



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: July 8, 2011

REPORT NO: 11-102

ATTENTION: Chairwoman Marti Emerald and Public Safety and Neighborhood Services Committee Members for the agenda of Wednesday, July 27, 2011

SUBJECT: Overview of the Citizens' Review Board on Police Practices (CRB)

REFERENCE: None

REQUESTED ACTION:

INFORMATION ITEM ONLY

STAFF RECOMMENDATION:

This is an information item. No action is required on part of the Committee or the City Council.

SUMMARY:

Background

The Citizens' Review Board on Police Practices (CRB) was established in November 1988 as a result of the passage of Proposition G. The Board reviews and evaluates substantive (Category I) complaint allegations brought by the public against officers of the City of San Diego Police Department (SDPD), reviews officer-involved shootings and in-custody deaths, and reviews the administration of discipline resulting from sustained complaints. When appropriate, the CRB makes policy and procedural recommendations to the SDPD resulting from this review.

Board Composition

The Mayor may appoint twenty three (23) volunteer citizens to the Board for one (1) year terms beginning each July 1st. The Mayor may also appoint up to 23 citizens as non-voting 'Prospective Board Members' who are trained for appointment to the Board as vacancies occur throughout the year; there are currently twelve (12). The CRB is comprised of dedicated volunteers who represent a wide diversity of San Diegans. The board is divided into seven (7) three-person teams that work together to review cases and present their analysis to the full board.

Classification and Investigation

Citizens may file a complaint with the CRB in person, via email, fax or telephone, as well as at any Police Department Substation or at Police Headquarters. All complaints, wherever they originate, are sent to the Internal Affairs Unit of the Police Department. Internal Affairs determines the allegations to be Category I or Category II.

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

Category I allegations are investigated by SDPD Internal Affairs Section. 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.

Citizen Review

After Internal Affairs renders its findings on the complaint, a CRB Team is called in to review the case. The entire Internal Affairs investigative file related to the complaint is made available to the CRB 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 CRB's review. Team members must conduct their work in the offices of the Internal Affairs Unit to preserve the required confidentiality.

The CRB Team then prepares recommendations to the entire CRB 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 CRB. During closed session meetings, the Team will recommend that the CRB, on each complaint allegation:

- Agree with Internal Affairs findings
- Agree with Internal Affairs findings with comment
- Disagree with Internal Affairs
- Request additional information from Internal Affairs

Due to the model of citizens' review that was established by the voters, it is important to note that the CRB 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 Unit. The CRB may request that additional investigation be conducted to resolve unanswered questions. Following the CRB vote on each case, the CRB Chair sends a letter to all complainants informing them of the CRB's review and findings regarding the allegations.

With respect to case review, all of the CRB's work is confidential and must be conducted in closed session pursuant to California Government Code Section 3300 (Public Safety Officers Procedural Bill of Rights Act) and California Penal Code Section 832.7 (Confidentiality of Police Officers Records). The CRB has the authority to report its findings and concerns as related to specific citizen allegations to the Mayor, the District Attorney, the Grand Jury, and any federal or state authority duly constituted to investigate police procedures and misconduct.

Discipline

When a complaint against an officer has been 'Sustained', the SDPD imposes discipline. Internal Affairs reports the discipline to the CRB. The final disciplinary decision is within the authority of Police Department management, not the CRB. Discipline of an officer is confidential as it is a personnel matter and covered under California Government Code Section 3300.

CRB Activities

Over the years, the CRB 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 as required by The Brown Act. The CRB averages approximately 50 cases reviewed each year.

The CRB is organized into committees which report on issues that come under their jurisdiction as established by the City Charter. These committees (Policy, Training, Recruitment and Retention, and Outready) also propose activities or training to assist the CRB in performing its responsibilities.

The CRB meets in open session at 6:30 p.m. on the fourth Tuesday of each month at either the Point Loma Library or various locations throughout the City. The public is welcome to attend these meetings.

ENVIRONMENTAL ANALYSIS:

This activity is not a "project" and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

FISCAL CONSIDERATIONS:

None

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None

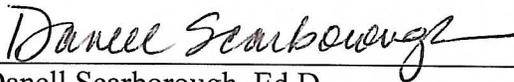
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

All members of the community are invited to attend open sessions of the Board that are offered on a monthly basis (4th Tuesday of every month) at the Point Loma Library.

