

Citizens' Review Board on Police Practices



**Fiscal Year 2009
Annual Report**



The City of San Diego
Citizens' Review Board on Police Practices
Fiscal Year 2009
July 1, 2008—June 30, 2009
Annual Report

Board Members

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James Kaese, 2nd Vice Chair

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Dian Black

Harry J. Bonnell

David L. Brown

John A. Clapp

Myra Harada

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Nancee S. Schwartz

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Ken Wheatley

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The City of San Diego

Citizens' Review Board on Police Practices

The reporting period for this report has been adjusted from calendar year to fiscal year since the City's fiscal year ends on June 30.

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INTRODUCTION BY THE CHAIR

The Citizens' Review Board on Police Practices (CRB), established by the voters of San Diego in 1988, reviews and evaluates complaints brought by the public against the San Diego Police Department (SDPD). It also reviews officer-involved shootings (OIS), in-custody deaths (ICD), and the administration of discipline resulting from sustained complaints. When appropriate, the CRB makes policy and procedural recommendations to the SDPD resulting from this review.

The CRB is comprised of 23 dedicated citizen-volunteers who represent a wide diversity of San Diegans who are racially and culturally diverse and who represent a broad cross section of the City with respect to their occupations, where they live, and how they think about policing. These volunteers are recruited from throughout the City of San Diego and are rigorously trained through a variety of activities including discussions, presentations, ride-alongs with SDPD officers, and police procedure and policy classes at the Regional Public Safety Training Institute. This training is crucial so that when it is time to review cases, they are reviewed with care, intelligence, and knowledge. The public can have the confidence that the CRB is interested in a fair and complete process which neither advocates for the public nor for the officer.

CRB volunteers donate over 4000 hours to the review and presentation of cases, committee work, and trainings. CRB members deserve special thanks for devoting so many hours and unlimited energy to the job. They apply their skills to this endeavor because they recognize that the CRB is a significant contributor to the community's welfare. They have a passion to serve and exemplify the quality of leadership that is essential to an organization with this mission. Our members enjoy their work and consider it a pleasure and an honor to serve the City of San Diego in this capacity.

Serious complaints (force, arrest, discrimination, slur, and criminal conduct) against SDPD officers may be lodged by citizens at a number of locations including the police department and the CRB and may be made in person, in writing by email, letter, or fax, or by telephone. The complaint is then investigated by the Internal Affairs Unit (IA) of the SDPD. Each complaint is assigned to a three-person team of CRB members who have complete and unfettered access to all materials utilized by IA to determine the validity of the complaint.

Over the last twenty years, the relationship between the CRB and IA has matured into one which is cooperative rather than adversarial. The CRB and IA recognize the importance of a respectful, professional, and productive working relationship. Because of the manner in which cases are reviewed, the relationship with IA, and the awareness in the community of our impartiality, the CRB is nationally recognized as an effective model of civilian oversight of law enforcement.

Lieutenant Brian Blagg, the IA Unit Commander for the past two years, moved to Northern Division and was replaced by Lieutenant Brian Ahearn. The CRB is appreciative of the dedication Lt. Blagg brought to IA. Lt. Ahearn continues the tradition of past IA lieutenants by bringing a depth of experience and professionalism to his assignment. Detective Chris Cameron, the CRB liaison within IA, is a constant help to CRB members. Taking his place in June, 2009 was Detective Dean Way. The CRB appreciates and thanks Det. Cameron for his work with the CRB. The CRB also thanks all the detectives and sergeants of IA who work with us and who are accessible and responsive to questions from CRB members. When the CRB and IA disagree on issues, it occurs with professionalism and courtesy, recognizing the merits that exist on both sides of the discussion.

The major change to the CRB in FY-2009 was the reassignment, due to budget restructuring, of our long time Complaint Coordinator, Elvia Sandoval. Ms. Sandoval had been with the CRB for 17 years and brought to the job competence, reliability, compassion, humor, and institutional knowledge. She will be greatly missed. Taking her place is Denise Sandoval.

The major accomplishment of FY 2009 is the production of an informational video which explains how the CRB does its job. Five years in the making, it was skillfully created by Jan Allen, a former CRB member, and Lee Anne Dillingham of the SDPD Video Production Department. The video is a superb teaching tool which is in the process of being shown to all of the Commands, Watches, and Units within the SDPD, community groups, and other interested organizations. It is also available on the City of San Diego website and has been viewed and praised by professionals across the country within the civilian oversight of law enforcement community. Because of the superlative work of Jan and Lee Ann, the video has been appreciated and valued by all who have seen it. The CRB extends its appreciation to Jan and Lee Ann and to all the people who participated in the making of the video.

