOUNCEMENTS/COMMENTS

XIV. ADJOURNMENT

Materials Provided:

- Minutes from CRB Open Session Meeting on May 22, 2018
- 6.13.18 Memo from SDPD Chief in Response to CRB Recommendations
- Revised CRB Bylaws
- Operational Standing Rule on Case Review Procedures
- CRB Calendar

Public Comment on an Action/Discussion Item: If you wish to address the Board on an item on today's agenda, please complete a speaker form (on the table near the door) and give it to the Board's Executive Director before the Board hears the agenda item. You will be called to express your comment at the time the item is heard. Please note, however, that you are not required to register your name or provide other information to the Board in order to attend our public session or to speak.

Public Comment on Committee/Staff Reports: Public comment on reports by Board Committees or staff may be heard on items which are specifically noticed on the agenda.

Public Comment on Matters Not on the Agenda: If you wish to address the Board on any matter within the jurisdiction of the Board that is not listed on today's agenda, you may do so during the PUBLIC COMMENT period during the meeting. Please complete a speaker form (on the table near the door) and give it to the Board's Executive Director. The Board will listen to your comments. However, California's open meeting laws do not permit the Board to take any action on the matter at today's meeting. At its discretion, the Board may refer the matter to staff, to a Board committee for discussion and/or resolution,

or place the matter on a future Board agenda. The Board cannot hear specific complaints against named individual officers at open meetings.

Comments from individuals are limited to three (3) minutes per speaker, or less at the discretion of the Chair. At the discretion of the Chair, if a large number of people wish to speak on the same item, comment may be limited to a set period of time per item. If you would like to have an item considered for placement on a future Board agenda, please contact the Executive Director at (619) 236-6296. The Director will consult with the Board Chair who may place the item on a future Board agenda. If you or your organization would like to have the Board meet in your neighborhood or community, please call the Executive Director at (619) 236-6296.

This agenda will be made available in alternate formats upon request, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Requests for disability related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, should be forwarded to communityreviewboard@sandiego.gov, or call (619) 236-6296.



COMMUNITY REVIEW BOARD ON POLICE PRACTICES

MINUTES

**Tuesday, May 22, 2018
Balboa Park, Santa Fe Room
2144 Pan America Road West
San Diego, CA 92101**

Members Present:

Doug Case, Chair	Maria Nieto-Senour
Joe Craver, 1 st Vice Chair	Ernestine Smith
Diana Dent	Richard Stanford
Reinaldo Galindo	Nancy Vaughn
Taura Gentry	Pauline Theodore
Mary O'Tousa	Martin Workman
Pieter O'Leary	

Members Absent:

Brandon Hilpert, 2nd Vice Chair
Sheila Holtrop

Prospective Members Present:

Darwin Fishman

Prospective Members Absent:

Greg Daunoras
Jonathan Colby (LOA)

Staff Present:

Sharmaine Moseley, Executive Director, CRB
Todd Jarvis, Executive Assistant Chief, San Diego Police Department
Wes Morris, Captain, San Diego Police Department
Adam Sharki, Lieutenant, San Diego Police Department
Mark Bennett, Lieutenant, San Diego Police Department
Jessie Holt, Detective, San Diego Police Department

I. **CALL TO ORDER/WELCOME:** Chair Doug Case called the meeting to order at 6:04 p.m.

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

III. **APPROVAL OF MINUTES:** Motion was made by Joe Craver and seconded by Nancy Vaughn to approve the CRB minutes of April 24, 2018. Motion passed with a vote 11-0-2. Mary O'Tousa and Doug Case abstained.

IV. **NON-AGENDA PUBLIC COMMENT:**

1. Francine Maxwell
2. Anita Turner
3. Desiree Smith
4. Brittany M.
5. Marsha Grinco
6. James S. Grilriamo
7. Oletha
8. Buki Domingo

9. Michael Brackney
10. Yusef Miller
11. Kate Yavenditte

V. **EDUCATIONAL TOPIC: "Policing & San Diego's Immigrant Communities"**

Presenter: Andrea Guerrero- Executive Director, Alliance San Diego

Andrea Guerrero described the immigrant community within San Diego and how diverse the community. She further described how this presents challenges to the police and how we could overcome those challenges. Ms. Guerrero explained the need to build trust and understand with police and the community to maintain a safer community.

VI. **EDUCATIONAL TOPIC: "Update on the Appointment Process"**

Presenter: John Ly -Director of Appointments, City of San Diego

Mr. Ly explained the upcoming CRB appointment process. He stated that on May 10th, the Mayor made a call for nominations to the City Council. Those names will be compiled and added to the list of those from the CRB. The goal is to coordinate everything with the implementation of Measure G.

VII. **UNFINISHED BUSINESS (DISCUSSION/ACTION):** None

VIII. **NEW BUSINESS (DISCUSSION/ACTION):** None

IX. **COMMITTEE REPORTS (DISCUSSION/ACTION)**

- A. Continuing Education Committee (Pieter O'Leary)
- i. Upcoming Education Topics/Guest Speakers: Committee Chair Pieter O'Leary stated that he will be obtaining a list of upcoming courses for the Board. Mr. O'Leary reported that he is working on a speaker for officers' use of technology.
- B. Outreach Committee (Taura Gentry)
- i. Monthly Calendar of Events/Outreach Opportunities- Committee Chair Gentry highlighted some of the upcoming events on the CRB's new calendar. She mentioned the CRB having a presence at this year's Better a Block event and the Unity Games. Ms. Gentry encouraged CRB attendance at the meetings and events listed on the calendar. She further reported that the policy and procedures for the police department are now online.
- C. Rules Committee (Brandon Hilpert)
- i. Case Review Turnaround Timelines Update: Chair Doug Case stated that Second Vice Chair Brandon Hilpert was not present to discuss this item. Chair Doug Case gave a summary on the last Rules Committee Meeting. The Committee is working on the language for the turnaround times and the goals for turnaround times, which will be voted on at the next meeting.
 - ii. Audit of Category II Case: Chair Doug Case explained that the Committee is waiting for the implementation ordinance to be passed. The CRB's auditing of category II cases is expected to begin in August.
 - iii. Case Summaries for Publication: Chair Doug Case reported that the Committee is studying the possibility of publishing a brief redacted summary of the cases and what the findings were, as well as the rationale for the findings. Mr. Case further reported that the CRB's Outside Legal Counsel will be invited to the next Rules Committee Meeting as the Committee continues to consider the proposal.
 - iv. Develop New Bylaws: Chair Doug Case reported that once the implementation ordinance is adopted, the CRB will be responsible for drafting and approving its own Bylaws. The goal is to have those bylaws reviewed by the Rules Committee in June, and to have the new Bylaws considered at the June or July CRB Open Meeting.

D. Policy Committee

(Joe Craver)

Committee Chair Joe Craver reported that the Policy Committee is bringing three items before the board. The first item is for information only, and not for any action. The second two are action items and need to be voted on by the Board.

1. The Policy Committee considered the SDPD policy of allowing police officer's representatives representing many officers on the same case. The SDPD and the CRB does not have the authority to make restrictions on who can represent the officers under the Officer's Bill of Rights. The officers can choose who will represent them. However, the CRB can make comments in their reports. This was reviewed with the CRB's Outside Legal Counsel.
2. The Policy Committee considered an officers' use of the carotid restraint. On behalf of the Policy Committee, Mr. Craver moved that the CRB recommend to the San Diego Police Department that the carotid restraint be removed from Department Policy 1.04 (Use of Force Policy) for Active Resistance Behavior and be retained for Assaultive or Life-Threatening Behavior. Maria Nieto-Senour, moved to amend the ban on the Carotid Restraint in all circumstances. Nancy Vaughn seconded that motion to remove any use of the carotid restraint. The motion failed to pass with a 5-7 vote. Maria Nieto-Senour, Nancy Vaughn, Diana Dent, Richard Stanford, and Reinaldo Galindo voted for the amendment. Joe Craver, Taura Gentry, Mary O'Tousa, Pieter O'Leary, Ernestine Smith, Pauline Theodore, and Martin Workman voted in opposition.

Motion: Recommendation to the San Diego Police Department that the carotid restraint be removed from Department Policy 1.04 (Use of Force Policy) for Active Resistance Behavior and be retained for Assaultive or Life-Threatening Behavior.

Motion Passed: Vote of 10-2-1, Maria Nieto-Senour and Taura Gentry voted in opposition, Chair Doug Case abstained. Nancy Vaughn, Diana Dent, Richard Stanford, Joe Craver, Mary O'Tousa, Pieter O'Leary, Ernestine Smith, Pauline Theodore, Martin Workman and Reinaldo Galindo voted for the amendment.

Motion: Recommendation to SDPD that if officers use the Carotid Restraint on a person, the person must be transferred immediately to a medical facility.

Motion Passed: Vote of 12-0-1 (Chair Doug Case abstained)

Motion: Recommendation to SDPD that the Carotid Restraint should not be used on officers in training.

Motion Failed: Vote of 0-12-1 (Chair Doug Case abstained)

3. Committee Chair Joe Craver reported on to the documentation of evidence.

Motion: The CRB recommended that when any branch of the SDPD shares evidence with the San Diego Medical Examiner's office ("ME") regarding an in-custody death or officer – involved shooting, SDPD must thoroughly document in writing each piece of evidence shared with the ME, including but not limited to Body Worn Camera ("BWC") footage. SDPD also should document the date and time the evidence is shared, the title of the evidence, who it was shared by, whom it was shared with, whether the ME retained the evidence, and in case of BWC footage, the date and the time the video shown, the title of each video clip shown, whether video was viewed in its entirety, and the names of everyone (including SDPD personnel) who viewed the video(s). This information must become part of the Internal Affairs file and must be available for Community Review Board members to review.

