

THE CITY OF SAN DIEGO  
**REPORT TO THE CITY COUNCIL**

DATE ISSUED: October 6, 2009 REPORT NO: 09-141  
ATTENTION: Public Safety and Neighborhood Services Committee Agenda of  
October 14, 2009  
SUBJECT: Citizens' Review Board on Police Practices

REQUESTED ACTION: None. Information Item Only.

STAFF RECOMMENDATION: N/A

SUMMARY:

This report is an update on the Citizens Review Board on Police Practices. It provides background information, and a summary of activities. It covers the period July 1, 2008 – June 30, 2009.

BACKGROUND:

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 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 and evaluates officer-involved shootings and in-custody deaths, and reviews administration of the discipline program.

COMPLAINT INVESTIGATIONS:

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

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.

#### BOARD REVIEW:

After Internal Affairs renders its findings on the complaint, a three-member 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 must conduct their work in the offices of the Internal Affairs Unit to preserve the required confidentiality.

The Board Team prepares recommendations to the entire 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, during closed session meetings, will recommend that the Board, on each complaint allegation:

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

It is important to note that the 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 Unit. The Board may, however, request additional investigations 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.

With respect to the review of cases, all of the 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. The Board 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 Board. The final disciplinary decision is within the authority of Police Department management, not the Board.

BOARD COMPOSITION:

The Mayor may appoint 23 volunteer citizens to the Board for one (1) year terms beginning each July 1. 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 no vacancies on the Board. The Board's Recruitment and Retention Committee have been communicating with more than twenty candidates interested in becoming prospective members of the Board. Panel interviews are being scheduled for early December 2009 with training to commence in January 2010.

SUMMARY OF 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.

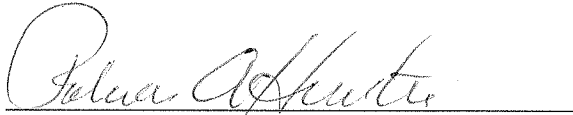
In FY-2009 the Board evaluated and issued findings on a total of 32 civilian complaint cases involving 52 Category I and 39 Category II allegations (Attachment 1). Officer-involved shootings and in-custody death evaluated in FY-2009 all were determined to be within policy.

The Board 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 Outreach) also propose activities or training to assist the Board in performing its responsibilities.

A significant accomplishment of the Outreach Committee was the release of a 12-minute video in February 2009. The video was designed to make the community and the San Diego Police Department more aware of Board activities. Seven presentations were made to community organizations and more than 30 presentations were made to San Diego Police Department patrol line-ups.

The Board meets in Open Session at 6:30 p.m. on the fourth Tuesday each month at the Point Loma Library. The public is welcome to attend these meetings.

Respectfully submitted,



Patrick A. Hunter  
Executive Director  
Citizens' Review Board on Police Practices



Debra Fischle-Faulk  
Director of Administration

Attachment: 1 – FY-2009 Citizen Complaint Allegations and CRB Findings

**Citizens' Review Board on Police Practices  
 FY-2009 Citizen Complaint Allegations and CRB Findings  
 Attachment 1**

Allegation	Sustained	Not Sustained	Exonerated	Unfounded	Complainant Not Cooperative	Total	% of Category
<b>Category I Allegations</b>							
Force	0	0	16	8	0	24	46%
Arrest	1	1	18	1	0	21	40%
Discrimination	0	1	0	4	0	5	10%
Slur	0	1	0	0	0	1	2%
Criminal Conduct	0	0	0	1	0	1	2%
Category I Totals	1	3	34	14	0	52	
Category I Findings %	2%	6%	65%	27%	0%		100%
<b>Category II Allegations</b>							
Courtesy	0	5	2	6	0	13	33%
Procedure	0	2	8	14	0	24	62%
Service	0	0	0	2	0	2	5%
Conduct	0	0	0	0	0	0	0%
Other Findings	0	0	0	0	0	0	0%
Category II Totals	0	7	10	22	0	39	
Category II Findings %	0%	18%	26%	56%	0%		100%

The CRB recorded no disagreements with Internal Affairs during FY-2009. However, in 5 of the 32 complaint cases reviewed (16%) findings were changed prior to presentation to the full board based on discussions initiated by CRB Teams. The discussions between the CRB Team and Internal Affairs were successful in resolving disagreements prior to Board consideration.