In conclusion, the CRB remains a strong and viable Board which provides invaluable service to San Diego's citizens and to the SDPD in its important role as civilian oversight of the San Diego Police Department. The city's leaders, including Mayor Jerry Sanders and San Diego Police Chief William Lansdowne, have commended the Board on its effectiveness and value to the City.

Sandra I. Arkin
Chair
Citizens' Review Board on Police Practices

BACKGROUND AND PROCEDURES

The Citizens' Review Board on Police Practices (CRB) was established in November, 1988 as a result of the passage of Proposition G; the CRB began its work July 1, 1989. The Mayor is charged with appointing 23 volunteer citizens to the CRB for one (1) year terms beginning each July 1. The Mayor also appoints up to 23 citizens as non-voting "Prospective Board Members" who are trained for appointment to the CRB as vacancies occur throughout the year. As part of its responsibilities to review and evaluate substantive (Category I) complaints brought by the public against officers of the City of San Diego Police Department (SDPD), the CRB publishes annual reports which present statistics on the number of complaints filed, the types of allegations, the findings of the Police Department's Internal Affairs Unit investigations, and the CRB's findings. The CRB also makes a semi-annual report to the Mayor discussing its accomplishments, activities, and concerns.

Category I allegations include **force, arrest, discrimination, slur, and criminal conduct**. If alleged in conjunction with Category I complaints, the CRB also reviews allegations in the areas of procedure, courtesy, conduct, and service. These complaints are classified as **Category II**, and when filed alone are evaluated solely by the SDPD and are not reviewed by the CRB. Complaints that have only Category II allegations are referred by Internal Affairs to the Division Commander where the incident took place. The Division Commander is responsible for review, investigation, and disposition.

Citizens may file a complaint with the CRB's staff at designated community agencies or at City Community Service Centers 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.

When a Category I complaint is received by Internal Affairs, it is assigned to one of its Sergeants for investigation. The investigation includes interviews with the complainant, civilian witnesses, witness officers, and the subject officer, and an examination of the physical evidence, if any. Internal Affairs considers each allegation in the complaint separately.

Officer-Involved Shootings and In-Custody Death cases are investigated by the SDPD Homicide Unit.

Once the investigation is complete, the Internal Affairs disposition of each allegation will be classified in one of the following ways:

- ❖ **SUSTAINED** The SDPD member committed all or part of the alleged act of misconduct.
- ❖ **NOT SUSTAINED** The investigation produced insufficient information to clearly prove or disprove the allegation.
- ❖ **EXONERATED** The alleged act occurred but was justified, legal, and proper, or was within policy.
- ❖ **UNFOUNDED** The alleged act did not occur.
- ❖ **OTHER FINDINGS** The investigation revealed violation(s) of SDPD policies/procedures not alleged in the complaint.
- ❖ **COMPLAINANT NOT-COOPERATIVE (CNC)** The complainant either cannot be located to be interviewed, refuses to be interviewed, or fails to provide sufficient pertinent details to address the allegation. Attempts must be made to locate the complainant. (Note: In some limited circumstances, even when the complainant is not cooperative and is not interviewed, Internal Affairs may determine that there is sufficient evidence to reach a disposition.)

Once the homicide and district attorney investigations are completed for officer-involved shooting and in-custody death cases, the Internal Affairs case disposition will be classified in one of the following ways:

Internal Affairs Officer-Involved Shooting / In-Custody Death Findings

- ❖ **Within-Policy**
- ❖ **Not Within-Policy**

Citizens' Review Board Findings—Procedural Notation

The statistical breakdown of complaint cases that follows does not indicate any record of disagreements with the recommended findings of the San Diego Police Department Internal Affairs. However, findings were changed in five (5) of the 32 complaint cases (16%) prior to presentation to the full CRB based on discussions initiated by the CRB Teams. These discussions between the CRB Team, Investigators, and Internal Affairs Staff were successful in changing these findings, thus resolving disagreements prior to full CRB consideration. Had these discussions not been conducted, more than eight findings could likely have resulted in formal disagreements.

After Internal Affairs renders its findings on the complaint, a three-member CRB 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 Team's review. Team Members are required to conduct their work in the offices of the Internal Affairs Unit to preserve the required State of California-mandated confidentiality. In fact, even the notes made by the Team are kept with the file in the Internal Affairs office.

The 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. 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 will recommend that the CRB, on each complaint allegation:

- ❖ **Agree with Internal Affairs findings.**
- ❖ **Disagree with Internal Affairs findings with comment.**
- ❖ **Request additional information** from Internal Affairs in order to make a decision.
- ❖ **Refer to the CRB Policy Committee** any specific policy or procedural issues arising from a case which do not directly relate to the allegations of that case.