Motion Passed: Vote of 12-0-1 (Chair Doug Case abstained)

E. Recruitment & Retention Committee (Maria Nieto-Senour)

- i. Committee Chair Maria Nieto-Senour reported that the Committee will be scheduling another meeting. Ms. Nieto-Senour appointed Nancy Vaughn to the Committee.

F. Nomination Committee (Sheila Holtrop)

- i. Committee Chair Sheila Holtrop was absent for this meeting, so Committee Member conducted this part of the meeting.

CRB Chair Position: Nominees Taura Gentry & Joe Craver

First Vice-Chair: Brandon Hilpert & Maria Nieto-Senour

Second Vice-Chair: Taura Gentry & Doug Case

All nominees will prepare a 1-2-minute presentation with their qualifications, leadership qualities, accomplishments, and abilities.

X. CHAIR'S REPORT

(Chair Doug Case)

A. Status of Implementation of Measure G Ordinance

Chair Doug Case reported that the ordinance is being reviewed by City Attorney Staff and plan to go before Council with a tentative date of June 18th for the first reading.

B. Training of New Members (content, timeline, etc)

New members will need to be trained quickly and effectively so the new members can begin to review on cases as soon as possible.

C. Reporting of Hours

Reminder for members to report their hours online for an accurate count of volunteer hours for this fiscal year ending June 30.

D. Update on the City Council Budget Review Committee Meeting

There will be a new structure for staffing regarding the Boards and Commissions and a new office for Boards and Commissions. The CRB will be under this new office.

E. CRB Liaison for Citizens Advisory Board on Police Community Relations

The Chair reported that the CRB will select a liaison to go to Citizen Advisory Board meetings and report back to make sure policy recommendations are coordinated and not duplicated.

F. Update on City Council Rules Committee Re: Women Occupy Proposal Charter Amendment

As a City body, the CRB cannot take positions on possible ballot initiatives, however, members of the Board are encouraged to attend the meeting on June 13th and comment as an individual on the proposal.

G. Work Plan Update: None

H. Relationship Building Retreat (Schedule for after July 1st)

As discussed at the Executive Committee Meeting, a relationship building retreat between the CRB and the Internal Affairs staff is being planned.

XI. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)

A. Caseload Update & Status of Case Reports

Executive Director Sharmaine Moseley reported that after tonight's two cases were reviewed by the board, there is now a total of nine active cases.

The CRB closed out a total of 43 cases for FY18. The breakdown of active cases are as follows:

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

B. Community Events/Forums/Meetings – This report was given under the Outreach Committee item.

Summary Past Meetings/Trainings/Outreach all on calendar

SDPD Effective Interactions Training (4.3) ✓
“De-Escalation Role Playing Scenarios”

Pillars of the Community First Saturdays at the Spot (4.7) ✓
CRB Outreach Opportunity – Table & Chairs

SD Rules Committee Meeting Re: Women Occupy Ballot (4.11) ✓
Proposal

Community Assistance Support Team (CAST) Meeting (4.12) ✓

CRB & CAB Collaboration Meeting (ED & Chairs) ✓

BAPAC Hidden Figures Brunch (4.14) ✓

Executive Director Moseley reported that she will be a panelist at a Regional Conference in Seattle from June 27 – 29.

C. CRB Website Updates- Policy Changes Accomplishments & Calendar List

Executive Director Sharmaine requested that the CRB work together to gather and provide the correct information for the calendar so she can post it online.

D. Other Items/Reminders

Political Activity in the Workplace Policy

The Grand Jury Report

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

A. Status of CRB Recommendations – Captain Wes Morris gave the SDPD report stating that the following CRB recommendations are currently being responded to and drafted in writing.

- Recommendation that SDPD require an officer writing a report in a use of force incident, not to view video prior to writing report & prior to being interviewed in in-custody death & officer-involved shooting cases. In addition, the officer should have the option of writing a supplemental report after viewing the BWC video.
- Recommendation for SDPD to adopt a de-escalation policy and use Baltimore's policy as a model
- Recommendation for SDPD to change unlawful detention & unlawful search and seizure complaints to Category I

B. Other Items – Executive Assistant Chief Jarvis stated the responses are being drafted.

XIII. BOARD MEMBER RIDE-ALONG REPORTS: None

XIV. **BOARD MEMBER ANNOUNCEMENTS/COMMENTS:** None

XV. **ADJOURNMENT:** 8:08 p.m.

Changes to the August 2016 CRB Bylaws

- References to Citizens' Review Board on Police Practices were changed throughout to Community Review Board on Police Practices.
- The changes to the text of the charter, per Measure G, were incorporated.
- The Standard Operating Procedures was added to the hierarchical list of governing documents.
- The qualifications for candidates to the Board were deleted since this is determined by the Office of the Mayor and were therefore not included in these bylaws, except for the prohibition of current and former SDPD officers and current City employees, per the pending Measure G implementation ordinance amendment.
- References to classes of membership were deleted since there are no longer prospective and alternate members.
- References to leave of absence were deleted, and the process for excused absences clarified.
- A requirement to complete training prior to being seated was added.
- The volunteer time reporting process was updated.
- The quarterly outreach requirement for members was added (note that we adopted an Administrative Standing Rule that explains how training and outreach requirements, including ride-alongs, can be met)
- Automatic suspension of members convicted of a felony or crime of moral turpitude was added (per the implementation ordinance)
- As required by the implementation ordinance, members who are removed by the Mayor shall have a hearing before the City Council within 60 days.
- Attendance at closed sessions was updated to include the Chief of Police or designee (currently Executive Assistant Chief), outside counsel, and trainees appointed by the Mayor (CRB Academy members). The ability to go into executive session was clarified.
- Clarification that the minimum 10 or 12 vote required to pass motions does not apply to procedural motions.
- Recruitment and Training Committee is designated as a standing committee instead of an ad hoc committee.
- The duties of the Mayor and City Council were revised in accordance with Measure G.
- Added the preparation of meeting notices and minutes to the duties of the Executive Director.
- The ability of the City Council to authorize outside counsel for the Board was added.

- Bylaws are now an internal document and no longer require Mayoral approval. The Operational Standing Rules which relate to procedures affecting City Departments will require Mayoral approval.
- The official address of the Board was deleted -- this doesn't need to be in the Bylaws.

Draft Revision 7/13/18
Bylaws
City of San Diego
Community Review Board on Police Practices

Article I: Name and Authority

Section 1: Name

The name of this Board is the City of San Diego Community Review Board on Police Practices, herein referred to as "the Board". The full name is as stated in Measure G, approved by the voters in November 2016. The Community Review Board on Police Practices is also known by the acronym "CRB".

Section 2: Authority

The Board operates in accordance with the following documents, listed in hierarchical order:

United States Constitution

California Constitution

California Statutes and Codes, including but not limited to the Government Code (Ralph M. Brown Act, Section 54950 et seq.; and Public Safety Officers Procedural Bill of Rights, Sections 3300-3311, Chapter 9.7, Division 4, Title 1), Penal Code (PC), Health and Safety Code, and Vehicle Code (VC)

San Diego City Charter, including Article V, Section 43(d) which states:

(d) Community Review Board on Police Practices. Notwithstanding any other provision of this Charter, the Mayor and City Council shall have the exclusive authority to create and establish a community review board on police practices to review and evaluate citizens' complaints against members of the San Diego Police Department and the San Diego Police Department's administration of discipline arising from such complaints. The Mayor and City Council shall establish such rules and regulations as may be necessary for this board to carry out its functions; provided, however, that such rules and regulations shall be consistent with the laws of the State of California concerning citizens' complaints against peace officers. Nothing in such rules and regulations shall interfere with the board's authority to independently refer a completed citizen complaint investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency. The board shall review all deaths occurring while a person is in the custody of the San Diego Police Department and all police officer-related shootings. The board shall submit semiannual reports to the Mayor and City Council concerning its evaluation of the San Diego Police Department's investigation of citizens' complaints; provided, however, that such reports shall not disclose any information required to be kept confidential by law.

San Diego Municipal Code

CRB Standard Operating Procedures ("rules and regulations" referenced in the charter)

San Diego City Council Policies

City of San Diego Administrative Regulations

Memorandum of Understanding (MOU) between City of San Diego and San Diego Police Officers Association

CRB Bylaws

CRB Special Rules of Order

CRB Operational Standing Rules

CRB Administrative Standing Rules

Robert's Rules of Order, Newly Revised

National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics

Parliamentary procedures of this Board will be in accordance with these Bylaws and any Special Rules of Order adopted by the Board. The default parliamentary authority for procedures that are not covered in these Bylaws or the CRB Special Rules of Order shall be the current edition of Robert's Rules of Order, Newly Revised.

Article II: Purpose and Objectives

Section 1: Purpose

The purpose of the Community Review Board on Police Practices is to review and evaluate complaints brought by members of the public against officers of the Police Department of the City of San Diego and to review and evaluate the administration of discipline arising from sustained complaints. The Board also reviews and evaluates officer-involved shootings, all in-custody deaths, and all police actions that result in the death of a person.

Section 2: Objectives

The Community Review Board on Police Practices is tasked with the following three objectives:

A. Complaint Review

It is the primary objective of the Board to ensure complaints against San Diego Police Department (SDPD) officers are investigated thoroughly, completely and fairly, giving equal consideration to citizens and police officers alike. The Board will make every effort to review and evaluate citizens' complaints objectively and impartially. The Board may devise its own internal procedures for the format and presentation of case review reports. The Board may add comments to its completed review of a citizen's complaint, however such comments must be limited to substantive issues directly related to the

citizen's complaint and/or the subject officers and must comply with the laws of the State of California concerning citizens' complaints against peace officers.