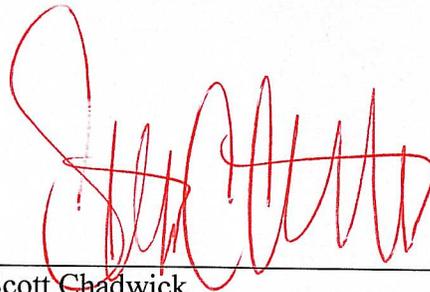
KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders include the residents of San Diego and the San Diego Police Department.

The Citizens' Review Board on Police Practices provides the public with an independent citizen group that reviews and evaluates complaints against the San Diego Police Department. The Board strives to assure the public that complaints against San Diego Police Officers are investigated thoroughly, completely, and fairly. In addition, the Board recommends and advocates policies which promote fair and humane policing of the City of San Diego.



Danell Scarborough, Ed.D
Executive Director
Citizens' Review Board on Police Practices



Scott Chadwick
Department Director
Human Resources



Update on the Citizens' Review Board (CRB) on Police Practices

Presentation to the Public Safety and Neighborhood Services (PS&NS) Committee

Report No. 11-102

July 27, 2011

AGENDA

- Purpose of the CRB
- Duties, Membership and Training
- Complaint Process
- Case Review
- CRB Workload Statistics
- Accomplishments
- Questions



Purpose of the CRB

The purpose of the CRB is to:

- Empower an independent citizen group to assure the public that complaints against officers of the San Diego Police Department (SDPD) are investigated **thoroughly**, **completely**, and **fairly**
- Review and evaluate citizen complaints against police officers and discipline arising from such complaints
- Recommend and advocate policies which promote fair and humane policing of the City



CRB Duties

- The Board reviews and evaluates:
 - Complaints brought by the public against the SDPD which include all Category I allegations involving:
 - Force
 - Arrest
 - Criminal Conduct
 - Discrimination
 - Slur
 - Officer-involved shootings
 - All in-custody deaths
 - Category II allegations when combined with a Category I allegation (Category II allegations include: Service, Courtesy, Procedure, Conduct, Other)
 - The administration of discipline arising from sustained findings
- The Board makes policy and procedure recommendations



CRB Membership

The Board strives to have members who represent a diverse cross-section of San Diegans. Members are recruited and appointed after thorough recruitment and selection process.

- Number of Board members: 23
- Length of term: One year terms (Limit: 8 years)
- 23 members constitute seven (7) three-member teams assigned to review complaint cases; Chair and 1st Vice Chair do not participate in review teams
- Up to 23 prospective members may also be appointed
- Committees (Standing: Executive, Recruitment and Retention, Outreach, Training, and Policy)
- Executive Director appointed by the Mayor; Executive Director serves on a part-time basis (0.5 FTE)
- A Complaint Coordinator provides support for CRB