In closed session, the CRB will come to one of these conclusions. The CRB may agree with Internal Affairs findings but comment that the incident could have been handled differently. As well, the CRB may disagree with Internal Affairs and comment on their differing conclusion or the CRB may simply agree with Internal Affairs. It is important to note, however, 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, however, 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.

In those cases where the CRB disagrees with Internal Affairs' findings on a complaint, and cannot resolve its differences with Police Department management, the CRB Chair advises the Mayor of the issue and the CRB's position. The CRB Chair also advises the Mayor of any substantive comments that the CRB has made on individual cases, and may suggest policy changes based on trends that have come to the CRB's attention. The final resolution of the disagreement is then made by the Mayor.

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. However, the CRB does have 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. Since its inception, the CRB has referred three (3) cases to the District Attorney, Grand Jury and/or the Department of Justice. The CRB has also requested two (2) independent reviews by the City Manager.

When a complaint against an officer has been "Sustained," the Police Department imposes discipline. Internal Affairs reports the discipline to the CRB and discusses any prior "Sustained" complaints of a similar nature against the officer. The Executive Director records each Sustained allegation to ensure that Internal Affairs is notified of all discipline imposed as a result of these allegations. In cases where the CRB comments on the disciplinary process, the Mayor and Police Chief are so advised. Ultimately, however, the final disciplinary decision is within the authority of Police Department management, not the CRB.

STATISTICAL ANALYSIS

Complaint Cases

Between July 1, 2008 and June 30, 2009, the CRB reviewed, evaluated, and issued findings on a total of 32 separate citizen complaint cases including 52 Category I allegations and 43 Category II allegations.

Analysis of the CRB's records for the fiscal year reveals a **15% increase in total cases** reviewed and a **reduction of 5.9% in the number of Category I complaints** from the previous year.

The statistical breakdown of complaint cases that follows does not indicate any record of disagreements with the recommended findings of the San Diego Police Department Internal Affairs during FY-2009. However, **findings were changed in five (5) of the 32 complaint cases (16%)** prior to presentation to the full CRB based on discussions initiated by the CRB Teams. These discussions between the CRB Team, Investigators, and Internal Affairs Staff were successful in changing these findings, thus resolving disagreements prior to full CRB consideration. Had these discussions not been conducted, more than eight findings could likely have resulted in formal disagreements.

Officer-Involved Shooting and In-Custody Death Cases

Given the significant public impact of police shootings the CRB, the City Manager (subsequently the Mayor), and Chief of Police mutually agreed to establish procedures for the CRB to review and evaluate shooting incidents involving death or injury, whether or not a complaint had been filed.

Such review occurs after all internal and external investigations have been completed and reviewed by the SDPD Homicide Unit, the San Diego County District Attorney, and SDPD Internal Affairs Unit. Similar agreement was reached between the CRB and the San Diego Police Department with regard to In-Custody Death cases.

Between July 1, 2008 and June 30, 2009 there were a total of twelve (12) Officer-Involved Shooting cases reviewed by the CRB. The increase in the number of officer-involved shooting cases reviewed during FY-2009 was directly related to the increase in investigations completed by San Diego Police Department and the San Diego County District Attorney's Office. There is no correlation to the number of officer-involved shootings in any particular fiscal year.

During this same period two (2) In-Custody Death cases reviewed by the CRB.

FY-2009 Category I Internal Affairs / CRB Findings

Allegation	Sustained	Not Sustained	Exonerated	Unfounded	Complainant Not Cooperative	Total	Allegation %
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%
Total Category I	1	3	34	14	0	52	
Findings %	2%	6%	65%	27%	0%	1	100%

FY-2009 Category II Internal Affairs / CRB Findings

Allegation	Sustained	Not Sustained	Exonerated	Unfounded	Complainant Not Cooperative	Total	Allegation %
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%
Total Category II	0	7	10	22	0	39	
Findings %	0%	18%	26%	56%	0%		100%

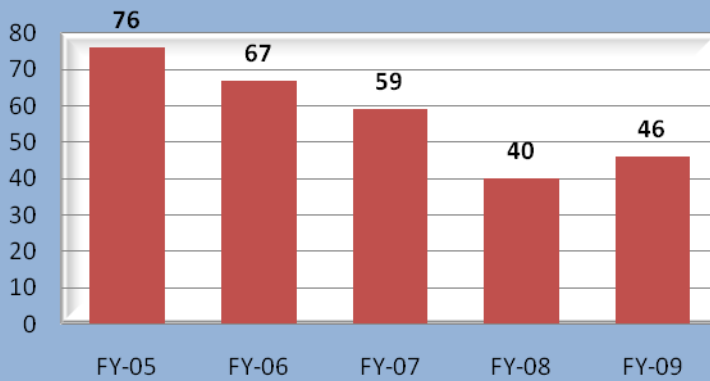
FY-2009 Category I & Category II Internal Affairs / CRB Findings

