The City of
SAN DIEGO

Community Review Board on Police Practices

Rules Committee Meeting Notice

Agenda

Monday, May 13, 2019
9:30 a.m.
Civic Center Plaza Building (CCP)
1200 Third Avenue, 9th Floor
Suite 924 -Large Conference Room
San Diego, CA 92101

I. Welcome/Call to Order

II. Approval of the Minutes from the April 16, 2019 Rules Committee Meeting

III. Public Comment

IV. New Business **(Discussion/Action Item)**

1) Proposed Operational Standing Rule on Review of Shooting Review Board Reports (Doug Case)

   *Send rule to the Board 10 days in advance of Open Meeting for Board action

2) Potential Elements for Public Case Summaries (Nancy Vaughn) **Discussion Item**

3) Changes to Administration Standing Rule on CRB Case Report Format (Nancy Vaughn
   A. Titles for non-SDPD individuals
   B. Comments Matrix
   C. Revision to Section 2, "Writing the CRB Case Review Report" - to include guidance for disagreements both with IA and within the Review Team

4) Bylaws Revisions

A) Clarification for CRB Bylaws Article II (Nancy Vaughn)
B) Section III Section 3A -Voluntary Resignation – (Sharmaine Moseley)
C) Article III Section 3B (Sharmaine Moseley) -Approved by Committee on April 16, 2019

V. Date of Next Meeting

VI. Adjourn

Materials Provided:

- Draft 4.16.19 Rules Committee Meeting Minutes
- Potential Case Summary Elements
- Excerpts from CRB Bylaws

Public Comment on an Action/Discussion Item: If you wish to address the Committee 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 Committee 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 Committee 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 Committee on any matter within the jurisdiction of the Committee 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 Committee will listen to your comments. However, California's open meeting laws do not permit the Committee to take any action on the matter at today's meeting. At its discretion, the Committee may refer the matter to staff, or to a Board committee for discussion and/or resolution, or place the matter on a future Board agenda. The Committee 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 Committee 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 Committee 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 City of
SAN DIEGO

Community Review Board on Police Practices

Rules Committee Meeting Minutes

Tuesday, April 16, 2019
9:30 a.m.
Civic Center Plaza Building (CCP)
1200 Third Avenue, 9th Floor
Suite 924 - Large Conference Room
San Diego, CA 92101

Present: Committee Chair Doug Case, Diana Dent, Nancy Vaughn, Marty Workman, CRB Executive Director Sharmaine Moseley, Internal Affairs Captain Wes Morris, CRB Outside Counsel Christina Cameron

Absent: Chair Joe Craver, 2nd Vice Chair Taura Gentry, and Ramon Montano

I. Welcome/Call to Order: Committee Chair called the meeting to order at 9:34 a.m.

II. Approval of the Minutes from March 19, 2019 - **Motion by Nancy Vaughn to approve the March 19, 2019 Rules Committee Meeting Minutes. The motion was seconded by Diana Dent. The motion passed with a vote of 4-0-0.**

Committee Chair Doug Case-Yes, Diana Dent-Yes, Nancy Vaughn-Yes, Marty Workman-Yes

Absent: Committee Chair Joe Craver, 2nd Vice Chair Taura Gentry, and Ramon Montano

III. Public Comment: None

IV. New Business (Discussion/Action Item)

1) Proposed Operational Standing Rule on Review of Shooting Review Board Reports (Doug Case) **Action Item**

Committee Chair Doug Case provided the Board with the background of the need for this Operational Standing Rule. The Committee agreed to remove "will' and replace with "may" in the last sentence of the first paragraph.

Motion by Nancy Vaughn to approve the report with the amendment of changing "will" to "may". Marty Workman seconded the motion. The motion passed with a vote of 4-0-0.

Committee Chair Doug Case-Yes, Diana Dent-Yes, Nancy Vaughn-Yes, Marty Workman-Yes

Absent: Committee Chair Joe Craver, 2nd Vice Chair Taura Gentry, and Ramon Montano

2) Proposed CRB Tactical Plan (Doug Case) **Action Item**

Committee Chair Doug Case explained to the Committee that all Boards and Committees were asked to do a tactical plan. Executive Director Moseley and Committee Chair Case drafted the tactical plan. There were no suggested changes to the plan from the Committee.

Motion by Marty Workman for the Committee to send the tactical plan to the Board for approval. The motion was seconded by Diana Dent. The motion passed with a vote of 4-0-0.