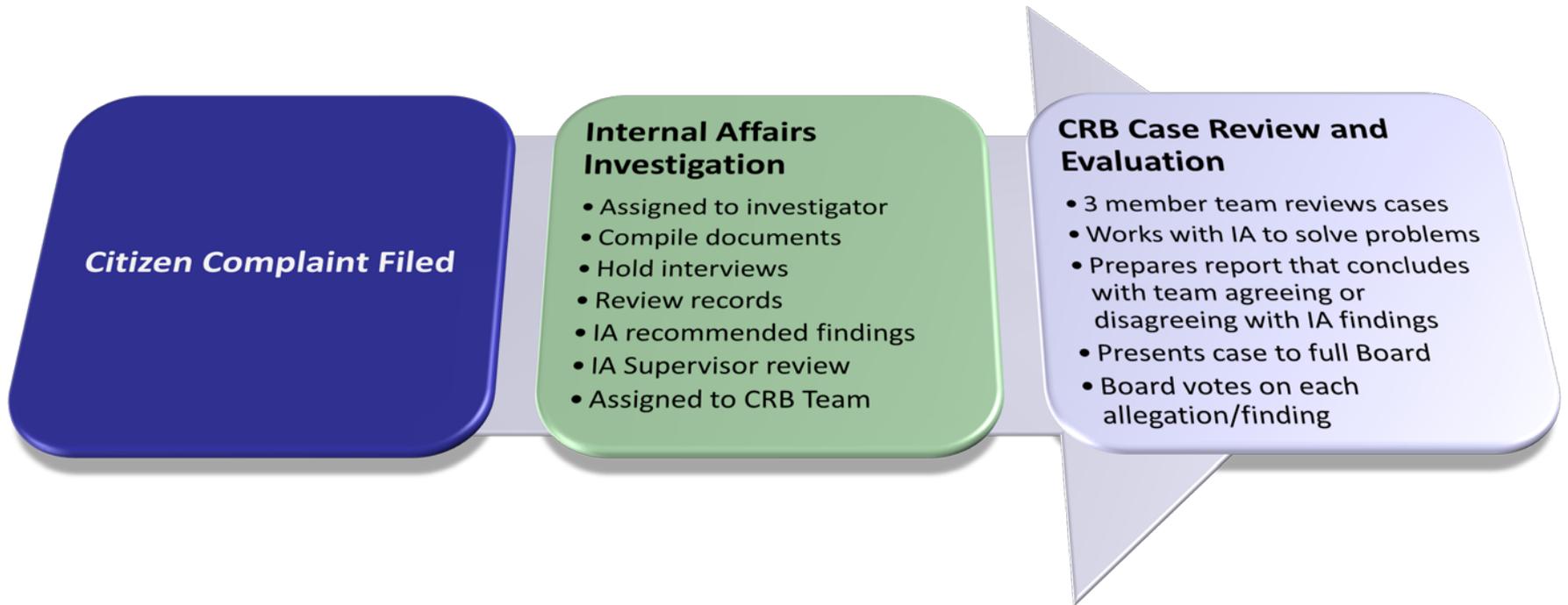


CRB Training

- Training begins upon appointment and NEVER STOPS
- Ride-alongs with patrol officers, sergeants, field lieutenants, special units (ABLE, K-9, etc.)
- Complete access to Police Academy courses:
 - Regional Academy Classes
 - Regional Officer Training
 - Menu Training
- Monthly training in Open Board meetings have included:
 - Psychiatric Emergency Response Team
 - Homeless Outreach Team
 - Communications taught at Police Academy
 - American Civil Liberties Union
- Annual Academy Day/Annual Board Retreat



Complaint Process



CRB Case Review

- Complete and unfettered access to information from investigation
- Cooperation and collaboration with Internal Affairs
- Advocacy
 - NOT an advocate for citizen or complainant; NOT an advocate for SDPD
 - CRB designed to be an advocate for a complete, thorough, and fair process
- Decisions based on policy and procedure
- Strong commitment to ethical behavior (NACOLE Code of Ethics)
- Relationship remains one of open and honest communication with respect for the functions of each organization