Total Allegations	1	10	44	36	0	91	
	1%	11%	48%	40%	0%	100%	

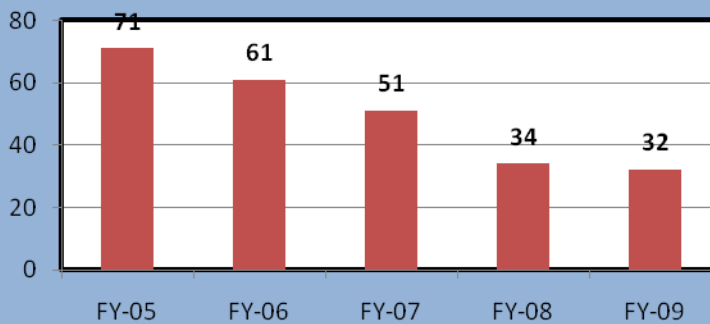
FY-2009 Officer-Involved Shootings & In-Custody Deaths

	Within Policy	Not Within Policy	Total
Officer Involved Shooting	12	0	12
In-Custody Death	2	0	2

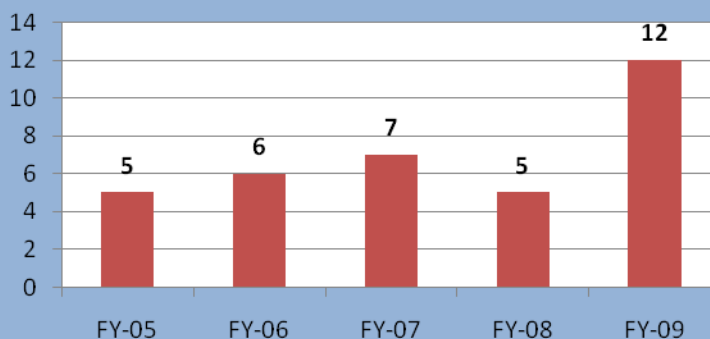
Total Cases Reviewed



Citizen Complaints Cases Reviewed



Officer-Involved Shooting Cases Reviewed

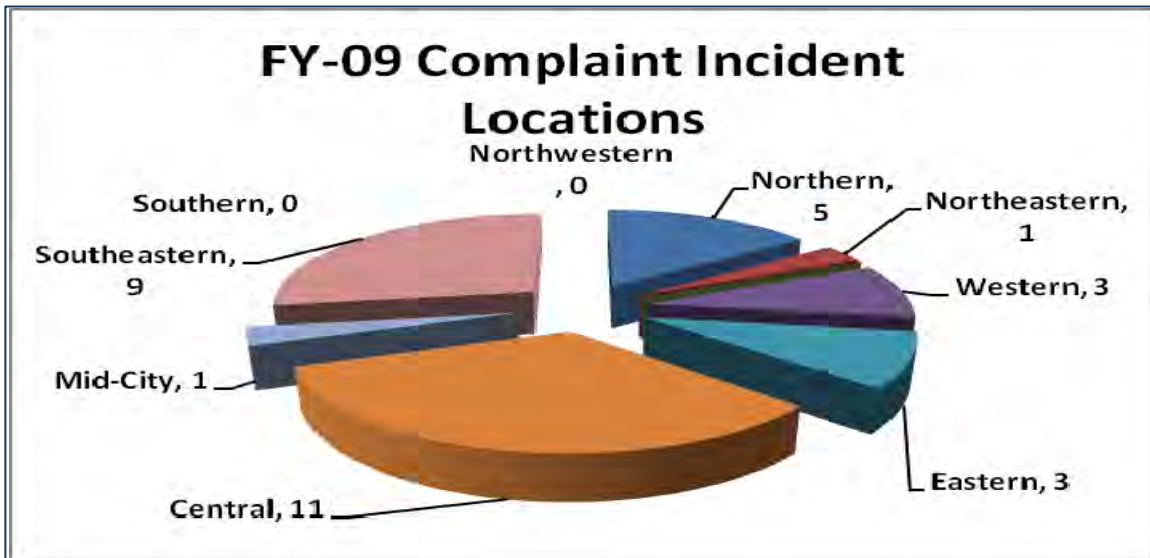


In FY-2009 the CRB reviewed 46 cases. Thirty-two of those cases were initiated from citizen complaints, twelve were officer-involved shootings, and two were in-custody deaths.

