

**CITIZENS' REVIEW BOARD ON
POLICE PRACTICES
Annual Report 2003**

CITY OF SAN DIEGO

CITIZENS' REVIEW BOARD ON POLICE PRACTICES

ANNUAL REPORT

JANUARY - DECEMBER 2003

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INTRODUCTION BY THE CHAIR

The 2003 Annual Report provides an account of the City of San Diego Citizens' Review Board on Police Practices (CRB) procedures, a brief record of accomplishments and statistical representation of the Board's deliberations and decisions for calendar year 2003.

The CRB reviews and evaluates serious complaints brought by the public against officers of the Police Department of the City of San Diego, reviews all officer-involved shootings and in-custody deaths, and reviews and evaluates the administration of discipline arising from sustained complaints. Subsequent to the review and evaluation process, the Board may choose to make policy and procedure recommendations to the City Manager and Chief of Police.

The statistical data offered in the body of this report signify the more serious allegations in Category 1 complaints, Officer-Involved Shootings and In-Custody Deaths. The Board reviewed 109 cases, 14 Officer-Involved Shootings and 1 In-Custody Death in 2003. Complaint cases reviewed are down from the 136 in 2002.

The CRB has continued to benefit from unfettered access to the investigations and investigative processes of the San Diego Police Department's Internal Affairs Unit and Homicide Division. This access has ensured that the Board is able to conduct complete, accurate, and thorough review of serious complaints, shootings, and in-custody deaths. The cooperation of the Internal Affairs Unit has also allowed the Board to gain an intimate understanding of the depth of commitment by which the SDPD polices itself and upholds the rights of the citizenry that the Department is sworn to protect and serve.

During calendar year 2003, two actions took place that will have long-lasting impact in the conduct and make-up of the CRB.

First, there were two Appellate Court decisions, one dating back to December of 2002, the other dated March 3, 2003, which thwart the ability of citizen review boards in California to hold public hearings on complaints or distribute public reports of complaint investigations.

These decisions arose out of cases involving the San Diego Police Officers' Association (SDPOA) and/or its members versus the City of San Diego Civil Service Commission. The earlier decision (*SDPOA v. City of San Diego Civil Service Commission* [2002] 104 Cal. App. 4th 275) was also directed at the County's Civil Service Commission. In this case, the court essentially ruled that the City and the County, as public entities, regularly violated the confidentiality rights of peace officers by holding public disciplinary appeal hearings in violation of Penal Code section 832.7 and the law enforcement officers' constitutional rights to privacy.

The second of the two cases (*Charles Davis et al. v. City of San Diego* [2003] 106 Cal. App. 4th 893) targeted the City Manager's release to the public of a report by the CRB. The report, consisting largely of information obtained from a police department Internal Affairs investigation, was the first ever of the actual investigation.

These decisions have not outwardly effected the interaction between the Board and the San Diego Police Department. Access to investigative materials continues, cooperation between the Board and Department continues, and most importantly, SDPD, the San Diego Police Officers Association and the CRB continue to enjoy each other's respect in the conduct of citizens' review of law enforcement activities.

Second, the CRB conducted an aggressive recruitment for Prospective Board Members to replace CRB Members in transition. The quality, experience and passion for community involvement of each applicant was impressive and made for a very difficult selection process. For the first time in Board history, more women than men applied and achieved selection to the Prospective Members list. Additional factors considered in the selection process included race, religion, sexual orientation and ethnicity to ensure that the Board's composition reflects the diversity of City demographics.

In closing, I wish to note and express my personal appreciation for the selfless dedication and steadfast determination of each Board Member and Prospective Member. The effort they contribute to the City of San Diego as they review, present, and deliberate cases requires considerable sacrifice of personal time. The Member's hard work and long hours provide invaluable service to the citizens of San Diego and its Police Department.

Patrick A. Hunter
Chair

CITIZENS' REVIEW BOARD ON POLICE PRACTICES ANNUAL REPORT (January 1, 2003 - December 31, 2003)

BACKGROUND AND PROCEDURES

The Citizens' Review Board on Police Practices (Board) was established in November 1988 as a result of the passage of Proposition G; the Board began its work July 1, 1989. The City Manager is charged with appointing 23 volunteer citizens to the Board for one (1) year terms beginning each July 1. The City Manager also appoints up to 23 citizens as non-voting "Prospective Board Members" who are trained for appointment to the Board as vacancies occur throughout the year. As part of its responsibilities to review and evaluate substantive (Category I) complaints brought by the public against officers of the City of San Diego Police Department, the Review Board publishes annual reports which present statistics on the number of complaints filed, the types of allegations, the findings of the Police Department's Internal Affairs Division investigations, and the Review Board's findings. The Board also makes a semi-annual report to the City Manager discussing its accomplishments, activities and concerns.

Category I allegations include force, arrest, discrimination, slurs, and criminal conduct. If alleged in conjunction with Category I complaints, the Board also reviews allegations in the areas of procedure, courtesy, conduct and service. These complaints are classified as Category II, and when filed alone, are evaluated solely by the Police Department and are not reviewed by the Board.