B. Policy Recommendation

It is the objective of the Board to advocate for policies which promote fair and humane policing and also ensure the safety of both citizens and police officers. Subsequent to the review and evaluation process, the Board may recommend improvements in policy, procedures or training of police officers to the Mayor and/or Chief of Police.

Additionally, in consideration of issues other than complaints, the Board may address a substantive item, other than one arising in the course of reviewing a particular case, if it determines that (1) the substantive matter impacts the work of the Board; and (2) because of its training and experience, the Board has expertise on the matter at hand. The Board may discuss the issue and make a recommendation to the Mayor and/or Chief of Police.

C. Outreach and Education

It is the objective of the Board to operate transparently, to keep the community informed about the activities of the Board, and to provide opportunities to receive public input on the Board's operations. It is the further objective of the Board to encourage persons with complaints about the actions of SDPD employees to file a complaint, to widely publicize the procedures for filing complaints and to make the process as simple as possible, and to enact mechanisms to ensure that persons filing complaints and witnesses will be able to do so without fear of retaliation or adverse consequences.

Article III: Membership

Section 1: Selection and Appointment

There are twenty-three (23) members, appointed by the Mayor of San Diego and confirmed by the City Council. Members are appointed to two-year terms, and appointments are staggered so that the terms of no more than 12 members expire in a year.

Members are limited to a maximum of eight (8) consecutive years on the Board, starting on the date of the initial Mayoral appointment. Former members who served for eight years become eligible again after a period of two years. Former members of the Board who did not complete eight years of service may be eligible to complete eight total years of service. Members whose terms of service have expired shall have the option to continue to serve until their successor is duly appointed and qualified, even if the total time served extends beyond the maximum permissible length of service.

Present or former San Diego Police Department officers and current City of San Diego employees are not eligible for membership on the Board.

Members of the Board shall serve without compensation, but shall be reimbursed for authorized, reasonable and necessary expenses incurred in the performance of their official duties as approved by the Mayor or the Mayor's designated representative.

Prior to assuming the duties of office, members must complete the required training program approved by the Board and must subscribe to the Oath of Office administered by the City Clerk's Office and sign the oath card. All Members who are reappointed to the Board must retake the Oath of Office and sign a new oath card.

Section 2: Responsibilities

A. Members

Members have the following responsibilities:

1. Meeting Attendance

The substantive work of the Board cannot be accomplished in the absence of a quorum. In order to accomplish the work of the Board, members should be in attendance and vote on issues at all meetings. Any member with an unexcused absence from three (3) consecutive meetings or an unexcused absence from one third of all regular scheduled meetings during any Fiscal Year (July 1 through June 30 of the following year) may be removed from the Board per Article III, Section 4.B. of these bylaws. Members may request to be excused from a meeting by contacting the Executive Director no later than 12 noon on the day of the meeting. An excused absence can be granted by the Executive Director for the following reasons:

- a. An unforeseen event
- b. Illness or health
- c. Out of town
- d. Religious observance

2. Case Review

Members, with the exception of the Chair and First Vice Chair, shall be assigned to three-person Case Review Teams. The Case Review Teams shall review the Internal Affairs investigation in accordance with current Operational Standing Rule for Case Review. A Team Leader will be appointed for each Case Review Team.

Every member shall complete the review of at least 80% of the cases assigned to that member's Case Review Team. Any member with an unexcused absence from review of more than 20% of the cases assigned to that member's Case Review Team during any Fiscal Year (July 1 through June 30 of the following year) may be removed from the Board per Article III, Section 4.B. of these bylaws. Members should notify the Executive Director and the Team Leader of their assigned Case Review Team of an excused absence from review of a case for one of the following reasons:

- a. An unforeseen event
- b. Illness or health
- c. Out of town
- d. Conflict of Interest

3. Committee Participation

Members are required to participate on one of the standing committees of the

Board.

4. Training

Members are required to pursue and complete 48 hours of educational opportunities annually, including at least two police ride-alongs.

5. Community Outreach

All members shall participate in at least one community outreach activity per quarter.

All members can speak about the role of the Board in public to provide education for the community. Only the Board Chair is the spokesperson for the Board on issues that require public comment.

6. Ethical Conduct

To promote public trust, integrity, and transparency, members are expected to adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics. The NACOLE Code of Ethics includes Personal Integrity, Independent and Thorough Oversight, Transparency and Confidentiality, Respectful and Unbiased Treatment, Outreach and Relationship with Stakeholders, Agency Self-examination and Commitment to Policy Review, and Primary Obligation to the Community. The complete NACOLE Code of Ethics can be found at the NACOLE website, www.nacole.org.

Any actual or perceived conflict of interest during case review shall be avoided. Conflict of interest exists when a member has an outside financial interest or a personal relationship with someone involved in the case, or has intimate knowledge of the facts of the case. Members shall avoid any situation where they have a conflict of interest by immediately notifying the Executive Director and their Team Leader requesting either to be excused from review of the case or to have the case reassigned to a different Case Review Team. Active involvement in other boards, committees or organizations could pose an actual or perceived conflict of interest with membership on the Board. Board Members shall disclose all potential conflicts to the Executive Director immediately.

Section 3: Removal

A. Voluntary Resignation

Any Member of the Board can voluntarily resign by sending a letter or email of resignation to the Board Chair and the Executive Director. A member's written notice of resignation is required by the City Clerk and the Mayor's Office, and becomes a matter of public record unless confidentiality is requested by the resigning member. Once the letter has been received, the Mayor shall appoint and the City Council confirm a new member to fill the remainder of the term.

B. Removal for Cause

If a member is convicted of a felony or crime or moral turpitude, the member will automatically be suspended from participating in any capacity on the Board, pending a

vote by the City Council upon recommendation from the Mayor to formally remove or reinstate the member from the Board.

The Executive Director, after consultation with the Board's Cabinet, may request that the Mayor remove any Board Member for cause including but not limited to: (1) misuse of position as a Board Member, (2) misuse of police-issued documents; (2) violation of state laws of confidentiality; (4) misconduct that impedes the member's ability to serve as an effective and impartial Board member; (5) unexcused absences from at least two consecutive meetings or by failure to complete case review as assigned by the Executive Director; (6) violation of the NACOLE Code of Ethics; or (7) a conflict of interest. Upon recommendation of the Mayor to remove a member, a hearing by the City Council shall occur within sixty (60) days of the receipt of the recommendation.

C. Non Reappointment

Any member can be removed from the Board by non-reappointment at the Mayor's discretion during the annual appointment process.

Article IV: Officers

Section 1: Officers of the Board

The officers of this organization shall be Chair, First Vice Chair, and Second Vice Chair. These elected officers shall be referred to collectively as the Cabinet.

All officers shall be members of the Board. The term of office is one year, coinciding with the start of the City's fiscal year on July 1 through the end of the fiscal year on June 30 of the following calendar year. No individual shall hold more than one office at any time. An individual may serve no more than two consecutive terms in the same office, and becomes eligible again to serve in that office after a period of two years.

Section 2: Election and Succession

A. Election

Officers are elected at the last scheduled Open Meeting of the fiscal year to serve during the following fiscal year. If the last scheduled Open Meeting of a fiscal year is not held, officers shall continue to serve until their successors are elected and assume office.

The Nominating Committee will present at least one nomination for each office. Prior to the vote for each office, additional nominations will be taken from the floor. Officers will be elected individually in order of precedence, starting with the Chair. Voting shall be by show of hands.

Officers must receive a majority vote of the Board. If no candidate receives a majority, then a runoff will be held between the candidates with the two highest numbers of votes.

B. Succession

If the office of Chair becomes vacant, the First Vice Chair becomes Chair for the

unexpired term. If the office of First Vice Chair becomes vacant, the Second Vice Chair becomes First Vice Chair for the unexpired term. If the office of Second Vice Chair becomes vacant, an election, with nominations taken from the floor, will be held at the next Open Meeting of the Board to fill the office for the unexpired term.

If the offices of Chair, First Vice Chair and Second Vice Chair all become vacant at the same time, the Mayor will appoint a Board Member to serve as Acting Chair for a period of two months, during which time elections will be held to fill the vacancies for the unexpired term. Such elections will take nominations from the floor and elect officers individually in order of precedence by show of hands. Notice of such elections shall be given one month ahead of the election date.

Section 3: Powers and Duties

The officers of this organization shall fulfill the duties of office while always acting for the good of the entire Board.

A. Chair

The Chair shall have the following powers and duties:

1. To serve as Chair for all meetings, Closed and Open, of the Board.
2. To serve as Chair for all meetings of the Executive Committee.
3. To serve as a member of the Cabinet.
4. To act as the spokesperson for the Board, to make official statements for the Board, or to delegate this responsibility to another Board Member.
5. To coordinate with the Executive Director on communication between the Board and the Mayor, the San Diego City Council and the Chief of Police.
6. To appoint Chairs and members for all Committees of the Board, except the Nominating Committee.
7. To be ex officio member and ensure effective functioning of all committees of the Board, except the Nominating Committee.
8. To facilitate communication between Case Review Team Leaders.
9. To serve on a temporary Case Review Team when case load requires formation of a temporary Team by the Executive Director.
10. To perform such other duties as may be conferred by vote of the Board.

B. First Vice Chair

The First Vice Chair shall have the following powers and duties:

1. To serve as Chair for all meetings, Closed and Open, of the Board in the absence of the Chair.
2. To serve as a member of the Executive Committee.
3. To serve as a member of the Cabinet.
4. To oversee training of new members with the Recruitment and Training Committee, and to oversee training of the Team Leaders.