Since FY-2005 the number of cases reviewed has decreased. This decrease can be attributed to a number of factors such as:

- SDPD officers and/or supervisors resolving citizen complaints on the scene.
- SDPD leadership's continued emphases on proactive police community relations.
- Lessons learned which result in changes to department policies and procedures.
- Lessons learned which result in changes in the training provided to academy students and seasoned officers.
- The CRB process has had a significant impact in each of these areas.

Officer-involved shootings increased in FY-2009, not because of an increase in shooting incidents, but as a result of the return of completed District Attorney investigations.



Central, Southeastern, and Northern Divisions had the most civilian complaint cases reviewed by the CRB in FY 2009.

Mid-City, Western, and Southeastern Divisions had the most officer-involved shooting cases reviewed by the CRB in FY 2009. There is no correlation to the number of officer-involved shootings since investigations and case reviews may span a number of fiscal years.

SUMMARY OF FY-2009 CRB ACTIVITIES

Over the years, the CRB has reviewed hundreds of citizen complaints in closed session as required by California law, and has conducted its regular business in public meetings on the fourth Tuesday of each month. To conduct its regular business, the CRB is organized into Committees which report on issues that come under their jurisdiction as established by the City Charter. The Committees also propose activities or training to assist the CRB in performing its responsibilities. Summary reports of these Committee Fiscal Year 2009 activities follow:

POLICY COMMITTEE:

The Policy Committee of the Citizens' Review Board on Police Practices examines San Diego Police Department policy and procedural issues and makes recommendations to the full CRB. The Committee's recommendations are presented to facilitate the work of the CRB. The purpose of those recommendations is to clarify the relationship between the CRB and the Department, to suggest policy reviews and, if appropriate, policy changes to the Department, and to encourage dialogue and communication between the Department, the CRB, and the public. The Committee's work ensures that citizens have a fair and effective means of registering and resolving complaints against officers whom they believe have executed their duties improperly. Moreover, policy recommendations initiated by the Committee are meant to provide long-term systemic procedural changes designed to help the Department better fulfill its mission of community-oriented policing. This pro-active involvement of the CRB in helping to develop police policy has lasting benefits to the Department, its officers, and the citizens of San Diego.

Policy Committee actions In January 2008 through June 2009 included the following:

- ❖ Review of alcohol-related activities, policies, and procedures originating from public comment during a CRB Open Session Meeting. A review of the policies and procedures in effect for the department, existing legislation, and education by an investigator for the California Alcoholic Beverage Control Board confirmed that the current policy and procedure of the department was legal, proper, and in widespread usage.
- ❖ The Notification Letter sent out by the CRB to complainants once the CRB has completed its evaluation had not been reviewed in four years and was assigned to the Policy Committee for review. Several modifications were made to the format and verbiage of the letter and these changes were approved by the CRB Chair who signs such letters.
- ❖ The subject of whether or not there was a need to change policy to require that medical reports of non-fatal officer-involved shootings be reviewed by a physician was considered. The San Diego County Medical Examiner Office is available for such consulting on an as-needed basis. Thus, there is no need for policy or procedure change.
- ❖ Following up on a presentation by a member of the public, during Open Session, an intensive review of policies and procedures for conducting identification procedures, documentation of interviews, and techniques of interviews was conducted. It established that all of the suggestions by the presenter were already in effect except for two suggestions prohibited by the California Peace Officer Bill of Rights.
- ❖ At the time of this report, reviews were being conducted on the subjects of (a) Drunk in Public arrests, (b) Clarification of Exonerated versus Unfounded findings in complaint investigations and (c) Making provisions for the personal needs of individuals arrested or detained when the needs do not suggest emergency medical attention.

The FY-2009 Policy Committee Members are Harry Bonnell, Chair, Nancee Schwartz, Ken Wheatley and Caroleen Williams.

TRAINING COMMITTEE:

The Training Committee is a standing committee of the CRB responsible for assuring that each CRB Member receives appropriate training and experience so that members can fully and properly evaluate citizen complaints, officer involved shootings, and in custody deaths.