Citizens may file a complaint with the Review Board's staff, at designated community agencies or at City Community Service Centers as well as at any Police Department Substation or at Police Headquarters. All complaints, wherever they originate, are sent to the Internal Affairs Division of the Police Department.

When a Category I complaint is received by Internal Affairs, it is assigned to one of its Sergeants for investigation. (Category II complaints are investigated by supervisors in the police division where the subject officer works.) The investigation includes interviews with the complainant, the subject officer and witnesses, and an examination of the physical evidence, if any. Internal Affairs considers each allegation in the complaint separately.

Once the investigation is complete, the Internal Affairs disposition on each allegation will be classified in one of the following ways:

- **SUSTAINED** The investigation produced sufficient evidence to find that the officer(s) did commit the alleged act(s) of misconduct.
- **NOT SUSTAINED** The investigation failed to produce sufficient evidence to find that the officer(s) did or did not commit the alleged acts(s) of misconduct.

- EXONERATED The investigation produced sufficient evidence to find that the alleged act(s) occurred but was/were justified, legal and/or properly within Department policy.
- UNFOUNDED The investigation produced sufficient evidence to find that the officer(s) did not commit the alleged act(s) of misconduct.
- OTHER FINDINGS The investigation evidenced violation(s) of Department policies/procedures not alleged in the complaint.
- COMPLAINANT NON-COOPERATIVE (CNC) Internal Affairs attempted but could not make contact with the complainant in order to conduct a proper investigation; complainant is unwilling to cooperate with investigation; or complainant withdraws complaint.

After Internal Affairs renders its findings on the complaint, a three-member Review Board Team is called in to review the case. The entire Internal Affairs investigative file related to the complaint is made available to the Team Members. This includes originals of the complaint, video or audio tape recordings of interviews of witnesses and parties to the incident, and physical evidence that was considered. Internal Affairs interviews are taped with the permission of the complainant and witnesses to facilitate the Board's review. Team Members are required to conduct their work in the offices of the Internal Affairs Division to preserve the required confidentiality. In fact, even the notes made by the Team are left with the file in the Internal Affairs office.

The Team then prepares recommendations to the entire Review Board to either agree or disagree with Internal Affairs' conclusions. At least two of the three Members of the Review Team must review the complaint file before a recommendation is made to the Board. Two or more Members of the Team must concur in their recommendation or the case will be referred to another Team for review and recommendation. The Team will recommend that the Board, on each complaint allegation:

- Agree with Internal Affairs findings with no comment.
- Agree with Internal Affairs findings with comment.
- Disagree with Internal Affairs findings with comment.
- Request additional information from Internal Affairs in order to make a decision.

In closed session, the Board will come to one of these conclusions. The Board may agree with Internal Affairs findings but comment that the incident could have been handled differently. As well, the Review Board may disagree with Internal Affairs and comment on their differing conclusion or, the Board may simply agree with Internal Affairs. It is important to note, however, that the Review Board is not authorized to conduct independent investigations, does not have direct access to the complainant, officers or witnesses, and bases its evaluations and decisions solely on the investigative work of the Internal Affairs Division. The Board may, however, request that additional investigation be conducted to resolve unanswered questions. Following the Board vote

on each case, the Board Chair sends a letter to all complainants informing them of the Board's review and findings regarding the allegations.

In those cases where the Board disagrees with Internal Affairs' findings on a complaint, and cannot resolve its differences with Police Department management, the Board Chair advises the City Manager of the issue and the Board's position. The Board Chair also advises the Manager of any substantive comments that the Board has made on individual cases, and may suggest policy changes based on trends that have come to the Board's attention. The final resolution of the disagreement is then made by the City Manager.

With respect to the review of cases, all of the Review Board's work is confidential and must be conducted in closed session pursuant to California Government Code Section 53947 and California Penal Code Section 832.7. However, the Board does have the authority to report its findings and concerns as related to specific citizen allegations to the City Manager, the District Attorney, the Grand Jury, and any federal or state authority duly constituted to investigate police procedures and misconduct. Since its inception, the Board has referred three (3) cases to the District Attorney, Grand Jury and/or the Department of Justice. The Board has also requested two (2) independent reviews by the City Manager since its inception.

When a complaint against an officer has been "Sustained", the Police Department imposes discipline. Internal Affairs reports the discipline to the Board and discusses any prior "Sustained" complaints of a similar nature against the officer. The Executive Director records each Sustained allegation to ensure that Internal Affairs is notified of all discipline imposed as a result of these allegations. In cases where the Board comments on the disciplinary process, the City Manager and Police Chief are so advised. Ultimately, however, the final disciplinary decision is within the authority of management, not the Review Board.