Committee Chair Doug Case-Yes, Diana Dent-Yes, Nancy Vaughn-Yes, Marty Workman-Yes

Absent: Committee Chair Joe Craver, 2nd Vice Chair Taura Gentry, and Ramon Montano

3) Potential Elements for Public Case Summaries (Nancy Vaughn) **Discussion Item**

The Committee reviewed and discussed the Potential Case Summary Elements that was drafted by Nancy Vaughn. Outside Counsel Christina Cameron noted that the disclaimer should remain on the summary. She raised concerns regarding and recommended that the Committee strike the following items from the summary list: the case number, number of conferences with IA staff, requested changes and additions to IA investigation (entire paragraph), changes in response to Case Review Team requests, issues with team evaluation that resulted in team member disagreement, issues from team evaluation that resulted

in team disagreement with IA, change Team report conclusions and Team comments and recommendations to "CRB" report conclusions and "CRB" comments and recommendations. The Committee agreed to strike those items from the summary list.

The Committee also agreed to strike out under the FINAL CRB DISPOSITION "Verbal presentation of Case Review..., Number of BWC videos shown..., and Subject of added comments..."

Motion by Committee Chair Doug Case for the Committee to accept the Outside Counsel's recommendations. The motion was seconded by Diana Dent. The motion passed with a vote of 4-0-0.

Committee Chair Doug Case-Yes, Diana Dent-Yes, Nancy Vaughn-Yes, Marty Workman-Yes

Absent: Committee Chair Joe Craver, 2nd Vice Chair Taura Gentry, and Ramon Montano

4) Update FY 2019-2020 Rules Committee Work Plan (Doug Case)

Executive Director Moseley agreed to check on whether the Work Plan should be FY 2019 or FY 2019-FY 2020.

The Committee agreed to make the following revisions/additions to the Work Plan: 1) Completion goal of June 2020 was added to the 1st issue to be explored in the plan 2) The Formalize Category 2 Audit Process was completed, so replace March 2019 with "completed" 3) The completion goal for the 5th item should be June 2019 4) Remove the 6th item 5) Completion goal for item 8 should be changed to completed 6) Completion goal for item 11 is April 2019 7) Completion goal for item 12 is June 2019 and will be drafted by 1st Vice Chair Brandon Hilpert.

Motion by Nancy Vaughn to accept the revisions to the Work Plan. Diana Dent seconded the motion. The motion passed with a vote of 4-0-0.

Committee Chair Doug Case-Yes, Diana Dent-Yes, Nancy Vaughn-Yes, Marty Workman-Yes

Absent: Committee Chair Joe Craver, 2nd Vice Chair Taura Gentry, and Ramon Montano

5) Changes to Administration Standing Rule on CRB Case Report Format (Nancy Vaughn) **Item Tabled**
   A. Titles for non-SDPD individuals
   B. Comments Matrix
   C. Revision to Section 2, "Writing the CRB Case Review Report" - to include guidance for disagreements both with IA and within the Review Team

6) Bylaws Revisions
   A) Clarification for CRB Bylaws Article II (Nancy Vaughn) **Item Tabled**

   B) Article III Section 3B (Sharmaine Moseley)
   Executive Director explained that the bylaws need to be changed to reflect that the Board can not go into Executive Closed Session to discuss removal matters.

   Motion by Marty Workman to remove from the bylaws in the second to last paragraph of Section 3B "to be considered..." and add "agenda" after Meeting. Diana Dent seconded the motion. The motion passed with a vote of 4-0-0.

   Committee Chair Doug Case-Yes, Diana Dent-Yes, Nancy Vaughn-Yes, Marty Workman-Yes

   Absent: Committee Chair Joe Craver, 2nd Vice Chair Taura Gentry, and Ramon Montano

V. Adjourn: The meeting adjourned at 11:00am.

Change to Admin Standing Rule: Format and Presentation, Section 1.b, Face Sheet:

...date of hire may also be shown.

Persons who are mentioned in the body of the CRB Case Review Report should be listed. Persons who are not mentioned in the body of the CRB Case Review Report should not be listed. The relationship information for witnesses (e.g., Complainant's son, Neighbor, etc.) should be added if available.

Reference to every person should use a title followed by the person's last name in all CAPITAL LETTERS. In the case of multiple persons with the same last name, an initial can be inserted before the last name, or the first names can be used if appropriate. Titles for SDPD officers should reflect that officer's rank on the date of the incident (not the rank at the time of this investigation). Titles for non-SDPD persons should be appropriate for status and gender; use Mr. for men and Miss, Ms or Mrs. for women. Examples of SDPD officer names would be "Officer SMITH" or "Sgt. MILLER"; examples of non-SDPD names would be "Mr. BROWN", "Ms GRANDE", "Mrs. M. BROWN" or "Miss S. BROWN".

c. Allegation Table...