During this period, the Training Committee provided a number of training opportunities to members and prospective members of the CRB. The trainings provided were made possible through the combined efforts of the Training Committee, individual CRB Members, members of San Diego city organizations, the San Diego Police Department, and the Regional Public Safety Training Institute (Regional Academy). A regular schedule of training presentations was provided to members and prospective members at the CRB's monthly open session meetings:

- ❖ Use of Less Than Lethal Force
- ❖ San Diego Harbor Police Responsibilities & Coordination with SDPD
- ❖ Inter-Agency Roles in Officer-Involved Shooting and In-Custody Death Incidents
- ❖ Firearms/Range Day
- ❖ NACOLE Report, CRB Strategic Plan
- ❖ San Diego County Central Jail Tour
- ❖ Addressed by Mayor Jerry Sanders
- ❖ Arrest & Control, Defensive Tactics, Firearms Training Simulator (Board Retreat)
- ❖ Early Identification and Intervention System for San Diego Police Department
- ❖ Post Traumatic Stress Syndrome
- ❖ The California & Hawaii Innocence Project

In addition to the formal group training, individual CRB Members and Prospective Members take advantage of individual training opportunities such as:

- ❖ Ride-Alongs
- ❖ In-Service and Regional Academy classes
- ❖ *Inside the SDPD* overview sessions included Use of Force, DUI Stops, Mock Vehicle Stops, Fire Arms Training Simulator and a K-9 Demonstration.

Members and prospective members discuss their ride-along and training activity experiences in the open sessions of meetings.

Two retreats were conducted during the period of this report.

- ❖ In June 2008, the CRB participated in a session entitled "Exploring Privilege and Power," led by Jeanine Hillis of the City of San Diego's Diversity Commitment, in the Office of Ethics and Integrity. The CRB also discussed Case Review, Case Preparation and Case Presentation.
- ❖ In April 2009, the CRB joined training for newly appointed Prospective Members at the San Diego Public Safety Training Institute and attended information and participatory sessions in:
 - California Legal Guidelines: Probable Cause, Arrest, Detention, Pretext Stops; Use of Force and the Force Matrix
 - Defensive Tactics; Less Lethal Weapons
 - Fire Arms Training Simulator (FATS)

The FY-2009 Policy Committee Members are Myra Harada, Chair, Dian Black, John Clapp, Charlie Kim, Bill Yee, Lucy Pearson, and Jude Litzenberger.

OUTREACH COMMITTEE:

The Outreach Committee is a standing committee of the CRB responsible for educating the public and the police department regarding the functions of the CRB through printed materials, community meetings, the CRB website, and police department trainings.

The Outreach Committee unveiled its long anticipated "Mock Case Review" video presentation at the CRB 20th Anniversary Celebration in February 2009. Through the diligent efforts of former CRB Member Jan Allen and Multimedia Production Specialist Lee Anne Dillingham, many, many hours of planning, coordinating, taping, and production resulted in a professional 12-minute video depicting a traffic stop, complaint intake, Internal Affairs investigation, and CRB review and presentation.

Of the **37 community** and **93 police department activities**, the video has been shown at seven community meetings and more than 30 police department patrol division line up briefings. The video can be found on the CRB website at www.sandiego.gov/citizensreviewboard.

Four presentations were done in support of the **U.S. Department of State International Visitor Leadership Program** coordinated by the local Citizens' Diplomacy Council of San Diego. These delegations are chosen to come to the United States because they are nominated by U.S. embassies and are seen by the Department of State as future leaders of their countries. The CRB conducted presentations on civilian oversight of law enforcement and citizen involvement with local government to delegations from Iraq, Pakistan, Palestine, and the country of Georgia.

The CRB, in concert with the San Diego County Citizens' Law Enforcement Review Board (CLERB), conducted presentations for the San Diego County District Attorney Citizens' Academy, San Diego State University, and two San Diego Community College classes at the Education Cultural Complex.

The CRB Complaint Form was produced in Spanish and made accessible on the Website.

The Outreach Committee members continue to look for additional opportunities to provide information to the public.

The FY-2009 Policy Committee Members are Jim Herrera, Chair, Yuki Marsden, David Brown, Kathryn Vandeneuvel, Jim Kaese, Stuart Simmons, and Barbara Penn.

RECRUITMENT AND RETENTION COMMITTEE:

Recruitment and Retention Committee - A standing committee which is responsible for identifying, recruiting, interviewing, and retaining members for the Citizens' Review Board.

Vacancies on the CRB are filled from what is called the Prospective Members List. Individuals appointed to the CRB must be fully trained and prepared to fulfill their duties. The Prospective Members List was formed in 1996 in order to assure that a diverse group of applicants was always available for the City Manager (and now the Mayor) to choose from in filling vacant appointments.

In 2005, it was anticipated that most of the people on the Prospective Members List would be appointed to the CRB to fill a number of expected vacancies. Because of this, the number of Prospective Members available for future appointments would be reduced to a very low number. In the past, recruitment had been accomplished entirely by the City Manager's Office. With the support of the Mayor, a Recruitment Committee was formed to assist his office in identifying, recruiting, and appointing new Prospective Members. The Mayor has decided to retain the Recruitment and Retention Committee as the most effective means of identifying Prospective Members.