5. To serve on a temporary Case Review Team when case load requires formation of a temporary Team by the Executive Director.
6. To perform such other duties as may be conferred by vote of the Board or requested by the Chair.

C. Second Vice Chair

The Second Vice Chair shall have the following powers and duties:

1. To serve as Chair for all meetings, Closed and Open, of the Board in the absence of the Chair and the First Vice Chair.
2. To serve as a member of the Executive Committee.
3. To serve as a member of the Cabinet.
4. To serve as a member of a Case Review Team.
5. To act as Parliamentarian for the Board.
6. To perform such other duties as may be conferred by vote of the Board or requested by the Chair.

D. Cabinet

The Cabinet is responsible for providing consultation to the Executive Director on issues of importance, including but not limited to:

1. Membership of Case Review Teams.
2. Assignment of Case Review Team Leaders.
3. Investigation into allegations of impropriety against any Board Member.

Article V: Meetings

Section 1: General

Closed and open meetings of the Board shall be held regularly in order to carry out the objectives and purposes of the organization. Notice of time, place and agenda shall be provided to the Board and the public at least 72 hours before the scheduled time of every meeting in accordance with the Ralph M. Brown Act.

Section 2: Closed Meetings

Closed Meetings are normally held twice each month, except only once in December. Closed Meetings are held pursuant to California Government Code Section 54957 to provide a confidential environment in which (1) to review citizens' complaints brought against SDPD Officers in accordance with California Penal Code Section 832.7 or (2) to discuss personnel or other information that is specifically exempt from public disclosure by law. Attendance is limited to Board Members, the Executive Director and assigned City Staff, the Chief of Police and/or the Chief's designee, designated SDPD Internal Affairs staff, designated City Attorney Office representatives or outside counsel, and trainees appointed by the Mayor (CRB Academy members) with responsibility for a

case that is being presented to the Board. The Board, pursuant to Roberts Rules of Order, may vote to go into Executive Session and may exclude anyone other than voting board members.

Section 3: Open Meetings

Open Meetings are normally held once each month, except in December, to transact business and to hear presentations. Open Meetings provide a forum in which to communicate with the public, to advise the community of the complaint process and the Board role in the review of complaints, and to hear public testimony on the police complaint review process.

Section 4: Special Meetings

Special Meetings can be held as needed and may be either Closed or Open. A Special Meeting may be initiated by the Chair, by the Executive Director, or by a vote of Board members. Notice of a Special Meeting shall state the topic(s) to be discussed, and no other business may be considered during the Special Meeting.

Section 5: Voting and Quorum

Only Board members can vote on issues before the Board and are counted to determine the presence of a quorum. Board members (except the Chair) are expected to vote on all issues and must state on the record the reason for any abstention. The Chair is not required to vote; however the Chair may vote whenever his or her vote will affect the result.

No formal action can be taken without a quorum. The requirement for a quorum shall be more than half of the maximum number of members on the Board. The maximum number of members is 23, so a quorum is 12.

The basis for decisions at all Board meetings is an expected attendance of 18 Board members. Consequently, regardless of the number of Board members present, the minimum number of votes required to approve or to disapprove a motion is as follows:

A. Motion Requires Majority Vote

The motion is approved if the majority votes affirmative with at least ten votes affirmative. The motion is disapproved if the majority votes negative with at least ten votes negative. If neither is achieved, the pending motion fails to be approved or disapproved and is trailed to the next Board meeting with a quorum.

B. Motion Requires Two-thirds Vote

The motion is approved if the majority votes affirmative with at least 12 votes affirmative and the number of affirmative votes is at least twice the number of negative votes. Otherwise the motion is not approved.

The minimum number of votes required, as stated above, applies to main motions that would have the Board take an official position on matters, including but not limited to, case review findings, recommendations to the San Diego Police Department, CRB rules and bylaws, and letters to the Mayor or other public officials. It does not apply to

subsidiary, incidental, privileged or procedural motions, or motions that do not express an official position on a matter.

Article VI. Committees

Section 1: General

Committees of the Board shall be formed to carry out the primary objectives of the Board and to maintain functions necessary to sustain the Board. Committees shall limit their business to the purpose identified in this document or the purpose identified at their inception. Committees shall conduct their business in a manner consistent with these Bylaws and the Standing Rules of the Board. Committees shall not take any final action on behalf of the Board or issue any official communication.

Committees fall into two categories: Standing Committees and Ad Hoc Committees. Standing Committees require a constant presence to carry out long term ongoing functions of the Board. Ad Hoc Committees either support periodic functions of the Board that do not require a constant presence for service or are formed to accomplish specific, short term tasks that are not within the assigned function of any Standing Committee or any other Ad Hoc Committee.

Committee Chairs of all committees shall be members of the Board. Unless otherwise specified herein, Committee Chairs shall be appointed by the Board Chair to serve a one-year term. Ad Hoc Committee Chairs can serve until their committee is disbanded. Standing Committee Chairs have the following tasks:

1. Conduct Committee meetings at least quarterly or more often as needed.
2. Support the Brown Act requirement for public notice with an agenda in advance.
3. Report on Committee activities at Open Meetings and make recommendations for Board action.
4. Contribute a summary of Committee activities and accomplishments for the CRB Semiannual Reports.
5. Serve as a member of the Executive Committee.

Section 2: Standing Committees

Notice of Standing Committee meeting time, place and agenda shall be provided to Committee members and the public at least 72 hours before the scheduled meeting time. Except for the Executive Committee, Standing Committees are limited to no more than seven (7) members.

A. Executive Committee

The Executive Committee has continuing jurisdiction over the health and welfare of the Board. The Chair of this Committee is the Board Chair. Members of the Executive Committee are the elected officers of the Board and Standing Committee Chairs. Nonvoting members of the Executive Committee include the Executive Director, the assigned Deputy City Attorney or outside counsel and SDPD representatives. Regular

meetings of the Executive Committee may be held monthly at the discretion of the Chair.

B. Policy Committee

The Policy Committee shall evaluate recommendations from Board Members for improvements to SDPD policy, procedure, training or administration of discipline of police officers. The result of the evaluation shall be presented to the Board. The Policy Committee can recommend Board action to forward suggested improvements to the Chief of Police and the Mayor. The Policy Committee meets at the discretion of the Policy Committee Chair.

C. Continuing Education Committee

The Continuing Education Committee arranges presentations on subjects of interest at the Open Meetings of the Board. The Continuing Education Committee also arranges additional training opportunities and field trips for the Board. The Continuing Education Committee meets at the discretion of the Continuing Education Committee Chair.

D. Community Outreach Committee

The Community Outreach Committee supports the Board's outreach and education objective at community events and informational meetings. The Outreach Committee meets at the discretion of the Outreach Committee Chair.

E. Rules Committee

The Rules Committee shall evaluate recommendations from Board Members for amendments to these Bylaws, to Special Rules of Order, to Standing Rules and to other operational procedures. The Rules Committee is responsible to ensure that a proposed amendment does not violate or conflict with any existing provision in these Bylaws or any other rules that govern the Board. The result of the evaluation shall be presented to the Board. The Rules Committee meets at the discretion of the Rules Committee Chair.

F. Recruitment and Training Committee

The Recruitment and Training Committee supports activities to recruit new members for the Board, to inform interested individuals about the Board, and to provide training to CRB Academy members. The Recruitment and Training Committee meets at the discretion of the Recruitment and Training Chair.

Section 3: Ad Hoc Committees

Ad Hoc Committees may be formed as needed by the Board Chair or by a majority vote of the Board for an assigned specific task. Unless extended by a vote of the Board, each Ad Hoc Committee is disbanded at the completion of the assigned task. Ad Hoc Committees are limited to no more than seven members.

A. Nominating Committee

The Nominating Committee is an ad hoc committee shall be formed to facilitate election of officers. Three members of the Nominating Committee shall be elected by the Board with nominations taken from the floor. Members of the Nominating Committee shall select their committee Chair. The Nominating Committee shall solicit candidates for

each office and shall present to the Board at least one nomination for each office prior to the last scheduled Open Meeting of the fiscal year. The Nominating Committee shall be disbanded following the election of Board officers.

Article VII: Administration

Section 1: Authority of the Mayor and City Council

A. Establishment of Community Review Board on Police Practices and Related Rules and Regulations

Pursuant to City Charter Article V, Section 43(d), the Mayor and City Council have the dual responsibility to "establish such rules and regulations as may be necessary for this board to carry out its functions; provided that such rules and regulations shall be consistent with the laws of the State of California concerning citizens' complaints against peace officers." These rules and regulations are referred to as the CRB Standard Operating Procedures.

Members of the Board are appointed by the Mayor and confirmed by the City Council. The Mayor may also appoint citizens to a CRB Academy, a training program for persons interested in appointment to the CRB.

B. Appointment of Executive Director

The Mayor of the City of San Diego shall appoint one person to be the Executive Director of the Board. The Executive Director will report to the Mayor's Office. The Executive Director, with the approval of the Mayor, shall manage Board members and personnel necessary to discharge the functions of the Board. Under general direction, the Executive Director is responsible for facilitating the work of the Board, including, but not limited to, the following tasks:

1. Interface with community members, responding to inquiries and receiving complaints.
2. Direction of day-to-day operations of the Board.
3. Liaison between the Board and City departments, in particular SDPD and the City Attorney's Office.
4. Maintenance of records and preparation of reports, including semiannual reports to the Mayor and City Council.
5. Management of all Board personnel throughout recruitment, training, team assignment and case review activities.
6. Arrange for the preparation of and dissemination all meeting notices for CRB board and committee meetings as required by the Ralph M. Brown Act.
7. Arrange for the preparation of and dissemination of the minutes of all CRB board and committee meetings.