SUMMARY OF REVIEW BOARD ACTIVITIES

Over the years, the Board has reviewed hundreds of citizen complaints in closed session as required by California law, and conducted its regular business in public meetings on the fourth Tuesday of each month. To conduct its regular business, the Board is organized into Committees, which report on issues that come under their jurisdiction as established by the City Charter. The Committees also propose activities or training to assist the Board in performing its responsibilities. Summary reports of these Committee activities for 2003 follow:

TRAINING COMMITTEE:

During 2003, the Training Committee continued to provide extensive training opportunities to Members of the Citizens' Review Board. Training covering an important array of significant issues was provided at every Open (public) Board Meeting for both

current Board Members and Prospective Board Members. Additionally, two outside training sessions were held. The first was a training “retreat” to provide an opportunity to discuss and resolve procedural issues and help maintain the high level of enthusiasm and dedication of Board Members and Prospective Members. The second was a special training session held at the Regional Public Safety Training Institute to cover training topics that require a greater depth and time commitment than is available at the public board meetings. This training continues to be made possible through the combined efforts of the Training Committee, individual Board Members, the Police Department, and the Regional Public Safety Training Institute (“Regional Academy”).

Effective July 2003, Riley Gordon turned over the position of Chair of the Training Committee to Loren Vinson.

During calendar year 2003, the following specific training was provided to Board Members and Prospective Members:

Racial Profiling: Assistant Chief Rulette Armstead briefed Board Members on the current status of the San Diego Police Department’s ongoing internal study on racial profiling and vehicle stops in the City of San Diego. Chief Armstead helped Board Members understand the nature of this issue by reviewing the study, the Department’s related policies, and the efforts of the Department to address it.

Police Department’s Member Assistance Program: Sergeant Gary Collins discussed the services available to police officers and their families to help resolve personal problems so that they do not have a negative effect on the officer’s performance of duty.

Cultural Awareness Training: Officer Jordan Omens reviewed the training on cultural awareness initially provided to police recruits, and subsequently provided to experienced officers in advanced “refresher” training.

Homicide Investigations: Captain Mike McCulloch, Lt. Jim Duncan, and Lt. Mike Hurley briefed Board Members on the organization, procedures, and work of the Homicide Investigations Unit, with a particular emphasis on police shooting investigations, which are reviewed by the Board.

Use of Force in Arrest, Control, and Defensive Tactics: Officers Larry Lieber and Mark Saunders provided training on the “Use of Force Matrix” and its application by officers in the field in making arrests, controlling subjects, and defending themselves.

Use of Force Effectiveness Form: Lt. Walt Vasquez briefed the Board on the Department’s new form to track the use of various force techniques in an effort to evaluate the effectiveness of different force techniques. Use of this tracking procedure was a recommendation made by the Use of Force Task Force.

Police Chief Presentation: Newly appointed Police Chief William Lansdowne introduced himself to the Board and discussed his philosophy of policing and his experience with various civilian oversight models.

Law Enforcement and Mental Health: Assistant Chief Bill Maheu of the Police Department, Dr. John Shale of County Mental Health, Maria Kinkade, and Gail Georgescu with PERT (Psychological Emergency Response Team) discussed a recent report of an ad hoc committee (the “Law Enforcement Mental Health Training Committee”) formed to review and make recommendations regarding the local law enforcement response to mental health problems. The recommendations of the Committee and the rationale for those recommendations were reviewed and discussed.

Problem-Oriented Policing: Lt. Guy Swanger discussed the origin, history, and local implementation of “problem-oriented policing,” a policing technique designed to identify and resolve issues that are the cause of problems in the community rather than simply responding to the symptoms of the problem.

Traffic Stop Procedures: Officers Larry Lieber and Mark Saunders discussed traffic stop procedures, including routine and high-risk stops. They reviewed potential difficulties and dangers faced by officers, and methods of responding to such risks appropriately. They also demonstrated proper handcuffing techniques.

Tactical Training Scenarios: Board Members attended training of Academy recruits engaged in hands-on tactical training to increase understanding of the purpose and methodology of police tactics in contacts with subjects in the field and application of the use of force continuum.

Regional Academy Training

San Diego Police Sergeant Patrick Vinson provided training to Board Members and Prospective Members on three topics:

- The Mentally Ill: How police officers are currently trained with regard to dealing with the mentally ill, including recognition of symptoms and characteristics of the mentally ill, how to respond and interact with them, and the resources available to officers.
- Subjects under the Influence of a Controlled Substance: Police training on the symptoms and characteristics of persons under the influence of controlled substances, and appropriate police response to such persons.
- Domestic Violence: Police protocol and policies for handling domestic violence calls, including precautions taken and related issues.

In addition to the foregoing formal training, Board Members and Prospective Members regularly provide cross training through the sharing of their individual training experiences in a variety of areas, including training classes attended at the Regional Academy and ride-alongs with police officers in all areas of the city.

COMMUNITY OUTREACH AND PUBLIC RELATIONS COMMITTEE:

The Citizens' Review Board was created by the voters of San Diego to empower an independent citizens group to assure the community that its questions about the manner in which the San Diego Police Department responds to public concern are given a full, fair and adequate hearing. The task of the Community Outreach Committee is to respond to public requests for information about the Board's process and accomplishments and to proactively inform the community about the Board, its work and how to access the services of the Board.

The mission of the Board is clearly defined by Proposition G and the process of the Board has produced significant, measurable results over the past 15 years. However, the Community Outreach Committee is continually frustrated by the fact that most of what the Board accomplishes cannot be shared directly with the public. State statutes known as the Brown Act and the Peace Officers Procedural Bill of Rights severely restrict the manner in which as well as the type of information the Board may share with the public.