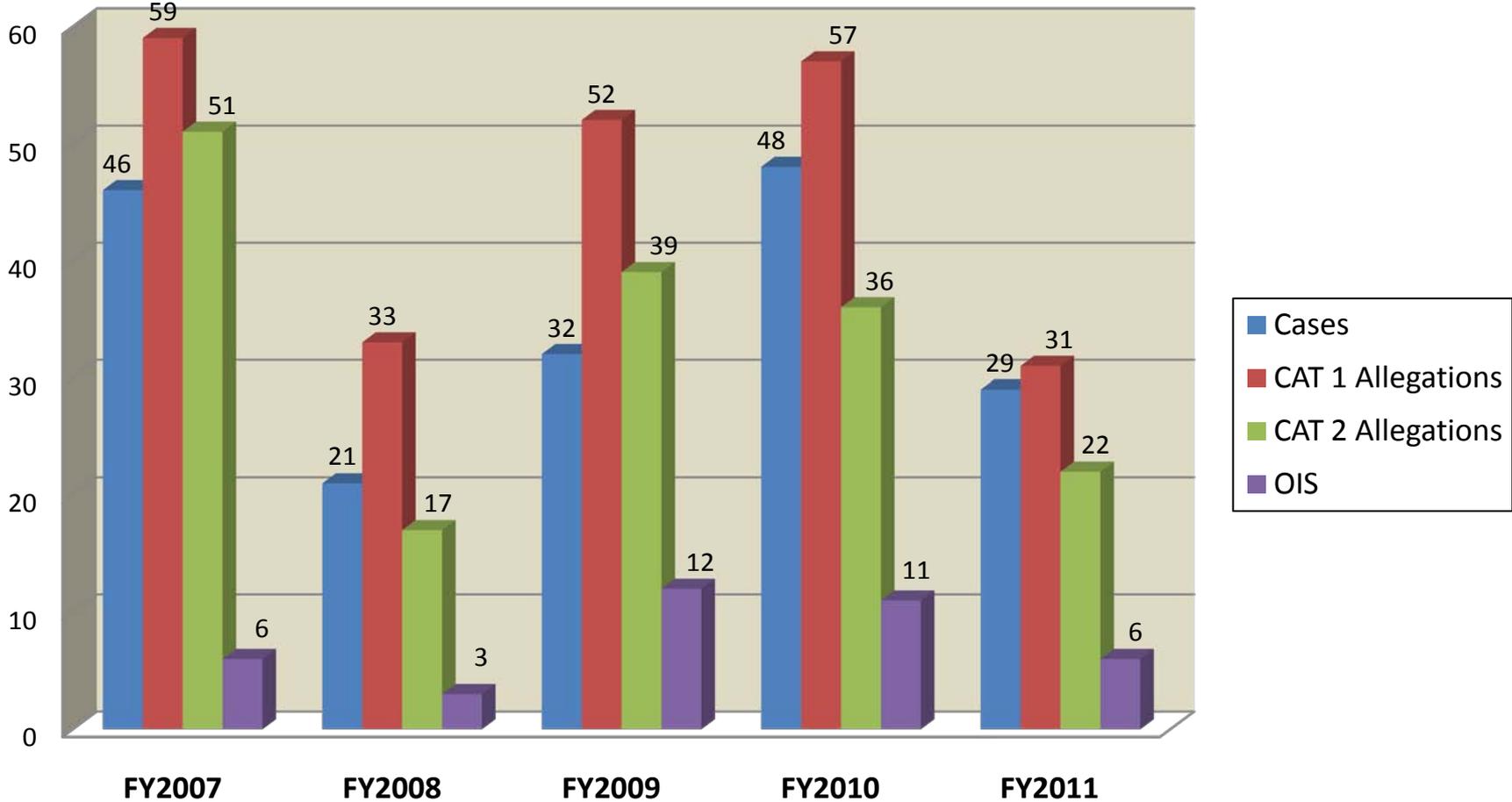


CRB Case Review

- If Internal Affairs and the CRB disagree:
 - Disagreement discussed; further clarification may be requested; most disagreements resolved at this level
 - If no agreement can be reached, CRB Chair, Executive Director, and Police Chief meet with Mayor-Designee
 - CRB has authority to refer cases to the District Attorney, Grand Jury, California Attorney General, and the U.S. Justice Department