The Executive Director also provides any additional support that is either not specifically assigned to Board Members, or not being provided by assigned Board Members as

needed, or assigned by the Mayor.

Formal communication between SDPD and the Board will be coordinated through the Executive Director and the Mayor's Office. The Executive Director shall accurately communicate, in a timely fashion, information from the Mayor, City Council or SDPD to the full Board.

D. Review and Evaluate Cases and General Review

At any time, the Mayor may be requested to monitor, review and evaluate a case by a majority vote of the Board. The Mayor may also independently initiate such a review and evaluation and use such resources as necessary to conduct this review. The Mayor will ensure that all complaints are investigated in a timely and efficient manner. The Mayor may monitor the progress of particularly sensitive complaints and incidents. If a review is approved by the Mayor, it may include:

- Discussion with witnesses.

- Review of the Internal Affairs investigation.

- Discussion with appropriate SDPD investigative staff and CRB Case Review Team members reviewing the case.

- Review of tapes and transcripts of interviews with witnesses and police officers.

- Review of pertinent evidence, including body worn camera video.

- Review of any other available investigative reports by other agencies.

The completed review by the Mayor shall be presented by the Executive Director to the Board for review and comment.

The Mayor shall conduct general reviews as needed to evaluate the City's complaint, investigative and review process. This will include an analysis of trends and patterns in citizen complaints, investigations and discipline. The scope of this review shall include:

- Evaluation of the SDPD complaint procedures.

- Surveys and interviews of the complainants previously involved in the complaint process.

- Survey and interview of witnesses involved in the complaint process.

- Review of statistical reports related to the complaint process.

- Interviews with personnel designated to process complaints.

- Review of discipline imposed to identify trends.

The completed report of any general review and evaluation will be submitted to the Board for comment and recommendations.

Section 2: Role of City Attorney

Legal representation and legal advice will be provided by the City Attorney pursuant to City Charter, Section 40. The City Attorney may authorize the appointment of outside counsel to advise the Board and Executive Director.

Article VIII: Amendment

Section 1: CRB Bylaws

Bylaws describe organizational structure, eligibility requirements of the members, the terms, responsibilities and powers of the officers, types of meetings, specification of a quorum, identity of standing and ad hoc committees, the duties and responsibilities of each committee, and identity of a parliamentary authority. Amendment of these Bylaws requires a two-thirds vote of Board Members at a regularly scheduled Open Board meeting. Proposed amendments must be submitted by a Board member as defined in and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Board members at least ten days before the meeting where the vote will be taken.

Section 2: CRB Special Rules of Order

Special Rules of Order define and clarify parliamentary procedures that are different from the specifications of the identified parliamentary authority. Special Rules of Order may be adopted, amended, or deleted by a two-thirds vote of Board Members at a regularly scheduled Open Board meeting. Proposed amendments must be submitted by a Board member and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Board members at least ten days before the meeting where the vote will be taken.

Section 3: CRB Operational Standing Rules

Operational Standing Rules define and clarify operational procedures for any interface between the Mayor's Office, other City Departments and this organization. Operational Standing Rules may be adopted, amended, or deleted by a majority vote of Board Members at a regularly scheduled Open Board meeting. Proposed amendments must be submitted by a Board member, and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Board members at least ten days before the meeting where the vote will be taken. Board approved Operational Standing Rules become effective when reviewed and approved by the Mayor.

Section 4: CRB Administrative Standing Rules

Administrative Standing Rules define and clarify internal procedures for this organization. Administrative Standing Rules may be adopted, amended, or deleted by a majority vote of Board Members at a regularly scheduled Open Board meeting. Proposed amendments must be submitted by a Board member and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Board Members at least ten days before the meeting where the vote will be taken.

Community Review Board on Police Practices

Operational Standing Rule

Case Review Procedure

Note: This Operational Standing Rule is consistent with the Standard Operating Procedures (SOP) for the Community Review Board on Police Practices (CRB), approved by the Mayor and City Council. Any future amendments to this Operational Standing Rule must also be consistent with the SOP. In the event of a conflict, the SOP takes precedence. Future revisions to the SOP may necessitate a corresponding revision to this Operational Standing Rule

The responsibility of responding to community member complaints against the San Diego Police Department (SDPD) is shared between SDPD Internal Affairs (IA) Department and the San Diego Community Review Board for Police Practices (CRB). The collaborative relationship is important for a fair and objective process that gives serious consideration to community members and SDPD officers equally. The process is improved by both organizations working together, complimenting each other. Neither organization could provide the same level of success without the other. While cooperation is key, independence of each organization is crucial and is supported by a basic division of effort. SDPD IA provides an independent investigation. CRB provides an independent review and evaluation of the SDPD IA investigation.

Community member complaints are submitted either through the Community Review Board (CRB) office or at multiple locations with SDPD. Each complaint is initially analyzed by SDPD Internal Affairs (IA) for the number, type and category of allegations contained within the complaint. The IA analysis is based on the list and description of allegation categories and types found in SDPD Procedure 1.10 titled "Citizen Complaints". All complaints containing one or more Category 1 allegation(s) are investigated by IA and reviewed by CRB. Category 1 encompasses allegations of arrest (false arrest), force (excessive force), discrimination, slur, and search and seizure, unlawful detention and criminal conduct. Complaints containing only Category 2 allegations are investigated by the Subject Officer's division and are not, at this time, reviewed/audited by CRB (See Operational Standing Rule on Auditing Category 2 Cases). Category 2 encompasses courtesy, procedure (including search and seizure), conduct and service. Complaints containing both Category 1 allegation(s) and Category 2 allegation(s) are investigated by IA and reviewed by CRB.

1. Internal Affairs Case File

Each case handled by Internal Affairs (IA) is assigned to an investigating officer, typically a sergeant. Cases that are handled by an SDPD division are assigned to an investigating officer, typically a sergeant. The investigating officer is responsible for completing a thorough investigation and writing an investigative report that is fair to both the complainant(s) and subject officer(s). The investigator keeps a log of all activities and gathers all material used for the investigation. The results of the IA investigation are documented in the Investigator's Report. The Investigator's Report and related

material are collected in the IA Folder that is provided for CRB review. The IA Folder and a second folder that is marked for the "Team" comprise the IA Case File.

A. The IA Folder

All material used for the IA investigation will be contained in the IA Folder. One document that should not be removed from the IA Folder is the **BLUE** copy of the Investigator's Report. This is an original and should remain in the IA Folder. Other material in the IA Folder can be removed and reviewed by the Case Review Team; however this material should never be marked or modified in any way. Any material removed from the IA Folder must be returned to the IA Folder and not be placed in the Team Folder. If needed, a copy can be obtained and kept in the Team Folder for use and annotation.

Material that, if available, always should be used for the IA investigation and always should be contained within the IA Folder for examination by the Case Review Team includes the following:

- Citizen Complaint Form(s) (CCF)
- CRB Complaint Form, if different from SDPD CCF
- Police officer reports (Arrest/Juvenile Contact Report, Report Narrative, Field Investigation form, Daily Journal, Category 2 Follow-up Investigation report)
- Police officer Body Worn Camera (BWC) video
- Surveillance video from private sources
- Audio recording of complainant including phone messages, complaint intake and investigation interview(s)
- Audio recording of related phone calls to 911
- Audio recording of all witness interviews
- Audio recording of all subject officer interviews
- Audio recording of all witness officer interviews
- Investigator's list of questions for each interview

Material that may be used for the IA investigation and, if used, should be contained within the IA Folder for the use of the Case Review Team includes, but is not limited to, the following:

- Community member Complaint letter or Email
- Additional material from the Complainant (audio or video recording, medical records, receipts (e.g., Uber), photographs)
- Criminal History ("Rap Sheet") of complainant
- Transcript of radio communications
- Audio recording of "Others Contacted" during the IA investigation
- Automatic Vehicle Locator (AVL) for SDPD vehicle
- Video from Sally Port
- Video from Jail parking lot or intake area
- Video from County Mental Health (CMH)
- SD Sheriff Property form
- SD Sheriff Medical Intake Questionnaire
- SDPD Property Impound Slip
- SDPD news releases regarding the case
- News media accounts (print or video) regarding the case

- Maps or aerial pictures of incident location
- Photographs of injuries sustained during the incident (community member or officer)
- Photographs of officers, complainant or witnesses

The IA investigation is documented in a comprehensive report (**BLUE** copy referenced above). The Investigator's Report has the following elements:

- Table of Contents
- Witness List
- Summary
- Allegations (list)
- Investigation (Chronological Notes)
- Interview Summaries
 - Complainant(s)
 - Civilian Witness(es)
 - Witness Officer(s)
 - Subject Officer(s)
- Conclusions (for each allegation)
- List of Documents

B. The Team Folder

Copies (white) of the IA Investigator's Report are provided in the "Team" folder, one for each Case Review Team member. The Team Folder contains color coded sheets used by Case Review Team members to record time spent reviewing the case (green), to record questions for the IA investigator (pink), and to keep working notes (tan). The Team Folder also can include mark-up copies of material from the IA Folder. Any material generated by the Case Review Team, including working notes, must be kept in the Team Folder and not be placed in the IA Folder.

In addition to the review materials, the Team Folder contains a partially filled out CRB Case Review Report on a USB flash drive ("thumb drive") prepared by IA staff. The format of this report is found in the CRB Administrative Standing Rule on Preparation and Presentation of CRB Case Review Reports. Data that is transferred from the Investigator's Report will be found in the Header Block, Face Sheet and Allegation Table. The Header Block also will contain the date the case was assigned to the Case Review Team. In the Discussion and Conclusion section, a header for each allegation will be customized with the initial description of the allegation copied from the Description column of the Allegation Table. Names of the Case Review Team members will be inserted into the Signature Table.