COMMENTS MATRIX

Addition to Admin Standing Rule: Format and Presentation, Section 2, Writing the CRB Case Review Report:

...Note that quotations from any complainant, witness or officer should be transcribed from the audio of their interview.

The CRB Case Review Report format provides space for comments in three locations: (1) the "Case Notes" section (see 1.d above), (2) within the "Discussion and Conclusion" section for a specific allegation (see 1.f above), and (3) the "Team Concerns and Issues" section at the end of the report (see 1.i above).

Comments from the Case Review Team are encouraged and fall into three identifiable (if not always distinct) types:

Type 1	Comments that apply solely to the current case and do not reflect any disagreement between Case Review Team members or between the Team and IA; these comments should appear in the "Case Comments" section.
Type 2	Comments that apply to the current case and reflect disagreement on a specific allegation between Case Review Team members or between the Team and IA; these comments should appear in the "Discussion and Conclusions" section for the specific allegation.
Type 3	Comments that may or may not apply to the current case and have implications for future law enforcement operations; these comments should appear in the "Team Concerns and Issues" section at the end of the report; if the comment applies to the current case, the issue may also be mentioned in "Case Notes".

The location for a specific comment within the Case Review Report can be established by analyzing the content to determine the type as defined above. Comments that do not appear to fit in any one type may be compound and require division into multiple targeted comments. The Team is responsible for developing logical, targeted comments. The following table shows sample comments and the resulting proper placement within the Case Review Report.

Comment	Location		
	Case Notes	Allegation D&C	Issues & Concerns
The complainant or a witness refused to be interviewed or could not be located.	*		
The IA investigator failed to provide needed documents	*		
A witness officer performed his assigned duties well and de-escalated the situation	*		
Two Team members agree and one Team member does not agree on what happened or when a specific action occurred		*	
The Team agrees with the IA finding but has an additional concern		*	
The Team disagrees with the IA finding		*	
During the incident, the complainant's request for juice was ignored causing a medical emergency; similar denial of requests have been seen in earlier cases; changes in SDPD procedure or training is warrented to prevent future unnecessary emergencies.			*

Note additional sample comments should be added before presentation to Board for modification of the Admin Rule on Case Format.

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-related 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 single primary objective and three secondary objectives. The primary objective is clearly identified in the San Diego City Charter and constitutes the central function for members of this citizen initiated Board. The three secondary objectives support the work of the Board, employing special talents and energy of involved Board members according to their interests and availability.

A. Primary Objective: 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~~ Secondary Objectives

~~B. Policy Recommendation~~ 1. 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.

2. Board Independence

It is the objective of the Board to maintain and defend an independent posture within which objective, balanced review and evaluation processes will be assured. The ultimate usefulness of the Board depends on independence from political pressure and independence from influence or control by SDPD. In this regard, actual independence and perceived independence are equally important. Any action or activity that could present an appearance of compromised independence should be avoided. Board independence is essential to earn the trust of the community and fulfill the mandate from the initial creation of the Board by citizen initiative.

~~**C. Outreach and Education**~~ 3. 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.

DRAFT

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 is attached as Exhibit A of these bylaws.

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 position shall be considered vacant. Thereafter, 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 all of which shall be completed within 30 days of the date of suspension.

A member may also be removed for cause including but not limited to the following reasons: (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 receiving information that a member may be subject to removal for cause, the Executive Director shall investigate or arrange for an investigation of the situation. If after the investigation, it appears that cause exists for removal, the member shall be invited to meet with the Executive Director and the Cabinet. After that meeting, the Executive Director, in consultation with the Cabinet, shall determine whether to proceed with removal proceedings. If it is determined to proceed, the matter will be placed on the next regular Board Open Meeting, [redacted] The member will have an opportunity to present a defense and answer questions. By a two-thirds vote, the Board may recommend to the Mayor that the member be removed. The affected member shall not be entitled to a cast a vote in the matter.

agenda.

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, at the end of their current term, be removed from the Board by non-reappointment at the Mayor's discretion during the annual appointment process. A non-reappointed member may continue to serve until his or her successor is duly appointed and qualified.

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 (as described in Art. VI, section 3. A., of these Bylaws) 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.