In an attempt to share more information with the public about the work and findings of the Board, the City Manager crafted a policy of issuing summary reports of the Board's review of officer-involved shootings. This policy however was determined by the Superior Court to violate the privacy rights of police officers and the court's decision was, on appeal, upheld by the Appellate Court. In light of the limitations imposed by various state laws and court decisions on the public release of information by the Board, the Community Outreach Committee decided to reevaluate its activities in an effort to better inform the public.

While the Committee continued to respond to requests for information and public presentations, the focus of the Members has changed this year. A thorough evaluation of the mission of the Committee, its procedures for fulfilling that mission and an attempt to better identify the stakeholders in the process and their specific needs has been undertaken. It is hoped that this process will help the Board to better communicate with the community in the future.

POLICY COMMITTEE:

The Policy Committee examines Police Department policy and procedural issues and makes recommendations to the full Board. The Committee's recommendations are presented to facilitate the work of the Board, clarify the relationship between the Board

and the San Diego Police Department, suggest policy reviews and, if appropriate, policy changes to the Department and encourage dialogue and communication between the Police Department, the Board, and the public. The Committee's work ensures that citizens have a fair and effective means of registering and resolving complaints against officers whom they believe have executed their duties improperly. Moreover, policy recommendations initiated by the Committee are meant to produce long-term systemic and procedural changes designed to help the San Diego Police Department better fulfill its mission of community oriented policing. This pro-active involvement of the Board in helping to develop police policy has lasting benefits for the Police Department and the citizens of San Diego.

- The Committee considered Board policy relative to the discussion of the complainant history/record when the assigned team had access to that information during case review. Discussions centered on the regular availability of historical data regarding the complainant and the availability of personnel record data of the officers concerned. This item was referred and docketed for meetings in 2004.
- The Board delivered a letter to the City Manager expressing concern about issues pertaining to mentally ill persons in San Diego. In particular, it addressed budgetary constraints that caused the decreased availability of Psychiatric Emergency Response Teams (PERT). The Board requested funding restoration to maintain sufficient PERT staffing levels. In response to the Law Enforcement Mental Health Committee report of June 2003, the Board strongly supported that Committee's recommendations calling for more training for law enforcement personnel in order to prevent and resolve problems in encounters with the mentally ill.

RULES AND REGULATIONS COMMITTEE:

The Rules and Regulations Committee of the Citizens' Review Board on Police Practices is responsible for the development of the By-Laws to guide the operations of the Board. The By-Laws were last modified in 1999 and have continued to effectively facilitate the work of the Board during 2003.

However, two proposals were made this year to change the By-Laws as follows: (1) Change the term of service of the Chairperson, First Vice Chairperson and Second Vice Chairperson from two years to no limit. (2) Add a mandatory, rather than recommended, one ten-hour Ride-along per quarter for both Prospective Members and Board Members. After general discussion, Proposal 1 failed for lack of a motion. Proposal 2 was tabled until the following meeting after a lengthy discussion. After further discussion by the full Board, no motion was made and the proposal was abandoned for lack of support.

The Committee membership has remained unchanged for this year. The current Members are Dr. Nancy Acker, Chair; Attorney Nancee Schwartz and Dr. George Yee.

PUBLIC MEETING ISSUES

During the year, the Board benefited from ten (10) major training presentations conducted in conjunction with its public meetings.

1. Assistant Chief of Police Rulette Armstead distributed the “Vehicle Stops in San Diego: 2001” study and reported on the history of the Vehicle Stop Study. The study, designed to determine the existence and extent of racial profiling in the City, would continue throughout the year. Results will be reported to the Board at the conclusion of the study.
2. Sergeant Gary Collins presented an overview of the San Diego Police Department’s Member Assistance Program. He explained the process and the services available to officers and their families.
3. Officer Jordan Omens of the Regional Law Enforcement Training Academy briefed the Members on the Cultural Awareness Training Program conducted at the Academy for all new recruits. The goal of the 13 hours of training is to allow recruits to challenge their bias and stereotypes.
4. Captain Mike McCulloch, Lt. Jim Duncan and Lt. Mike Hurley discussed with the Members the organization and work of the Homicide Investigations Unit. They emphasized the process of investigation of officer-involved shootings which the Board Reviews.
5. Officers Larry Lieber and Mark Saunders of the Regional Law Enforcement Training Academy provided training on Arrest and Control and Defensive Tactics, including the Application of the Use of Force Matrix.
6. Officers Larry Lieber and Mark Saunders of the Regional Law Enforcement Training Academy provided training on Traffic Stop Procedures, including routine and high-risk stops.
7. Lt. Walt Vasquez briefed the Members on the San Diego Police Department’s new Use of Force Effectiveness Form. The form will allow the Department to review and evaluate the effectiveness of force techniques and capture force data to be included in the Early Intervention System.