2. CRB Case Review Process

A. SDPD Participation

Since CRB reviews SDPD IA investigations and the review material is of a confidential nature, SDPD necessarily takes a leadership role in the complaint investigation and assumes responsibility to support the CRB review process. Coordination between SDPD and CRB is required throughout the process starting with complaint intake, through preparation of the Case File, discussion during CRB review (including any

Team requests for additional allegations or additional investigation as well as any disagreement), and, finally, preparation for presentation at a Closed Meeting of the full Board.

1. Complaint Intake

All community member complaints, regardless of source or allegation type(s), are to be entered into the shared tracking system. Community member complaints are received from many sources including, but are not limited to, complaints initiated directly with SDPD or with CRB, complaints initiated with a patrol officer or at a division station, complaints received by the Chief's Office whether initiated by phone, Email or postal mail by letter from San Diego community members or visitors to the city. The same Complaint Control Form (CCF) will be used regardless of the method used to submit the complaint and will identify the receiving location. Complaints filed contemporaneously in different locations or using different methods can result in multiple CCF's, all of which should be retained in the IA Case File.

2. Case Review Logistics

Space within the IA office will be made available for CRB case review activities. At least two rooms will be set aside with space for several persons to sit at a table. A computer desk will be provided for the CRB-supplied computer that is not connected to any network. Office supplies, extra green/pink/tan forms, a copy machine and secure shred collection bin will be available for CRB members. IA provides a file cabinet with a drawer for the case files assigned to each CRB Case Review Team.

The CRB rooms will be available during normal IA working hours:

Monday through Friday from 7:30 AM to 5 PM

Outside these normal hours, CRB rooms will be available with 72 hour prior request from CRB when IA staff is available to support Board Member presence in the IA office. Extended hours include:

- (1) Monday through Friday from 6:30 AM,
- (2) Tuesday, Wednesday or Thursday evening from 5 to 7 PM, and
- (3) Non-holiday weekend Saturday morning from 8 AM to noon.

The main IA office phone will be available during normal working hours to receive CRB room reservations. It is anticipated that CRB Teams will call the IA office in advance to reserve a room for normal working hours and to make the required 72 hour advance request to reserve a room for extended hours. IA staff will maintain a schedule for the CRB rooms.

IA staff will make every effort to comply with a CRB request for extended hours. Cell phone numbers will be used to communicate when entry to the building is restricted and, more importantly, when plans change for IA staff.

Reference documents that are maintained by IA staff for CRB use include:

- current and previous release SDPD Policies and Procedures on multiple CDs located in a folder with sign-out list in the "CRB Information" file cabinet drawer
- "California Peace Officer's Legal Sourcebook" in the "CRB Information" file cabinet drawer

- current and previous year California Penal Code in the "CRB Information" file cabinet drawer
- current and previous year California Vehicle Code in the "CRB Information" file cabinet drawer
- SDPD Directives (Department Orders, Legal Updates, Training Bulletins, released update Policy & Procedure) in a notebook of the shelf adjacent to the CRB file cabinet (see SDPD Procedure 1.01, "Department Directives")

3. IA Staff Support

IA investigations are expected to be comprehensive and fair to both police officers and the complainants. The focus of the IA investigation should be to discover and provide a thorough understanding of the facts of the incident. Prior to each interview, a list of questions should be formulated to insure all needed information is obtained from the interview subject. Interviews should be conducted without "leading" questions and without intimidation of a complainant or civilian witness. In order to provide CRB with all of the information available to the IA investigator, audio recording should capture the entire conversation between the investigator and the interview subject and officers should be asked to list any information reviewed since the incident in preparation for the interview (e.g., SDPD reports or BWC video).

Completed IA investigations are submitted for CRB review and assigned to CRB Case Review Teams in rotation. IA staff will prepare a CRB Case Review Report template and will notify the Case Review Team and CRB Executive Director when a new case file has been put in a Team's drawer.

During the review by the Team, IA staff will respond to questions from the Team either in writing (submitted on a pink sheet) or in person. In general, questions from the Team will be answered by the investigator or responsible lieutenant for simple clarification or to report a suspected "typo" or to request additional investigation or to discuss change to a finding or any other concern. Other IA staff may also be willing to provide consultation on issues that are not specific to the case under review, e.g., generic interpretation of SDPD policy or procedure. Note that IA staff will be contacted by the front desk or the "call" bell.

During the review by the Team, transcription of interview audio or BWC audio will be available on request. The need for transcription will be established by agreement between the Team, CRB Executive Director, IA investigator and responsible lieutenant. Translation into English from Spanish also will be available on request.

For the purpose of preparing to present the case to the full Board, teams will submit completed Case Review Report to IA by placing the entire Case File (all folders and notebooks) on the "CRB Shelf" located next to the CRB file cabinets, with a time stamp attached. In order to be presented to the full CRB, the report must be put on the shelf no later than the Thursday prior to the Tuesday Closed CRB Meeting. The CRB Chair and Executive Director will review the team report for clarity, accuracy, objectiveness, completeness, and compliance with the Administrative Rule for Format and Presentation of CRB Case Review Reports and will ensure that all disagreements and findings with comments have been appropriately discussed with IA. IA staff will make copies of the team report for distribution at the Closed Meeting when the case is scheduled for presentation. IA staff also will support CRB staff in preparing any

additional related material needed for the presentation at the Closed Meeting, such as maps, photos or video.

CRB Closed Meetings should be attended by only the responsible lieutenant and/or the IA investigator for any case scheduled to be presented to the Board. The IA Captain, IA Liaison Officer (Custodian of Records), and the Executive Assistant Chief also may attend. Other individuals who obtain prior approval from the Board Chair in consultation with the Executive Director may attend as permitted by law. This may include IA Sergeants who are attending for training purposes. Such Sergeants shall not sit at the table with the board. Nothing in the foregoing can prohibit the Board from entering Executive Session in accordance with Robert's Rules.

During case presentation and subsequent deliberation, supporting IA staff may be recognized by the Chair to provide information in response to specific questions from the Board that cannot be answered by the Case Review Team. IA staff should not participate in Board deliberations, or advocate for any position whether or not it is in conflict with the Case Review Team report, or present new information. IA staff also may report to the Board in Closed Meetings on any previously requested research that is not related to a specific case but is inherently confidential.

SDPD officers, including, but not limited to, IA Sergeants, Lieutenants and Captain, as well as the Executive Chief and Chief of Police, are invited to attend CRB Open Meetings. During Open Meetings, SDPD will be on the agenda and is expected to report to the Board on new Department Directives, changes to IA staff, SDPD events such as Inside SDPD or Academy graduation, and any other topic that SDPD wants to share with the Board and the public.

~~The final CRB Case Review Report will be retained in the IA Case File. When a case is recommended special follow up processing (see Section 3 below), IA staff will implement the appropriate action with applicable documentation and delivery of the CRB report to the appropriate SDPD personnel.~~

B. Case Review Team Activities

When a new case is assigned, the Case Review Team will be notified of the expected review schedule and dates by which the case review should be completed and the report presented to the Board in order to meet the 60-day target.

1. Primary Concerns

Before starting to review a case, or early in the review process, Case Review Team members should consider whether or not they have a conflict of interest with the case. Examples of conflict of interest could be any circumstance or relationship including, but are not limited to, personal relationship or a financial interest with an individual involved in the case (officer or civilian), prior knowledge of the facts or events of the case, or anything else that prevents the fair and impartial review and evaluation of the case. If a Case Review Team member believes there is a conflict of interest in the case assigned to the Team, this Team member must make that concern known to fellow Team members. The Team Leader should notify the CRB Executive Director of a potentially significant issue. If the conflict is deemed significant by the Executive Director and the Board Chair, the affected Team member must be excused from review of this case or the case may be reassigned to a different Case Review Team. If the Executive Director and Board Chair disagree, the First Vice Chair shall decide the course of action.

Information contained within the IA Case File that is taken from officer's personnel files is protected from public disclosure by the California Public Safety Officers Procedural Bill of Rights (POBR) and is considered "confidential". CRB Members shall not reveal any confidential information to anyone outside of the case review process. Details found in IA Case Files are not to be shared with friends, with family members, with officers encountered during ride-alongs or other police activities, with City or District Attorney staff, or with anyone who is not officially associated with the case. For the same reasons, all case materials must remain in IA. Case Review Teams are urged to ensure that all material in a Case File is returned to the Team drawer. To prevent any material from one Case File being mistakenly put into another Case File, only one Case File at a time should be taken into a CRB room.

CRB rooms at IA are reserved for Case Review Team activity by phone calls to the IA office line: (619) 531-2801 during normal working hours. Advance reservation is recommended for normal working hours; "walk-in" case review is possible, but there is no guarantee that a room will be available. Advance reservation is required 72 hours ahead for extended hours. CRB Members should make every effort to keep to the scheduled time and should notify IA if they are going to be late or need to cancel a reservation. Such notification is especially important when a change is necessary for extended hours. To facilitate communication with IA staff after hours, cell phone numbers should be exchanged as soon as a reservation for extended hours has been confirmed.

Note that during case review at IA, contact with IA staff is arranged at the front desk or by ringing the "call" bell on the front counter.

2. Complete, Fair, Objective Review

The initial review of a case should focus on the documents provided by the Internal Affairs (IA) investigator and the information known to the subject officer(s) at the time of the incident. This information will be contained in the IA Folder. Review of this information is performed by the assigned Case Review Team independently, without interference or advocacy by IA staff. While consultation with members of other Case Review Teams is acceptable, consultation outside the CRB membership should be restricted to issues that cannot be resolved without IA staff support.

