

(R-88-2072)

RESOLUTION NUMBER R- 270784

ADOPTED ON APR 18 1988

WHEREAS, effective law enforcement and crime fighting depends upon the confidence of our citizens; and

WHEREAS, there is increasing community concern that no adequate method exists for publicly reviewing the facts and circumstances involving the uses of deadly force by public safety officers; and

WHEREAS, California Government Code sections 27491 through 27504.1 provide for an official review of the cause of death through an inquest conducted by the Coroner of the County; and

WHEREAS, Government Code section 27491 states that, "It shall be the duty of the coroner to inquire into and determine the circumstances, manner and cause of all violent, sudden or unusual deaths"; and

WHEREAS, Government Code section 27491.6 states that:

The coroner may also, in his discretion, if the circumstances warrant, hold an inquest, and he shall hold an inquest if requested to do so by the attorney general, the district attorney, sheriff, city prosecutor, city attorney, or a chief of police of a city in the county in which such coroner has jurisdiction;

and

WHEREAS, Government Code section 27491.6 provides the legal authority that: "Such inquest shall be held with or without a jury, at the coroner's discretion and shall be open to the public;" and

WHEREAS, such public inquest would be an impartial process where facts and evidence could be presented; and

WHEREAS, Government Code section 27504 provides that:

After hearing the testimony, the jury shall render its verdict and certify it by an inquisition in writing signed by the members of the jury, or the coroner shall render his decision if the inquest is by the coroner sitting without a jury, setting forth the name of the deceased, the time and place of death, the medical cause of death and whether the death was by (1) natural causes, (2) suicide, (3) accident or (4) ... the hands of another person other than by accident;

and

WHEREAS, Government Code section 27504 further provides that such findings shall not include nor shall they make any reference to civil or criminal responsibility on the part of the deceased or any other person; and

WHEREAS, the findings derived from such public inquest could be referred to the district attorney, who might then initiate an investigation to determine any criminality associated with the use of deadly force reviewed at the coroner's inquest; and

WHEREAS, the Council of The City of San Diego believes that:

1. The effective crime prevention and crime fighting require the continued confidence, trust and support of the public in a just, fair, responsive and responsible law enforcement system;

2. The concern expressed by many citizens of San Diego following incidents involving controversial deaths of citizens and law enforcement officers dictates an open, objective public hearing process would be in the best interests of effective law enforcement;

3. A coroner's inquest as authorized by law will benefit the general public as it will provide an objective and legal process to establishing the facts, circumstances and reasons for controversial deaths; and

4. A coroner's inquest will also benefit law enforcement agencies and their officers who protect and serve the citizens of San Diego as it will provide an open and impartial proceeding whereby the law, and the policies and practices of said agencies can be shown as having been complied with and/or adhered to in incidents resulting in death from the use of fatal force by law enforcement officers;

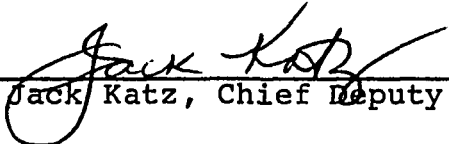
NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Attorney is hereby authorized to request the Coroner of the County to reinstitute the public inquest process.

BE IT FURTHER RESOLVED, that the Mayor of The City of San Diego make an official request to the Chairman of the San Diego County Board of Supervisors that the policy of conducting a

coroner's public inquest be given consideration by the members of the Board of Supervisors as an ongoing process.

APPROVED: JOHN W. WITT, City Attorney

By  Jack Katz, Chief Deputy

JK:smm  
04/13/88  
Or.Dept:Council-Pratt  
R-88-2072  
Form=r.none

Passed and adopted by the Council of The City of San Diego on APR 18 1988,  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR,  
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR,  
City Clerk of The City of San Diego, California.

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R 270784 Adopted APR 18 1988

RECEIVED  
CITY CLERK'S OFFICE  
1988 APR 14 AM 10:20  
SAN DIEGO, CALIF.

•  
:  
:

1