8. Newly appointed Chief of Police William Lansdowne spoke with the Members about his philosophy of policing and his plans for the San Diego Police Department. The Chief and the Members held a wide-ranging discussion of the Board's work, current issues, concerns, and plans for the future.
9. Assistant Chief of Police Bill Maheu, Dr. John Shale, Maria Kincaid and Gail Georgescu presented the report of the Law Enforcement Mental Health Training Committee. The Committee had just completed an extensive study of police response to the mentally ill. They explained current training and recommendations for improvement of the training officers receive in this critical area.
10. Lt. Guy Swanger discussed with the Board the San Diego Police Department's Problem Oriented Policing Program. The program is a major component of the Department's Community Oriented Policing Policy.

The Board took the following actions during the reporting period:

- Recommended changes to the San Diego Police Department in its policies and procedures for impounding money during arrests.
- Requested changes in the Department's participation in the procedures for preparing case reports.
- Received a report from Lt. Gary Gollehon on community presentations made by the Department which included information on the Board and its process.
- Asked the Chairman and Executive Director to participate in scheduled community meetings in various parts of the City called to discuss police-involved shootings.
- Received a report from Deputy City Attorney Sharon Marshall that the Brown Act forbids the Board from suspending its agenda to conduct discussions with large community groups attending the Board's public meetings.
- Received a report from Deputy City Attorney Sharon Marshall that the City's appeal of the Superior Court decision prohibiting the Board's issuance of summary shooting reports had been denied by the Appellate Court.
- Accepted the appointment of Arlene Prater, Esq. as special counsel to the Board in its hearing before the Civil Service Commission in the matter of the issuance of the first Officer-Involved Shooting Report.

- With the concurrence of the Special Counsel, the Board decided to submit its original report to the Civil Service Commission without additional testimony.
- Accepted modifications to the Board's standard for preparation of case reports.
- Voted to participate in a special training day at the Regional Law Enforcement Academy.
- Authorized the production of a power point presentation to be used by Members in making presentations to community groups about the work of the Board.
- Expressed appreciation to outgoing Chairperson Joe DeNigro for his two terms as Board Chair.
- Elected Patrick Hunter as Chairperson, Riley Gordon as 1st Vice Chair and Robert Platt as 2nd Vice Chair.
- Decided to assist the San Diego Police Department in pursuing private funding to continue its Complaint Mediation Program.
- Made recommendations to the City Manager in support of funding for Mental Health Training for Officers and continuation of the San Diego Police Department's Psychiatric Emergency Response Teams.
- Accepted an invitation from the Executive Director to participate in presentations for guests of the International Visitors Bureau.

NATIONAL AND INTERNATIONAL ASSOCIATIONS FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

The Board maintains memberships in both the International Association for Civilian Oversight of Law Enforcement (IACOLE) and the National Association for Civilian Oversight of Law Enforcement (NACOLE). These organizations provide information and support for member agencies in this country and around the world. The annual conferences of these organizations provide opportunities for learning and networking to our Board Members and Staff.

The annual conference of NACOLE was held September 21 – 24, 2003, in Los Angeles. The conference was attended by Patrick Hunter, Board Chair. Because of budget limitations, staff representing the Board, the City Attorney's Office and the San Diego Police Department were unable to attend. The San Diego Police Officers Association did send a representative.

Attendance at the conference provided an opportunity to meet and network with civilian oversight volunteers and professionals from around the United States and other

countries. The 2003 conference, entitled “Civilian Oversight: Tools for Success – Tools for Justice” offered workshops in the following areas:

- Force and Excessive Force: When Words Fail
- Justice Post 9/11: Intelligence Gathering, Racial Profiling, Demonstrations and First Amendment Issues
- Mediation in Oversight: A Means for Changing Behavior
- Insights on a Serious Police Misconduct Case: Oakland “Riders”
- Success in Civilian Oversight: Best Practices and Strategies to Counter Resistance
- Civilian Review: Basic Tools for Oversight of Disciplinary Cases
- Interviewing Tough Witnesses and Judging Credibility
- Force Applied: Case Study

POLICY CHANGES

Since the inception of the Review Board, a number of positive changes have been implemented by the Police Department as a result of input and recommendations by the Board. Since 1990, these changes have included:

- Chief Bob Burgreen modified Department procedures to empower the Board to review and comment on all police-involved shootings.
- As a result of the Board’s first annual report, an office was opened at the City Administration Building for the reception of citizen complaints. The office was publicized to promote community awareness that complaints could be filed in a location away from the Police Department. In addition, the Board has trained 23 community-based agencies to receive citizen complaints in order to make the complaint process as simple and accessible as possible to the public.
- In the same report, questions were raised about the use of flashlights as impact weapons and the possibility of purchasing smaller, less cumbersome flashlights. The Department re-examined the lights and responded with refresher training, but the lights were determined to be appropriate.
- The Board, believing that officers’ complaint histories should, in some cases, be reviewed, asked to have prior, similar, “Not Sustained” findings made available to Review Teams after they review the current case.
- At the request of the Board, information regarding prior discipline of an officer is provided to the Review Team when the current complaint contains “Sustained” findings.