The staff, CRB, and Committee work industriously to identify the most diverse group of candidates possible. The CRB strives for diversity of education, employment, geographic location in the city, age, gender, race, ethnicity, and sexual orientation. In the past, public notices were placed in local area print media where interested individuals were asked to contact the CRB. This method was quite successful and most of the past and many current Members were selected in this manner.

Candidates indicate their interest in serving on the CRB. The Executive Director and a member of the R&R Committee contact each candidate and sets up a preliminary informal interview. These interviews are conducted to provide candidates an informal orientation and to stress the time commitment involved when serving on the CRB. Candidates who decide to continue with the process submit résumés and letters of interest, and are then interviewed by a Committee consisting of the Executive Director, the Chair of the R&R Committee, two CRB Members, and two members of the public not directly affiliated with the CRB. A list of finalists is forwarded to the Mayor for selection.

Also in the summer of 2006, the Recruitment and Retention Committee determined that just identifying, interviewing, and selecting candidates was not enough to ensure that they would remain active and motivated during the long training process needed before they became Board Members. Therefore, the CRB renamed the committee as the **Recruitment and Retention Committee** and developed a training matrix. This matrix consisted of seven components aimed at providing the Prospective Members with a comprehensive look at not only the CRB and its processes but also at the San Diego Police Department. Prospective Members were required to complete all components of the training before they were assigned to Teams as training members.

In the fall of 2007 and 2008, CRB candidates were interviewed in informal sessions with the Executive Director and the R&R Committee Chair. In January 2008 nine (9) candidates were interviewed and in January 2009, eleven (11) candidates appeared before an interview panel consisting of the CRB Chair, Executive Director, 1st Vice Chair, current and former Board members, and members of the public. The qualifying prospective members were forwarded to the Mayor for approval. Six prospective board members were selected by the Mayor in 2008. Four prospective members were completed their training with three ultimately taking their places on training teams.

The CRB Executive Director, Patrick Hunter, is to be commended for his extraordinary efforts to recruit talented and qualified individuals to the CRB through his participation at public meetings and private venues throughout the City and County of San Diego.

The New Member Training Matrix initiated in 2006 continues to be enhanced using data from the on-line survey, input from SDPD staff and suggestions of current CRB members. Targeted recruiting, presentations at community meetings, word of mouth, and publicizing the mission of CRB have been invaluable in the selection and ultimate appointment of qualified people on the Board.

The FY-2009 Recruitment and Retention Committee Members are Dan Frazee, Chair, Ed Abeyta, Darrel Harrison, and Manuel Rubio.

PUBLIC MEETING PRESENTATIONS

In order to knowledgeably perform their duties, CRB Members are required to possess a thorough understanding of the law, policies, procedures, and tactics under which the San Diego Police Department operates. The Training Committee conducted an ambitious training program since the last Annual Report, designed to help Members update and enhance their knowledge of these operational requirements. During the year, the CRB benefited from training presentations conducted in conjunction with its public meetings.

- ❖ Sergeant Dave Landman, San Diego Police Department, presented a session on the **Tactical Communication**.
- ❖ Lieutenant Andy Mills, San Diego Police Department, presented a session on the **Gang Suppression Team**.
- ❖ Kevin Keenan, Executive Director, **American Civil Liberties Union**, San Diego & Imperial Counties addressed the Board.
- ❖ Bonnie M. Dumanis, District Attorney for San Diego County, presented the **District Attorney Role in Officer-Involved Shootings and In-Custody Deaths**.
- ❖ Lieutenant Joe Ramos, San Diego Police Department, presented a session on **Less Lethal Force Options**.
- ❖ Kirk Sanfilippo, **Chief of Harbor Police, San Diego Unified Port District** addressed the Board.
- ❖ Lieutenant Kevin Rooney, San Diego Police Department Homicide Unit; Dr. Glenn Wagener, County of San Diego Chief Medical Examiner; Richard Monroy, Chief, Special Operations Division, San Diego County District Attorney; Michael Runyan, Deputy District Attorney, San Diego County District Attorney; and Bobby Dean, San Diego County District Attorney Special Operations Division presented **Inter-Agency Roles in Officer-Involved Shootings and In-Custody Deaths**.
- ❖ Bill Nemecek, Immediate Past-President, and Jeff Jordon, Vice President, **San Diego Police Officers Association** addressed the Board.
- ❖ **Mayor Jerry Sanders** presented the Board with a Resolution Commemorating the 20 Year Anniversary of the Citizens' Review Board on Police Practices.
- ❖ Lieutenant Carolyn Kendrick, San Diego Police Department presented the **San Diego Police Department Early Identification and Intervention System**.
- ❖ Dr. Douglas Christian "Chris" Johnson, Ph.D, presented **Post Traumatic Stress in Relation to Law Enforcement and the Military**.
- ❖ Patrick Hunter, CRB Executive Director, and Sandra I. Arkin, CRB Chair reported on the **2008 National Association for Civilian Oversight of Law Enforcement Conference** held in Cincinnati, Ohio in October 2008.