The Team should pay careful attention to the allegations listed in the IA Investigator's Report to ensure that every specific complaint has been correctly represented. Specific complaints may be conveyed in the initial CCF, intake document or interview, or in follow up interviews or observed in BWC or surveillance video. The Team should verify that the summary description for each allegation (found in the IA report Allegations List) reflects both the complaint and the associated performance of the officer(s). E.g., "Mr. Jones alleged Officer Smith used force that caused injury."

Note that the "Investigation" section of the IA Investigator's Report details the IA investigation timeline. This section may contain information that is not found elsewhere in the IA report, such as notes from phone call interviews with witnesses or subject matter experts that were not audio recorded.

As part of the review, Team members need to evaluate the adequacy and thoroughness of the IA investigation. In order to do so, Team members should confirm that IA has exhausted all reasonable efforts to obtain relevant evidence including witness statements, documents, physical evidence and videos. All witnesses should have been

interviewed, including anyone who called a report into SDPD dispatch if that person can be located. All available video, including surveillance video from the scene of the incident, should have been acquired for the IA investigation.

3. Details

Each Case Review Team member is provided with a copy of the IA Investigator's Report in the Team Folder. Case Review Teams should make every effort to meet together for an initial assessment of a newly assigned case. Subsequent in depth review can be as a team or individually. When meeting as a team, comments, concerns and questions can be discussed in person. When reviewing separately, comments, concerns and questions should be shared with other Team members using tan note paper titled "CRB Notes".

All Case Review Team members must (1) read the IA Investigator's Report, (2) listen to the most important audio recordings (e.g., complainant and subject officer interviews), and (3) watch the most relevant video (e.g., subject officer BWC, surveillance or third party video). When listening to complainant and witness interviews, it is important to note any difference or omission in the IA synopsis of that interview. At least one Team member must listen to all audio recordings, watch all video recordings, and examine all additional information collected by the IA Investigator in the IA Folder. Video recordings can be from BWC, Sally Port, jail parking or intake, witness phones, surveillance cameras, SDPD vehicle tracking (AVL), or other sources. Additional information in the IA Folder can include officer reports (e.g., Arrest, ARGIS Narrative, or Field Interview), communication logs, officer journals, maps, photos, and other related items.

The focus of Team review of the IA investigation should be on uniformity within the information collected in video, in police reports, and in interviews. Not all interviews will attest to identical facts or actions; however, there should be substantial consistency with video. Any contradiction between video and interviews or police reports should receive careful scrutiny and may warrant further IA investigation. The Team should not hesitate to ask for additional material or interviews when supplementary information is needed.

The focus of Team review of the IA Investigator's Report should be on accuracy and fairness to community members and officers. The IA Investigator's Report should include cites that are relevant, should analyze the facts fairly, should not misrepresent or ignore any participant, should present a conclusion that follows logically from the facts found in the material contained in the IA Folder. The Team should not hesitate to question any inconsistency, inaccuracy or illogical statements found in the IA Investigator's Report.

The Team Case Review Report can be written collaboratively by the Team or by one Team member using the template provided by IA staff consistent with the approved CRB Case Review Report Format. The final version of the report should be reviewed by the entire Team, preferably together so changes to the document are made by consensus. This final review affords the Team an opportunity to prepare for presenting the case to the Board by (1) anticipating questions and deciding on appropriate responses, (2) duplicating pictures, maps or diagrams to distribute along with the Case Review Report, and (3) arranging to show video that the Team believes would help the Board gain essential understanding of the case.

When the Team has finalized their report and feels ready to take the case to the Board, the entire Case File should be time stamped and put on the "CRB Shelf" in the book

case next to the CRB file cabinet. Presentation to the Board is fully described in Administrative Standing Rule on Format and Presentation of CRB Case Review Reports.

Between this submission and final Board vote to close a case, the Case File will be available to both the Case Review Team and IA staff. The Case Review Team will have access to the Case File for further review and changes can be made to the Case Review Report based on (1) reconsideration by the Team or (2) evolved agreements with IA or (3) direction from a vote by the Board or (4) direction from a Mayoral review.

The Case Review Team has a responsibility to support, explain and defend their review of a case throughout the presentation to, and subsequent deliberation by, the Board. Team support of the case can provide additional information which is determined by the Team to be appropriate to enhance Board Member understanding of their review and report conclusions. Additional information can include material and video not presented during the initial reading of the Case Review Report.

4. Team Consensus

Team members should strive to agree on these important points:

- Completeness of the IA investigation
- Finding for each allegation including supporting logic
- Comments to be written as Case Notes or Team Concerns

Disagreement between Team members should be discussed in detail with a goal of unity. However, if two Team members agree then the case report can reflect their majority opinion along with the minority opinion of the dissenting Team member in the conclusion for the disputed allegation.

An additional Board Member, or additional Board Members, can be assigned to assist with case review if requested by the Case Review Team or believed to be needed by the Board Chair or Executive Director. A replacement for an excused (for absence or conflict of interest) or absent (for Leave of Absence) Team member can be assigned. The Team may request the additional assistance from any Board Member who has experience and expertise that could benefit the review of a particular case.

5. Agreeing to Disagree with IA

The investigation into a community member complaint is the sole responsibility of IA. The Case Review Team must rely on the IA investigator to provide any information that is not found in the IA Case File but is determined by the Team to be needed. No attempt to interview anyone involved in the case, no action to obtain relevant material such as video, no independent investigative exploration should be undertaken by any member of the Case Review Team. If a Case Review Team is aware of publicly available information that is relevant to a case, the Team may request that the information be added to the IA Case File to be analyzed by IA.

When requested by the Case Review Team any material that is not found in the IA Folder, including any material that was publicly available to IA but was not used for the IA investigation, can be provided by IA. The need for material that was not used in the IA investigation will be first established by agreement between the Team and the IA investigator. Team requests that cannot be resolved with the IA investigator should be brought to the attention of the responsible IA lieutenant and, if needed, CRB Executive

Director and/or Board Chair. This is the only process for obtaining additional material or further investigation.

When the Case Review Team finds a potentially important error, omission or oversight in the IA report, the issue should be brought to the attention of the IA investigator for discussion and possible correction. The Team Leader should be involved in any discussion that centers on this type of serious issue. Any serious issues that cannot be resolved with the IA investigator should be brought to the attention of the responsible IA lieutenant and/or IA Captain, and, if needed, CRB Executive Director and/or Board Chair.

When the Case Review Team seeks supplementary information, including but not limited to additional allegations or interviews, a request should be made for that information from the IA investigator. The Team Leader should be involved in any discussion that centers on this type of serious issue. Any issues that cannot be resolved with the IA investigator should be brought to the attention of the responsible IA lieutenant and/or IA Captain, and, if needed, CRB Executive Director and/or Board Chair.

The Team should consider the authority cited to support the IA finding on each allegation and decide if the finding is appropriate. Cites can be taken from SDPD Policies and Procedures, from San Diego City Municipal Code, from California State Penal Code, Vehicle Code, Welfare & Institutions Code, or from the California Peace Officers Legal Sourcebook or case law. The Team can review the source documents to check context and verify these cites apply to the allegation. The Team can also identify additional applicable cites. Any cites that do not apply, or additional cites that do apply, should be brought to the attention of the IA investigator for discussion and possible modification of the IA report.

The Team should examine the determinations by IA to verify that findings follow logically from the analysis presented in the IA report. If the Team believes the finding for any allegation is not correct, their position should be brought to the attention of the IA investigator for discussion and possible modification. The Team Leader should be involved in any discussion that centers on this type of serious issue. Any issues that cannot be resolved with the IA investigator should be brought to the attention of the responsible IA lieutenant and/or IA Captain, and, if needed, CRB Executive Director and/or Board Chair.

The Team should engage IA staff in conference to resolve any issue described above or any other serious issue that arises during case review. A follow up conference, or multiple follow up conferences, may be required if an issue cannot be resolved to the satisfaction of the Team. Additional participants at follow up conferences can include the CRB Executive Director and/or Board Chair as well as the IA Captain and/or Executive Chief. This interaction should be pursued until the issue is either resolved or concluded in agreed upon unresolvable disagreement. Any agreed upon change will be incorporated into the Case Review Report and noted in the Changes Table at the end of the report. Any disagreement will be documented in the Case Review Report either in "Case Notes" (e.g., requested additional allegation) or in the "Discussion and Conclusion" section for the subject allegation (e.g., disagreement with an IA finding).

- > Case is Closed by vote of the Board and is recorded as a failure to achieve consensus, or
- > Case is referred to the Mayor for review and adjudication, i.e. the Mayor is asked to resolve the disagreement(s); after the Mayor reports back to the Board, the Mayor's report is attached to the CRB Case Review Report and the Case is Closed automatically.

Note that CRB Bylaws Article VII, Section D (Review and Evaluate Cases and General Review) authorizes CRB to request the Mayor to review any case. When the Mayor is asked to resolve a disagreement between IA and CRB (Action #4) and the Mayor agrees with CRB, IA will revise the affected findings in the Investigator's Report.

Following a final vote on a case with a "not sustained" finding, the Case Review Team may request that IA disclose all similar "not sustained" findings from previous complaints against the same subject officer(s). The Board may then request that IA review the complaint history of the officer(s) and report back any departmental action taken based on the review.