- Additionally, if the current complaint contained “Not Sustained” findings, the Board asked to be able to see prior similar “Not Sustained” cases and, if deemed necessary, have the prior case(s) reopened.
- At the Board’s request, a system for “flagging” cases which it feels to be particularly serious was implemented in order to assure appropriate action on the part of the Department.
- The Board requested more thorough documentation by Internal Affairs Investigators of their efforts to contact citizens in “Complainant Non-Cooperative” cases. The investigators are instructed to ensure that every possible means is used to try to locate the complainant with appropriate documentation placed in the file to support that effort, including use of certified mail and visits to residences.
- At the request of the Board, Internal Affairs investigators now receive additional training on interviewing subject personnel.
- At the request of the Board, Internal Affairs investigators attend a Board meeting in order to familiarize themselves with the Board and the review process.
- At the recommendation of the Board, the Chief of Police rescinded the policy of allowing off-duty officers to work as security guards. This was later compromised by a Police Officers Association lawsuit - now off-duty work is permitted under limited conditions.
- At the recommendation of the Board, the Department issued new guidelines for the handling of evidence seized from citizens.
- Numerous informal, in-office procedures have been established to provide Review Team Members with access to investigators for questions pertinent to their review of cases.
- The Board recommended direct, but not leading, questions be asked during interviews with officers. The resulting changes created higher quality and more complete interrogations where the “hard questions” were always asked.
- The ongoing, high level of concurrence between the Board and Internal Affairs findings is an affirmation of the quality and integrity of the self-examination process. It has increased the public confidence in the complaint reception and investigation process.

- As a result of the case review process, Department procedures and policies are constantly being monitored and evaluated. Changes in Pursuit, Prisoner Restraint, Officer Off-duty/On-duty Responsibility, Money Handling and Use of Force policies are just a few of the policies which have been positively impacted as a result of Board input.
- Findings and requests by the Board have a direct influence upon formal and informal training provided to police officers.
- The Review Board's ride-along program has increased awareness at the field level of the Board. These interactions provide both Board Members and officers with the opportunity to learn more about each other's tasks and responsibilities.
- The Review Board requested that Complainant Non-Cooperative cases be investigated as thoroughly as possible even if the original complainant refused to be interviewed. This has been implemented and conclusions are being reached in many cases.
- Annual Report Statistics are now compiled by the Board rather than by the Complaint Enhancement Detective who formerly kept such records.
- The Police Shooting Review Board did not have any civilian membership. As a result of a recommendation by the Citizens' Review Board on Police Practices, a community volunteer was selected to sit on the Shooting Board to hear shooting cases. The practice is no longer followed, however, as police shooting cases are now evaluated by the Review Board itself
- A "False Complaint" disposition was initiated by the Police Department. The Review Board had concerns that this finding would have a "chilling effect" on the reporting of complaints by citizens. Internal Affairs consulted with the Police Officers' Association and the disposition was eliminated.
- The Board recommended that Statistical Reports maintained and/or generated regarding complaints and dispositions be made public. The Department cleared the legal hurdles and implemented the request.
- Public Forum meetings were recommended by the Board. The first were held at police facilities, then moved to neutral sites to encourage public attendance and input.
- At the request of the Board, "Misconduct Noted" and "Discrepancy Noted" findings have been clarified and definitions are included in Department Policies.

Misconduct Noted. The investigation evidenced Category 1 violation(s) of Department Policies/Procedures not alleged in the complaint.

Discrepancy Noted. The investigation evidenced Category II violation(s) of Department Policies/Procedures not alleged in the complaint.

- At the recommendation of the Board, complainants are now allowed to have an uninvolved support person present during Internal Affairs interviews.
- Citizens' Review Board on Police Practices' background and review procedures have been included in the Department Policies.
- At the recommendation of the Board, new procedures have been established for searching wallets and purses that require a witness.
- At the recommendation of the Board, conclusion letters sent to complainants now include more detail about the specific allegations and definitions of conclusions.
- At the recommendation of the Board, CRB pamphlets are now sent to complainants with the initial information letter from Internal Affairs.
- At the request of the Board, Internal Affairs personnel insure that Department Procedures and the Penal Code are available at all Board meetings.
- At the request of the Board, the entire homicide investigation is brought to the Board meeting at which a fatal shooting case is reviewed.
- At the recommendation of the Board, Chief Jerry Sanders has extended the Boards authority to include review of all fatalities that occur during police contact.
- In November of 1997, based on discussion and negotiation of issues and concerns raised by the Board, the Police Department instituted several policy changes.
 - Slurs have been changed from Category II to Category I complaints.
 - A box for complainants to check if they require an interpreter has been added to the Citizen's Complaint Form.
 - A computer tracking system has been established by Internal Affairs to automatically report out any officer with three or more Category I complaints in a twelve-month period. The Department's review and evaluation of the officer, including resulting action by the Department, will be reported to the Board annually for its comment and recommendations.

