

WOMEN OCCUPY SAN DIEGO
P.O. Box 3481
San Diego, California 92163
www.WomenOccupySanDiego.org

RECEIVED
CITY CLERK'S OFFICE
16 JUN -7 PM 1:17
SAN DIEGO, CALIF.

June 7, 2016

Elizabeth Maland, City Clerk
City of San Diego
202 "C" Street, 2nd Floor
San Diego CA 92101
Via Hand Delivery

Dear Ms. Maland:

In accordance with San Diego City Council Policy 000-21, please find attached a Ballot Proposal for consideration by the City Council Rules Committee for referral to the full City Council to be placed on the Ballot for the November 2016 General Election.

We are submitting this Ballot Proposal to make the City of San Diego's Citizens Review Board on Police Practices (CRB) more independent and transparent. We do so on behalf of 27 civic organizations who have endorsed a Charter Amendment for this purpose.¹

This proposed Charter Amendment would give the CRB independent investigators and legal counsel as well as subpoena powers, like the City's own Ethics Commission and except for legal counsel, the San Diego County Law Enforcement Review Board since 1990.

We are filing this Ballot Proposal following the disappointing result of a year working with the Charter Review Committee on a more fulsome Charter Amendment proposal. The Charter Review Committee has prioritized full Council approval of a Charter Amendment recommended by the Public Safety & Livable Neighborhoods Committee which changes the name of the Citizens Review Board on Police Practices (CRB), mandates that all police involved deaths be reviewed by the board, and gives the Mayor and City Council joint authority over the board.

These are only cosmetic changes and do nothing to improve the CRB's ability to actually investigate a complaint about the police department. On April 20, 2016, we joined two dozen other community representatives to speak to the committee in opposition to this recommendation, stating that the only real reform would include giving the CRB subpoena power and the ability to hire independent investigators and independent legal counsel.

¹ Activist San Diego; Af3irm San Diego; All of Us or None-San Diego; BAPAC-Black American Political Assn of California, San Diego Chapter; Black and Brown Lives Matter; Black Student Justice Coalition; Citizens Oversight Projects; Coordinating Committee of the San Diego Socialist Campaign; Democratic Socialists of America-San Diego; Earl B. Gilliam Bar Assn; First Unitarian Universalist Church of San Diego, Social Justice Ministry Team; Interfaith Center for Worker Justice; NAACP, San Diego; National Action Network-San Diego; National Lawyers Guild; Ocean Beach Green Center; Older Women's League-San Diego County; Peace Resource Center of San Diego; San Diego Black Agenda Project; SD Coalition for Peace and Justice; San Diego Urban League; San Diego Veterans for Peace; Showing Up for Racial Justice/San Diego; United Against Police Terror; Woman's Democratic Club of San Diego County; Women's International League for Peace & Freedom-SD; Women Occupy San Diego

The Charter Review Committee was urged by 27 community organizations to align the CRB's powers with that of the Ethics Commission, which has jurisdiction over the conduct of City elected officials, candidates for such offices and City employees – except the SDPD. Last year, City taxpayers paid out \$9.4 million in court awards and claims for misconduct by SDPD officers, but there's no money for independent investigators and legal counsel with subpoena powers?

The current CRB already reviews all police involved deaths so the proposed Charter Amendment codifies existing practice. Giving the City Council joint authority with the Mayor over this board in the Charter will give the Council standing to effect changes in how the CRB operates, which is a good thing long term, but given turnover on the Council after the November election, meaningful reform of the CRB will be delayed. Changing the name of the CRB to Community Review Board was the only thing in the Ballot Proposal endorsed by the 27 community organizations that the Charter Review Committee voted to forward to the full Council.

The watered-down Charter Amendment was proposed by Councilmember Todd Gloria, seconded by Councilmember Myrtle Cole and passed unanimously by the Public Safety & Livable Neighborhoods Committee, which includes its Chair, Marti Emerald, and Councilmember Chris Cate. Councilmembers Emerald and Cate also sit on the Charter Review Committee, along with its Chair, Sherri Lightner, and Councilmember Mark Kersey.

We understand from the Public Notice that your office has placed on the City Council's Agenda that the Rules Committee will consider Ballot Proposals submitted by this date on June 15, 2016; please confirm this date, as well as the time and location of the Rules Committee meeting.

Thank you for your assistance,

O/S


Stephanie Jennings, for
Women Occupy San Diego
619 531-9300

Attachment

cc: City Council Rules Committee
President Sherri Lightner, Chair*
President Pro Tem Marti Emerald, Vice Chair* #(Chair)
Councilmember Chris Cate* #(Vice Chair)
Councilmember Myrtle Cole#
Councilmember Mark Kersey*

* City Council Charter Review Committee
City Council Public Safety & Livable Neighborhoods Committee

City Council Public Safety & Livable Neighborhoods Committee
Councilmember Todd Gloria

City Council
Councilmember David Alvarez
Councilmember Scott Sherman
Councilmember Lori Zapf

Mayor Kevin Faulconer
City Attorney Jan Goldsmith
Sharmaine Moseley, CRB Executive Director
Shelly Zimmerman, Chief/SDPD

PROPOSED AMENDMENT TO THE SAN DIEGO CITY CHARTER BY AMENDING ARTICLE V SECTION 43 (d)
IN ITS ENTIRETY AS FOLLOWS:

(d) COMMUNITY REVIEW BOARD ON POLICE PRACTICES

Notwithstanding any other provision of this Charter, the Mayor and City Council shall have the exclusive authority to create and establish a Community Review Board on Police Practices to review and evaluate community member complaints against members of the San Diego Police Department and the San Diego Police Department's administration of discipline arising from such complaints. The Community Review Board shall review all cases involving in-custody death and officer-related shootings whether or not a community member complaint has been submitted. The Community Review Board shall consist of community members from each Council district, independent investigators and other staff as appropriate. The Community Review Board shall seek and receive legal advice regarding their investigation and review of complaints from independent legal counsel, not the Office of the City Attorney. The Community Review Board will have subpoena power.

The Mayor and City Council shall establish such rules and regulations as may be necessary for this board to carry out its functions; provided, however, that such rules and regulations shall be consistent with the laws of the State of California concerning community members' complaints against peace officers. Nothing in such rules and regulations shall interfere with the board's authority to independently refer a completed community member complaint investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency. The board shall submit semiannual reports to the Mayor and City Council concerning its evaluation of the San Diego Police Department's investigation of community members' complaints; provided, however that such reports shall not disclose any information required to be kept confidential by law.

NOTE: This is a proposed revision to the Charter Amendment already proposed by the Charter Review Committee for the November ballot. The differences are underlined.