~~Following a final vote on a case with sustained finding(s), the Board can act to recommend the case for special follow up processing due to a particularly serious or dangerous violation of policy or procedure attributable to (1) the actions of the officer(s) involved or (2) the track record of the officer(s) or (3) other circumstances surrounding the case or the officer(s) involved. A recommendation action by the Board will be recorded in the transmittal document sent to the Commanding Officer(s) responsible for imposing discipline when these forms are prepared by IA. In this way, the concerns of the Board will be considered.~~

Regardless of the outcome of the Board vote, a copy of the CRB Case Review Report (1) will be sent to the responsible Commanding Officer(s) when there is a sustained finding or a comment by CRB and (2) will be sent to the Chief of Police when there is a disagreement even if no further action is taken by the Board.

Over and above the actions available to the Board and delineated above, the City Charter Article V, Section 43(d) states that CRB has the "authority to independently refer a completed community member complaint investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency" and further stipulates that no rules for the Board can interfere with this authority. Other governmental agencies could include the Department of Justice or Federal Bureau of Investigation. This authority should be utilized whenever the Board reasonably believes that a case deserves greater attention than the Board has been able to provide by the normal, standard actions previously described.

In all cases where there is disagreement with an IA finding, disagreements are recorded and highlighted in semiannual reports to the Mayor and City Council.

4. Shooting Review and In-Custody Death Cases

An Officer Involved Shooting (OIS) case is initiated automatically by an incident in which an SDPD officer fires a gun at a person. An In-Custody Death (ICD) case is initiated automatically by the death of a subject in the custody of SDPD.

There is extensive investigation into an OIS or an ICD by the SDPD Homicide Unit and by the District Attorney. The long and involved investigation produces many documents and reports. All of the related documentation is collected in a large notebook or equivalent alternate format such as numerous file folders and CDs. Documents provided include various reports from officers on the scene, officers called to the scene, BWC and surveillance video, interviews with participating law enforcement officers and witnesses at the time of the incident, the complete autopsy report, photographs, maps, and the District Attorney's letter regarding criminal responsibility. Additional documents may also be provided. Following the homicide investigation, IA may undertake additional investigation and produce a report on any firearm used, the officer's authorization to use a personal firearm if that was the case, and the date of qualification with the firearm used. IA also may discover, investigate and report on violation of SDPD procedure as an "Other Finding".

Generally speaking, OIS and ICD cases are handled by Case Review Teams in the same manner as community member complaints. However, shooting cases, particularly those involving injury or death, receive special attention from all levels of SDPD, from the District Attorney's Office and from the general public and the media. When reviewing an OIS or ICD, Teams should disregard any bias gleaned from media reports or other public sources and concentrate on the information in the Case File. In the same way as for community member complaints, the Case Review Team examines the information provided to gain understanding of the incident and writes a report for presentation to the Board at a Closed Meeting.

In the CRB report, the Header and Face Sheet information will be the same as for a community member complaint, except "Complainant" will be replaced by a "Subject" or "Victim". Weapons Used may be shown for the Subject/Victim and Subject Officer(s). The Allegation Table will have a single allegation of Force and the IA Finding will be either "Within Policy" or "Not Within Policy". Finding for this Force allegation by the Case Review Team is Agree or Disagree. The Allegation Table also may have Procedure (Other Finding) allegations from the IA investigation. Finding by the Case Review Team for these allegations is the same as for a community member complaint, i.e., Agree, Agree with Comment, or Disagree with Comment. Information about the officer's firearm, authorization to carry a personal firearm and qualification should be included in the CRB report.

5. Policy Committee Referrals

There are times when specific policy or procedural issues arise in the review of a case which do not directly relate to the allegations of that case. These matters are appropriately referred to the Policy Committee for review. Referral to the Policy Committee is not part of the recommendation to the Board regarding the complaint allegations; instead referral to the Policy Committee is a separate procedure that allows the Case Review Team to advise the Board about the referral.

When the Case Review Team report is prepared, referral to the Policy Committee should be documented in the final section, "Team Concerns and Issues", with an explanation of the issue. Following the final vote on the case, the Team will read this description, offer any additional comments on the issue and respond to questions from Board Members.

Following discussion of the issue, the Team Leader is responsible for completing a Policy Committee Referral Form which is forwarded to the Chair of the Policy Committee with copies to the Board Chair, the CRB Executive Director and the CRB Administrative Assistant.

6. Legal Questions Arising During Case Review

While CRB members can come to conclusions regarding the facts underlying a complaint, the credibility of witnesses, and whether subject officers acted within policy or procedure, individual CRB members, even if they are an attorney, should not do independent legal research, apply their own interpretations of the law, formulate legal conclusions, or attempt to give legal advice to the team or Board.

A team may, however, question whether Internal Affairs has correctly applied the appropriate law or has overlooked a law that should be applied and may request copies of applicable laws or polices. A team should express any legal concerns it has to Internal Affairs and give IA an opportunity to discuss the issue with the SDPD's legal advisors. If the team still has questions, it may, through the Executive Director in consultation with the Chair, request an opinion from the City Attorney's office or the outside legal counsel contracted by the CRB. If the request is denied, the matter may be brought before the Board for a vote on the request. The team must review the case and apply the law as defined by the City Attorney or outside legal counsel. If a CRC member still has a concern regarding the applicable law, the concern may be documented in the Team Concerns and Issues section of the team report and presented after the vote.

Even if a team believes that SDPD is not correctly applying a law, the subject officers' actions need to be reviewed in light of Department policy or procedure in effect at the time of the incident. An officer cannot be held to a standard that is not being followed by SDPD at the time of the complaint.



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: June 13, 2018

TO: Douglas Case, Chair, Community Review Board on Police Practices
Sharmaine Moseley, Executive Director, Community Review Board
on Police Practices

FROM: David Nisleit, Chief of Police, San Diego Police Department

SUBJECT: Response to Recommendations from the Community Review Board on Police Practices

On April 6, 2018, I met with representatives of the Community Review Board on Police Practices (CRB) who provided me with three policy recommendations for implementation in the San Diego Police Department. The following are the recommendations with my response.

- 1) The CRB recommends SDPD require an officer writing a report in a use of force incident not be permitted to view his/her BWC video prior to writing the report. The CRB believes the officer should have the option of writing a supplemental report after viewing the video. Officers should not be permitted to view their BWC prior to being interviewed on in-custody death and officer-involved shooting cases.

Whether to allow officers to review their BWC videos prior to writing their reports is a question that many are debating, and there are strong arguments on both sides of the issue. When an officer writes a report, the goal is to have him or her document the most accurate information about that contact. Oftentimes, the physiological aspects of a stressful situation make it difficult for the officer to recall every aspect he or she considered during the encounter. I have taken part in discussions and participated on committees where this issue has been debated. I believe having officers review their BWC videos prior to writing their reports ensures the most accurate information is recorded, and I will not be changing our current policy.

- 2) The CRB recommends SDPD adopt a de-escalation policy and use the Baltimore Police Department's policy as a model.

The San Diego Police Department's Use of Force procedure reads, "The San Diego Police Department recognizes and respects the value of human life, having this as its highest priority." With this as a guiding principle, officers are trained from their days in the academy through annual, biannual, and specialized training classes to de-escalate situations so as to reduce the need for force used, as well as reduce the potential for injury to both officers and citizens.

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Douglas Case, Chair, Community Review Board on Police Practices

Sharmaine Moseley, Executive Director, Community Review Board on Police Practices

June 13, 2018

Though the term “de-escalation” has not been specifically used in the SDPD use of force policy, it is something our officers focus on and strive for with every potential use of force encounter.

We as a Department are always researching and evaluating the best practices. As part of that effort we have examined our policy, as well as policies of other law enforcement agencies, to help determine how best to articulate our goal of de-escalation. To emphasize our commitment to de-escalation, we are reviewing SDPD Procedure 1.04 Use of Force for any potential changes.

- 3) The CRB recommends SDPD change unlawful detention and unlawful search and seizure complaints to Category-I complaints.

Internal Affairs complaints are categorized into two categories. Category-I encompasses arrest, criminal conduct, discrimination, force, and slur, while Category-II complaints are all others, typically addressing service, courtesy, procedure, and conduct. Category-I complaints are often more serious in nature and generally deal with someone alleging the officer’s conduct has potentially infringed on their protected rights. An allegation of unlawful detention or violating someone’s search and seizure rights is similar to the other types of allegations within Category-I. Typically, complaints of unlawful detention or search and seizure are related to other allegations such as arrest or force, and are investigated with the associated Category-I allegations. However, after evaluating the totality of the issue, it is reasonable for stand-alone unlawful detention or search and seizure complaints to be re-categorized as Category-I complaints. Therefore SDPD Procedure 1.10 Citizen Complaints, Officer-Involved Shootings, and In-Custody Deaths; Receipt, Investigation, and Routing will be modified to reflect this change.

The San Diego Police Department and the Community Review Board on Police Practices both have at their core the desire to serve the citizens of our city. I appreciate this common goal and working relationship. Thank you for bringing your recommendations forward for my consideration.



David Nisleit

Chief of Police, San Diego Police Department

DN/jwm

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Douglas Case, Chair, Community Review Board on Police Practices

Sharmaine Moseley, Executive Director, Community Review Board on Police Practices

June 13, 2018

cc: Kevin Faulcner, Honorable Mayor of San Diego
Aimee Faucett, Chief of Staff, Office of the Mayor
Kris Michell, Chief Operating Officer
David Graham, Deputy Chief Operating Officer, Neighborhood Services Branch
Jen Lebron, Director of Public Safety & Neighborhood Services Policy
Todd Jarvis, Executive Assistant Chief, San Diego Police Department
William Gersten, Deputy City Attorney, Office of the City Attorney
Members of the Community Review Board on Police Practices