- A computer tracking system has been established by internal Affairs to automatically report out any officer involved in two or more shootings in a twelve-month period. The Department's review and evaluation of the officer, including resulting action by the Department, will be reported to the Board annually for its comment and recommendations.
- A summary report of all Category II Complaints and actions taken by the Department to address the issues raised by these complaints will be made annually to the Board.
- Internal Affairs now includes the following statement in its letter of findings to complainants: "Additionally, your complaint has been reviewed by the Citizens' Review Board on Police Practices."
- In a 1998 review of the Use of Force Policy, the Department, at the recommendation of the Board modified the use of Oleoresin Capsicum (OC) spray as follows: OC shall not be used on a person who is completely restrained in a safety control chair at any police facility.
- Disagreements between Internal Affairs findings and Review Team evaluations may now be discussed between Internal Affairs command and investigators and Review Team Members. In some cases, findings may be modified in order to resolve the disagreements.
- Internal Affairs changed their procedures regarding letters of findings sent to complainants. Final letters are no longer sent to complainants until the Review Board has completed its review.
- The Department agreed to provide information regarding prior officer involvement in shootings and in-custody deaths to Review Teams at the conclusion of their case evaluation in the same manner as that information is provided about prior "Not Sustained" complaints.
- The City Manager has established a policy for releasing all Citizens' Review Board Police-Involved Shooting Reviews to the public. This policy was challenged by the Police Officers Association and was subsequently struck down by the Court of Appeal of California.
- The Case Reporting Form has been modified to include a space for indicating changes to Internal Affairs Findings based on input and discussion with Review Teams.
- At the urging of the Board, the Police Department has made changes to Department Procedure 1.14 (Accidents) in order to conform to City of San Diego Policy.

- In order to facilitate the Board's responsibility to "Review and comment on the administration of discipline" the Police Department will now inform Review Team Leaders about discipline imposed and relevant background information prior to Board Meetings. Review Team Leaders will re-review the case, report the discipline and recommend agreement or disagreement with comment to the full Board.
- At the urging of the Board, tapes of all homicide investigation interviews in officer-involved shooting cases will be provided to review team members at their request.
- The Internal Affairs Liaison of the Board will now make monthly, rather than yearly, reports to the Board on the Department's Early Warning system.
- In order to accommodate the schedules of the Members, Internal Affairs has agreed to staff its offices on one Saturday each month for Case Review and Evaluation.
- At the request of the Board, the San Diego Police Department has extended the hours available to Members for case review. Members may now accomplish their work at the Professional Standards Unit before and after regular business hours as well as one Saturday per month.
- The San Diego Police Department's Policies and Procedures are now made available to the Board in a regularly updated CD ROM format.
- Tapes of all Homicide interviews in Officer-Involved Shooting Cases are now made available to Review Teams.

STATISTICAL ANALYSIS

Between January 1 and December 31, 2003, the Review Board evaluated and issued findings on a total of 109 separate complaints including 137 Category I allegations and 123 Category II allegations. This compared to 136 separate complaints considered during the same period last year, which included 180 Category I allegations and 154 Category II allegations.

In addition to these allegations and findings, there were six (6) cases of Complainants Non-Cooperative (CNC) for Category I complaints and five (5) CNC cases for Category II complaints compared to two (2) and six (6) respectively for the same period last year.

Analysis of the Board's records for the year reveals the following trend:

- A reduction of 24% in the number of Category I Complaints from the previous year.

The following disciplinary actions were taken against officers as a result of “Sustained” complaints evaluated by the Review Board between January 1 and December 31, 2003:

- Six (6) verbal warnings
- Five (5) notes of counseling
- One (1) written warnings
- Two (2) reprimands
- Two (2) suspensions
- Zero (0) resignations
- Zero (0) termination

POLICE-INVOLVED SHOOTING CASES

Proposition “G” provided that the City Manager shall establish rules and regulations for the Review Board as may be necessary to review and evaluate citizens’ complaints against members of the San Diego Police Department. Given the significant public impact of police shootings, the Review Board felt it was appropriate to review all shooting cases whether or not complaints were filed. On recommendation of the Review Board, the City Manager and Chief of Police agreed to establish a procedure for reviewing shooting incidents involving death or injury, whether or not a complaint had been filed. Such review occurs after all internal and external investigations have been completed and reviewed by the Police Department and the District Attorney.

Between January 1 and December 31, 2003 there was a total of fourteen (14) police-involved shooting cases investigated by Internal Affairs and evaluated by the Review Board with the following results:

POLICE-INVOLVED SHOOTING STATISTICS

Internal Affairs Findings	<i>Within Policy</i>	<i>Not Within Policy</i>	<i>Total</i>
Shootings	14	0	14

Review Board Findings	<i>Within Policy</i>	<i>Not Within Policy</i>	<i>Total</i>
<i>Shootings</i>			
Agree w/No Comment	13	0	13
Agree w/Comment	1	0	1
Disagree w/Comment	0	0	0
Total	14	0	14

STATISTICAL BREAKDOWN OF COMPLAINT CASES

109 TOTAL COMPLAINT CASES REVIEWED

137 CATEGORY I ALLEGATIONS

Allegation	PSU Finding	Board Findings			Total
		Agree	Agree with Comment	Disagree with Comment	
Force	Sustained	0	0	0	0
	Not Sustained	5	0	0	5
	Exonerated	24	0	0	24
	Unfounded	23	0	0	23
	CNC	5	0	0	5
	Total	57	0	0	57
Arrest	Sustained	0	0	0	0
	Not Sustained	1	0	0	1
	Exonerated	8	0	0	8
	Unfounded	18	1	0	19
	CNC	0	0	0	0
	Total	27	1	0	28
Discrimination	Sustained	0	0	0	0
	Not Sustained	0	0	0	0
	Exonerated	0	0	0	0
	Unfounded	17	0	0	17
	CNC	0	0	0	0
	Total	17	0	0	17
Slur	Sustained	0	0	0	0
	Not Sustained	1	0	0	1
	Exonerated	0	0	0	0
	Unfounded	2	0	0	2
	CNC	1	0	0	1
	Total	4	0	0	4
Criminal Conduct	Sustained	2	0	0	2
	Not Sustained	8	0	0	8
	Exonerated	0	0	0	0
	Unfounded	21	0	0	21
	CNC	0	0	0	0
	Total	31	0	0	31
Total Category I Allegations		136	1	0	137

