

Proposed Response to Grand Jury Report:

“San Diego Community Review Board on Police Practices”

IBA Report 18-28

City Council, Item 332

November 13, 2018



Independent Budget Analyst



Report Background

- The Grand Jury filed this report on May 21, 2018
- Report includes eight findings and three recommendations directed to the Mayor and City Council
- Mayor and Council are required to respond by November 16, 2018
- Office of the IBA worked collaboratively with the Mayor's Office to develop a proposed joint Council/Mayoral response
- Proposed response approved by the Public Safety & Livable Neighborhoods Committee on September 19, 2018

Prescribed Grand Jury Responses

- For each Finding:
 - Agree
 - Disagree wholly or partially
- For each Recommendation:
 - Has been implemented
 - Has not yet been implemented, but will be
 - Requires further analysis
 - Will not be implemented because it is not warranted or is not reasonable

Finding 01

The CRB requires frequent replacement of members who leave in order to maintain a membership level necessary to accomplish its assigned tasks

Proposed Response: **Agree**

Finding 02

The operation of the CRB has been negatively impacted by the failure of the San Diego City Government to implement Measure G

Proposed Response: ***Partially Disagree***

- Measure G went into effect December 12, 2016
- City immediately implemented portions that did not require Council action
- After research and public participation, implementing ordinance went into effect August 2018
- Implementation process led to a positive result with minimal negative impact to CRB's work

Finding 03

The Mayor's Office and the City Council can resume filling CRB member and prospective member vacancies immediately

Proposed Response: ***Partially Disagree***

- With regard to CRB member vacancies, Measure G implementing ordinance allowed Mayoral appointments with Council confirmation in August 2018
- With regard to prospective member vacancies, the implementing ordinance eliminated this classification

Finding 04

The CRB is hindered in carrying out its mission because it does not receive, categorize, and track all complaints that are submitted to the Police Department and to the CRB

Proposed Response: **Partially Disagree**

- Prior to Measure G, CRB only reviewed Category One complaints. Category Two complaints were only reviewed when associated with a Category One complaint
- Following Measure G, CRB added an audit procedure for all Category Two complaints
- Improved joint-tracking system will enhance CRB's work; CRB is currently able to accomplish its mission

Finding 05

The CRB does not adequately fulfill its responsibility to advise the Mayor and the City Council under the current reporting practices

Proposed Response: **Disagree**

- CRB regularly advises the Mayor and City Council through individual City Councilmember briefings, policy recommendation letters, semi-annual reports, and through the Executive Director and newly formed Office of Boards and Commissions

Finding 06

SDPD presence in closed meetings may inhibit free and open discussion by CRB members

Proposed Response: **Disagree**

- The presence of SDPD in closed session meetings of the CRB is intended to provide a resource to the Board as they deliberate on cases
- CRB bylaws allow for an “Executive Session” that the Board can call during a Closed Session meeting which does not include members of the SDPD

Finding 07

The CRB should have the authority to control attendance at closed sessions

Proposed Response: **Agree**

- CRB has the authority to control attendance at its closed session meetings.
- Per CRB bylaws, the Board has the authority to convene an Executive Session which is solely attended by the members of the CRB

Finding 08

Many members of the community do not consider the CRB to be independent from the SDPD

Proposed Response: **Disagree**

- Although there have been members of the community who have expressed that they do not consider the CRB to be independent from the SDPD, the Grand Jury report does not provide sufficient evidence as to the pervasiveness of this viewpoint
- CRB will continue to improve its processes to ensure transparency, accountability and fairness

Recommendation 18-13

Take steps to bring forward the rules and regulations necessary to implement Measure G for approval within three months. The rules and regulations should provide solutions to the following deficiencies (see report)

Proposed Response: ***The recommendation has been implemented***

- The ordinance to implement Measure G went into effect on August 10, 2018
- Annual Report for FY 2018 will be released in October
- CRB has authority to determine who may attend Executive Session
- Complaint tracking system improvements are in progress

Recommendation 18-14

Consider proposing an amendment to the City Charter to give the CRB subpoena power, the authority to perform independent investigations of citizen complaints, independent investigators, and the authority to report directly to the Mayor and City Council

Proposed Response: ***The recommendation has been implemented***

- A similar proposed ballot measure related to CRB was considered by the Council's Rules Committee during its 2018 ballot measure review process and was forwarded to Council
- The City Council did not authorize the initiation of a required meet and confer process in August 2018
- The proposed ballot measure could not be considered by the Council for placement on the November 2018 ballot

Recommendation 18-15

Take action to begin filling CRB Appointed Member and Prospective Member vacancies immediately

Proposed Response: ***The recommendation has been implemented***

- CRB member vacancies were appointed and confirmed in August 2018
- After implementation of Measure G, there is no longer a prospective member category as it was removed to align CRB appointments with the process for the City's other Boards and Commissions

Next Steps

We request that the City Council:

- Approve the proposed response
- Authorize and direct the Council President to execute and deliver the response to the Superior Court Presiding Judge by November 16, 2018