



THE CITY OF SAN DIEGO

CITIZENS' REVIEW BOARD ON POLICE PRACTICES

Meeting Minutes

Tuesday, March 26, 2013

City Heights/Weingart Branch Library

Community Room

3795 Fairmount Avenue, San Diego, CA 92105

Members Present:

Angela Alvarez	Godwin Higa	Barbara Penn
William Beck	Jim Hurl	Pauline Theodore
Harry Bonnell	James Kaese, Chair	Alexis Torrey
Benetta Buell-Wilson	Jason Kaplan	Lisa Sorce
Douglas Case	Robin Kaufman	Nancy Vaughn, 2 nd Vice Chair
Joe Craver	Yuki Marsden, 1st Vice Chair	Anthony Wagner
Amari Garcia	Ken Martone	Martin Workman
Jim Herrera	Lucy Pearson	

Members Excused:

Staff Present:

Danell Scarborough, Executive Director, CRB
Karen Li, Deputy City Attorney, City Attorney's Office
David Ramirez, Executive Assistant Chief, San Diego Police Department
Bernie Colon, Lieutenant, Internal Affairs, San Diego Police Department
Tim Saelens, Lieutenant, Internal Affairs, San Diego Police Department
Vernon Peterson, Detective, Internal Affairs, San Diego Police Department
Denise Sandoval, Executive Secretary, Administration Department/CRB
Darrin Schwabe, Senior Manager, CRB

- I. CALL TO ORDER**
- II. PURPOSE OF THE CITIZENS' REVIEW BOARD ON POLICE PRACTICES**
- III. MINUTES APPROVAL-** CRB Open Meeting Minutes of February 26, 2013 were approved.
- IV. NON-AGENDA PUBLIC COMMENT - none**
- V. BOARD MEMBER ANNOUNCEMENTS/COMMENTS**

- Training Reports
 - William Beck: Lock Picking Class
 - Marty Workman: Interview and Interrogation Class

VI. COMMITTEE REPORTS (DISCUSSION/ACTION)

- **Policy Committee** – Benetta Buell Wilson
 - Recommendations presented to the Policy Committee from the Board:
 1. **From the Chair, Jim Kaese:** Provide an “Evidence Form” to the Complainant for him/her to complete at the time of the initial interview and document what evidence he/she is aware of to exist (e.g., photos, video, etc.)
Action: Present form at next open CRB meeting for discussion and approval.
Proposed motion: To accept the Evidence Form adding a sentence that this is not required to proceed with the investigation.
Motion Carried
 2. Cameras in blood drawing areas
 SDPD announced that Digital Cameras were installed in the Toxicology and Blood Draw rooms. The information from the cameras is currently stored in excess of 3 months.
Motion: Motion withdrawn as a result of this update.
 3. **From Team 6:** CRB needs a standardized procedure to evaluate the discipline applied by the PD in order to fulfill its mission as assigned by propositions F & G.
Action: In process by the whole Board.
 4. **From Team 6:** Within money handling procedure- please study the feasibility of further defining ‘discoverable’.
Action: The word “discoverable” is not in the SDPD policy and procedure. This request requires further clarification from the Board Member making the Policy Committee referral.
 5. **From Team 2:** “We have heard at least 3 cases that have involved the mishandling of an individual with a disability. We would like to know how much Academy training is currently involved with this issue? We would like to see more training in this area with outside experts in the field assisting the police/teachers.”
Action: CRB Policy Committee Chair will be attending academy training in April.

6. **From Team 4:** “I suggest that all investigators (Sergeants and Detectives) attend at least 2 closed CRB meetings to better understand why we ask additional questions of the investigators during CRB team case review.”
Action: Present to the CRB at the next open meeting for discussion.
7. **From Team 2:** Review the SDPD Policy and Procedure for post-carotid use of force; especially documentation of monitoring.
Action: Present to CRB at the next open meeting for discussion.

Recommendation made to Board, by Board Member Godwin Higa for Policy Committee to provide an advanced copy with the agenda of any reports/motions. Chair Jim Kaese requested that a Standing Rule be created to reflect this request.

- **Training Committee** – Lucy Pearson – Meeting scheduled for next week to discuss training agenda and identify “Exceptional Value Trainings”
- **Outreach Committee** – Jason Kaplan – There is progress for community outreach. New Brochure on the CRB is on the website.
- **Recruitment & Retention Committee** – Yuki Marsden
 - Requested feedback on “What does Retention mean to you”.
 - Recruiting moving forward with 3 informational meeting April 11, 16, 18. Encouraged Board Members to attend and share their experiences and invite interested parties.
- **By-Laws Review** – Nancy Vaughn- Three sections (Name, Purpose and Objects and Membership) of the Bylaws sent out for review to Board Members, comments requested. This is an organizational document not procedural document.
- **Red Binder Review** – Alexis Torrey - No Report

VII. CHAIR’S REPORT – Jim Kaese

- Update on review of Curtilege Case Law
 - Currently reviewing cases for relevant case law
 - Will present to City Attorney for a Memo
- Nominating Committee
 - Elections are in June, Nominating Committee needs to be formed in April. Please contact the Chair if you are interested.

VIII. EXECUTIVE DIRECTOR’S REPORT – Danell Scarborough

- Procedures for distribution of Red Binders and CDs

IX. SAN DIEGO POLICE DEPARTMENT REPORT

- SDPD Report to Council: Updates to the SDPD Seven-Point Plan (handout)

X. OLD BUSINESS

- CRB’s review and evaluation of the SDPD’s administration of discipline arising from complaints.
 - **Motion:** Recommendation regarding CRB review and evaluation of SDPD discipline resulting from the investigation of citizens’ complaints.
 - **Motion as Amended:** To resurrect and update the August 14, 1992 Memo “To: Jack Mc Grory” - City Manager, regarding the ability of the Board to “flag” cases that contain a violation of policy or procedure that the Board may identify as “serious violations”. This should include training on criteria and process for flagging and identifying serious violations.
 - **Motion:** Recognizing that the Department discipline has been implemented prior to the CRB receiving the Department report regarding the discipline.

Deputy City Attorney informed:

- Legally and under the City Charter the Police Chief has the sole discretion in discipline.
- Commenting on discipline can be seen as an adverse comment to the Officer and under the Public Safety Officer Bill of Rights they have the right to an appeal.
- A generalized report is less likely to invite appeals.
- Confidentiality issues should be kept in mind so that we do not violate the Penal Code.

Motion continued to the next open session meeting.

XI. NEW BUSINESS

- Pattern of questions put to officers and witnesses in interviews *Continued to next open session meeting*
- Dividing a motion and voting on allegations separately *Continued to next open session meeting*
- Board member agenda item – Authorization of changes to the Red Binder *Item withdrawn*
- Board member agenda item – Amendment(s) to the Red Binder Committee’s motion previously passed and hand-over of the Red Binder *Item withdrawn*

XII. ADJOURNED MEETING AT 8:00 p.m.

XIII. NEXT MEETING DATE: April 23, 2013

Materials Provided:

- Minutes from CRB Open Meeting of February 26, 2013
- Proposed evidence form and letter from SDPD to complainant
- Motion regarding CRB review of discipline
- Roberts Rules handout on Dividing a Motion

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 five (5) 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.

The information contained in this agenda is available in alternative format. To request an agenda in Braille, large print, or cassette, or to request a sign language or oral interpreter for the meeting, please call the Citizens' Review Board on Police Practices office at least five (5) working days prior to the meeting in order to ensure availability. For hearing impaired: Call TDD: (619) 236-7012.