STATISTICAL BREAKDOWN OF COMPLAINT CASES

109 TOTAL COMPLAINT CASES REVIEWED

123 CATEGORY II ALLEGATIONS

Allegation	PSU Finding	Board Findings			Total
		Agree	Agree with Comment	Disagree with Comment	
Procedure	Sustained	1	0	0	1
	Not Sustained	3	2	0	5
	Exonerated	21	0	0	21
	Unfounded	30	0	0	30
	CNC	0	0	0	0
	Total	55	2	0	57
Courtesy	Sustained	1	0	0	1
	Not Sustained	7	0	0	7
	Exonerated	2	0	0	2
	Unfounded	28	0	0	28
	CNC	3	0	0	3
	Total	41	0	0	41
Conduct	Sustained	2	0	0	2
	Not Sustained	2	0	0	2
	Exonerated	4	0	0	4
	Unfounded	13	0	0	13
	CNC	2	0	0	2
	Total	23	0	0	23
Service	Sustained	0	0	0	0
	Not Sustained	0	0	0	0
	Exonerated	1	0	0	1
	Unfounded	1	0	0	1
	CNC	0	0	0	0
	Total	2	0	0	2
Total Category II Allegations		121	2	0	123

STATISTICAL BREAKDOWN OF COMPLAINT CASES

**1 IN-CUSTODY DEATH
14 OTHER FINDINGS**

Allegation	PSU Finding	Board Finding			Total
		Agree	Agree with Comment	Disagree with Comment	
In-Custody Deaths	Within Policy	1	0	0	1
	Not Within Policy	0	0	0	0
Total		1	0	0	1
Other Findings	Sustained	13	0	0	13
	Not Sustained	0	0	0	0
	Exonerated	1	0	0	1
	Unfounded	0	0	0	0
	CNC	0	0	0	0
Total		14	0	0	14

Definitions:

Other Finding: The investigation evidenced violation(s) of Department policies/ procedures not alleged in the complaint.

Procedural Notation:

The statistical breakdown of complaint cases indicates no recorded disagreements with the findings of Internal Affairs. More than 10 findings for allegations were changed prior to presentation to the full board based on discussions initiated by CRB Teams during their case review. The discussions between the CRB Team, investigators and Internal Affairs staff were successful in changing these findings thus resolving disagreements prior to Board consideration. Had these discussions not been conducted more than 10 findings could likely have resulted in formal disagreements.

INTERNAL AFFAIRS DISPOSITIONS ON CATEGORY I COMPLAINTS

Allegation	<i>Not</i>		<i>Exonerated</i>	<i>Unfounded</i>	<i>CNC</i>	<i>Total</i>
	<i>Sustained</i>	<i>Sustained</i>				
Force	0	5	24	23	5	57
Arrest	0	1	8	19	0	28
Discrimination	0	0	0	17	0	17
Slurs	0	1	0	2	1	4
Criminal Conduct	2	8	0	21	0	31
Total	2	15	32	82	6	137

Definitions:

- Sustained:** The investigation produced sufficient evidence to find that the officer(s) did commit the alleged act(s) of misconduct.
- Not sustained:** The investigation failed to produced sufficient evidence to find that the officer(s) did or did not commit the alleged act(s) of misconduct.
- Unfounded:** The investigation produced sufficient evidence to find that the officer(s) did not commit the alleged act(s) of misconduct.
- Exonerated:** The investigation produced sufficient evidence to find that the alleged act(s) occurred but was/were justified legal and/or properly within department policy.
- CNC:** Internal affairs attempted but could not make contact with the complainant in order to conduct a proper investigation; complainant is unwilling to cooperate with investigation; or complainant withdraws complaint.

CITIZENS' REVIEW BOARD DISPOSITION ON CATEGORY I COMPLAINTS

Disposition	<i>Not</i>					Total
	<i>Sustained</i>	<i>Sustained</i>	<i>Exonerated</i>	<i>Unfounded</i>	<i>CNC</i>	
Agree w/ No Comment	2	15	32	81	6	136
Agree w/Comment	0	0	0	0	0	0
Disagree w/Comment	0	0	0	1	0	1
Total	2	15	32	82	6	137

Definitions:

Agree/No Comment: The Board agreed with the Internal Affairs Division's findings with no comment.

Agree/Comment: The Board agreed with the Internal Affairs Division's findings with comment.

Disagree/Comment: The Board disagreed with the Internal Affairs Division's findings with comment.