

**An INDEPENDENT
COMMUNITY Review Board
on Police Practices**

Consistency, Transparency, Trust

Endorsers:

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/San Diego Socialist Campaign;
Democratic Socialists of America–San Diego; Earl B. Gilliam Bar Association;
First Unitarian Universalist Church of San Diego, Social Justice Ministry Team;
Interfaith Center for Worker Justice; 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; Women’s International League for Peace & Freedom-SD;
Women Occupy San Diego

Time for Change

- **In 1988**, City voters passed 2 ballot measures to establish a Citizens Review Board
- The measure lacking independent investigators & subpoena power rec'd 880 more votes out of over 340k cast (0.002%), and was therefore implemented
- Almost 30 years later, **assaults and misconduct** by SDPD officers are media fare and **taxpayers have paid over \$7 million** in claims in just the past 3 years

Time for Consistency

- In 1990, voters passed a measure for a San Diego County Law Enforcement Review Board **with independent investigators and subpoena power**
- The CLERB's jurisdiction includes law enforcement for unincorporated County and 9 contract cities, jails, courts and probation services.
- Each Supervisor appoints 2 Board members plus 1 appt rotates among the Supervisors each term

Time for Consistency

- In 2001, City Council passed an ordinance establishing an Ethics Commission **with independent investigators, legal counsel and subpoena power**
- The independent entity was formed in 2001 following a scandal that saw City Councilmember Valerie Stallings resign after pleading guilty to receiving unreported gifts

San Diego County Grand Jury (2012)

“The Citizens Review Board had been allowing personnel from the SDPD Internal Affairs Division to attend the board’s closed session meetings for several years. **This could have an effect on the board’s independent decisions.** Interviewees told the grand jury that they have heard Internal Affairs personnel tell the board they never want any dissenting votes going from the board to the mayor or the chief of police.”

San Diego County Grand Jury(2012)

“Board leadership fosters a lack of decorum among its members, which is in direct violation of board bylaws. This has **created an atmosphere of fear and intimidation** perpetuated by some board members. This contributes to a high turnover rate of prospective board members who are appointed to the board as vacancies occur. **Board leadership is weak** and lacks the will to control CRB meetings including the behavior of CRB members toward one another.”

U.S. Dept. of Justice (PERF) Report - 2015

“On a broad level, PERF did not identify any particular policy failure or common underlying factor that tied the misconduct cases together. Rather, it was gaps in policies and practices, a lack of consistent supervision at many levels, and a **failure to hold personnel accountable that allowed misconduct to occur and go undetected for some time**. Perhaps the most important lesson learned from this assessment is that the **failure of the department’s leaders to adequately address smaller problems** led to much larger issues.”

CRB Now

Citizens Review Board

Reviews civilian complaints of misconduct or abuse by any member of the San Diego Police Department (SDPD), and any discipline arising from such complaints. Reviews officer-involved shootings (policy compliance).

23 Members appointed by Mayor

1 year term, renewable for 8 years

CRB Proposed

Community Review Board

Independently investigates allegations of misconduct/abuse by SDPD. Reviews and evaluates discipline arising therefrom. Independently investigates all police use of weapons, in-custody deaths, all criminal conduct by SDPD, and any court finding where evidence has been excluded due to lack of probable cause. Reviews SDPD policies and practices, recommends changes and holds public hearings in so doing.

27 members, 3 appointed by each Councilmember. 1 non-voting Prospective Member appointed by each Councilmember

4 year term with 2-term limit. Staggered terms for continuity.

CRB Now

Executive Director appointed by Mayor

Legal Counsel from City Attorney's office

Investigations of complaints in certain categories carried out by SDPD Internal Affairs, reviewed by CRB

CRB Proposed

Executive Director appointed by Mayor w/ approval by City Council and majority vote of CRB. Cannot be former employee or contractor of law enforcement agency, nor paid City office holder or employee. ED is staff administrator, does not supervise CRB members nor their deliberations.

Independent Legal Counsel retained by CRB, like Ethics Committee.

Independent investigator hired by CRB prepare reports for CRB determination, like Ethics Commission. Cannot be former employee or contractor of law enforcement, nor paid City office holder or employee.

CRB Now

No complainant advocate/ombudsperson(Police Ofc rs have POA rep)

No subpoena power for complete information

Complaints filed w/ CRB not publicly tracked

Complaints are categorized by SDPD Internal Affairs

CRB Determination Report to SDPD Internal Affairs

CRB Budget unknown, not itemized in SDPD or City Atty budget/expenditures

CRB Proposed

Complainant Advocate hired by CRB to assist complainants through CRB process. Cannot be former employee or contractor of law enforcement, nor paid City officeholder or employee.

Subpoena power to obtain complete information, like Ethics Commission.

All complaints recorded and tracked by CRB. Status updated on CRB website.

Complaints filed w/ CRB are categorized by CRB for appropriate review.

CRB Report to relevant SDPD Commanding Officer, Internal Affairs and Chief of Police.

CRB Budget submitted as part of Mayor's budget each year.

NOW is the Time

“Trust in law enforcement is an essential part of civilization and civility, and we have it. But we realize it’s ebbing in others, especially in minority communities. A report last year showed that San Diego officers pull over minorities disproportionately more than whites, just one area of concern.”

San Diego Union-Tribune Editorial Board | Jan. 7, 2016

NOW is the Time

“At last count, the review board’s 23 members included only four blacks and one Asian. The panel’s executive director is working to increase minority representation. A public campaign to fully vet this issue will drum up interest in the board and its work. We urge the City Council to let voters decide this in November, by putting this measure on the ballot as written or fine-tuning it first. For everyone’s sake.”

San Diego Union-Tribune Editorial Board | Jan. 7, 2016