Cases Reviewed

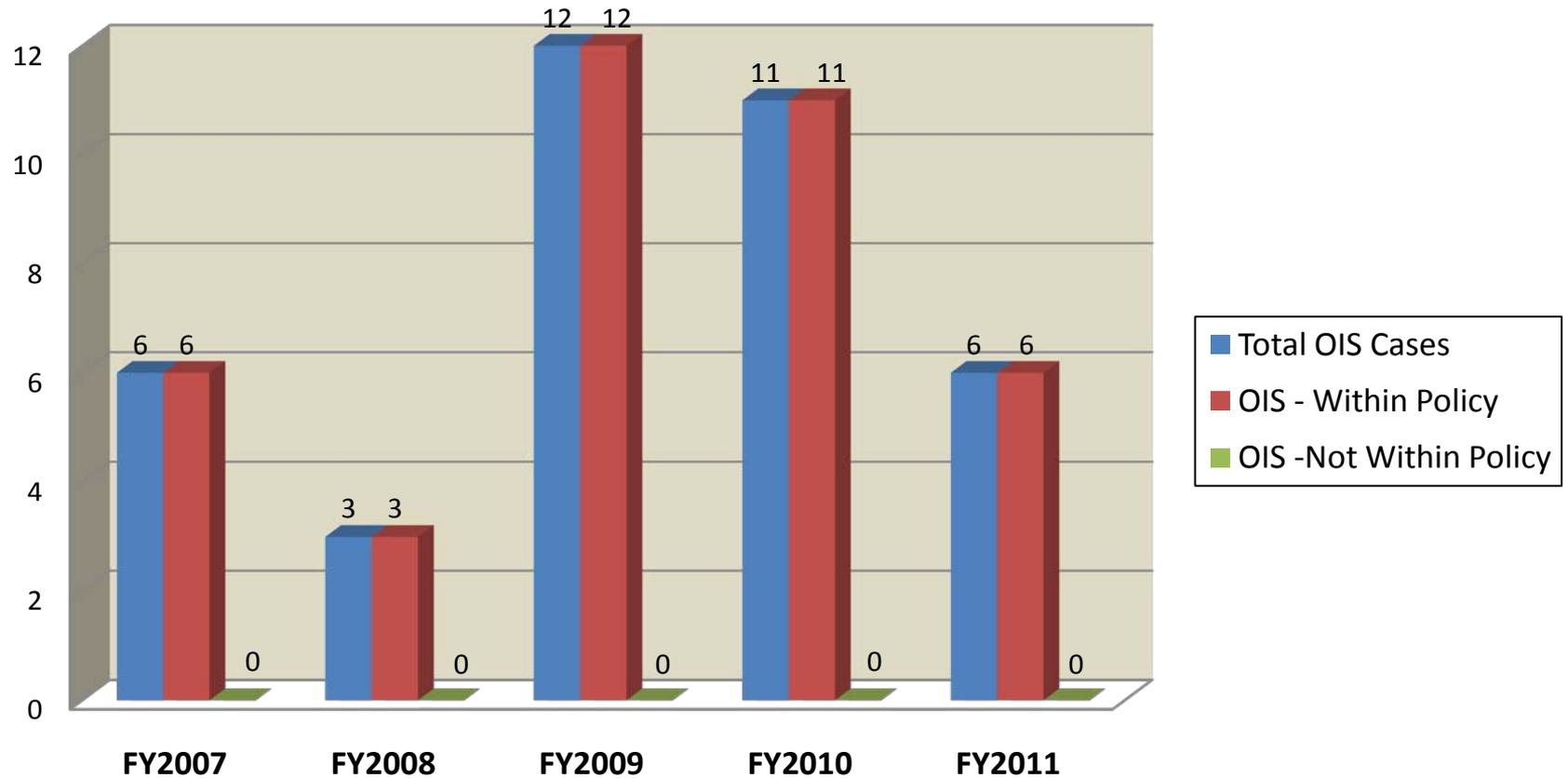


Category I Allegations

FY2011 Category I Internal Affairs/CRB Findings								
Allegation	Sustained	Not Sustained	Exonerated	Unfounded	Complainant Not Cooperative	Withdrawn	TOTAL	Allegation %
Force	1	-	11	3	-	-	15	48%
Arrest	-	-	10	-	-	-	10	32%
Discrimination	-	-	-	2	-	-	2	6%
Slur	-	1	-	-	-	-	1	3%
Criminal Conduct	-	-	-	3	-	1	3	10%
Total Category I	1	1	21	8	-	1	31	
Finding %	3%	3%	68%	26%	0%	3%		100%



Officer-Involved Shootings Reviewed



Accomplishments

Since the inception of the CRB, numerous positive changes have been implemented by the SDPD as a result of the input and recommendations by the CRB. A few of the most current changes include:

- CRB influenced policy change on vehicle tows and impounds
- CRB influenced the assignment of PERT-trained Sergeants at large special events
- CRB influenced policy change on detainee escort to restrooms at PETCO Park
- SDPD accepted CRB recommendation to ensure that motorists and others are informed in a timely manner of the reason for their contact and detention
- SDPD modified Internal Affairs procedures manual regarding citizen complaints, officer-involved shootings, and in-custody deaths at the request of CRB
- Chief of Police and/or Executive Assistant Chief now attend all CRB closed and open session meetings
- SDPD informs review teams of discipline imposed and relevant background information prior to Board meetings; Team/Board offered opportunity to receive and comment on discipline imposed
- CRB has impacted over 50 additional policy and procedures relative to internal investigations, pursuits, use of force, money-handling, and shooting at moving vehicles



Questions