POLICY CHANGES

Since the inception of the CRB, numerous positive changes have been implemented by the SDPD as a result of input and recommendations by the CRB. These changes have included (**most current listed first**):

The San Diego Police Department's Policies and Procedures are now made available to the CRB in a regularly updated CD ROM format.

At the request of the CRB, the San Diego Police Department extended the hours available to Members for case review. Members may now accomplish their work at the Internal Affairs Unit before and after regular business hours as well as one Saturday per month.

At the request of the CRB, the SDPD has made changes to its policy for escorting detainees to restrooms at Petco Park.

The SDPD accepted a recommendation from the CRB to review its policy for delivering "stay away orders" from school administration officials by members of its Juvenile Service Teams.

The SDPD has accepted a recommendation from the CRB to ensure that motorists and others are informed in a timely manner of the reason for their detention.

The SDPD is placing digital cameras in all patrol units (as budget allows) and has promulgated an updated order (OR # 05 06) concerning use, preservation, copying and other details regarding cameras and photographs.

Changes to the Internal Affairs procedures manual regarding citizen complaints, officer involved shootings, in-custody deaths, and reception/investigation/routing procedures were adopted by the SDPD at the request of the CRB.

Changes to the SDPD web site to make it more user friendly for the public were made by the Department at the CRB's request.

SDPD introduced a new training program designed to decrease the use of lethal force in contacts with the mentally ill as well as in other high risk situations. The concept and tactics of the Critical Incident Training program satisfy a number of recommendations made by the CRB over a period of several years.

Office space for the CRB has been set aside in the Internal Affairs Unit. Copies of CRB and SDPD policies and procedures, government codes, and other reference materials, as well as CRB computers available in the office improve the efficiency and timeliness of case review.

The Chief of Police and/or the Executive Assistant Chief of Police now attend all CRB Meetings.

The Internal Affairs Liaison of the CRB will now make monthly, rather than yearly, reports to the CRB on the Department's Early Warning system.

At the urging of the CRB, tapes of all homicide investigation interviews in officer-involved shooting cases are now provided to Review Team Members at their request.

In order to facilitate the CRB's responsibility to "Review and comment on the administration of discipline" the Police Department will now inform Review Team Leaders about discipline imposed and relevant background information prior to CRB Meetings. Review Team Leaders will re-review the case, report the discipline and recommend agreement or disagreement with comment to the full CRB.

At the urging of the CRB, the Police Department has made changes to Department Procedure I.14 (Accidents) in order to conform to City of San Diego Policy.

The Case Reporting Form has been modified to include a space for indicating changes to Internal Affairs Findings based on input and discussion with Review Teams.

The City Manager established a policy for releasing all CRB Police-Involved Shooting Reviews to the public. This policy was challenged by the San Diego Police Offices Association and was subsequently struck down by the Court of Appeals of California.

SDPD agreed to provide information regarding prior officer involvement in shootings and in-custody deaths to Review Teams at the conclusion of their case evaluation in the same manner as that information is provided about prior "Not Sustained" complaints.

Internal Affairs changed procedures regarding letters of findings sent to complainants. Final letters are no longer sent to complainants until the CRB has completed its review.

Disagreements between Internal Affairs findings and Review Team evaluations may now be discussed between Internal Affairs command and investigators and Review Teams. In some cases, findings may be modified in order to resolve the disagreements.

In a 1998 review of the Use of Force Policy, SDPD, at the recommendation of the CRB, modified the use of Oleoresin Capsicum (OC) spray as follows: OC shall not be used on a person who is completely restrained in a safety control chair at any police facility.

Internal Affairs now includes the following statement in its letter of findings to complainants: "Additionally, your complaint has been reviewed by the Citizens' Review Board on Police Practices."

A summary report of all Category II Complaints and actions taken by SDPD to address the issues raised by these complaints will be made annually to the CRB.

A computer tracking system has been established by Internal Affairs to automatically report out any officer involved in two or more shootings in a twelve-month period. The SDPD review and evaluation of the officer, including resulting action by SDPD, will be reported to the CRB annually for its comment and recommendations.

A computer tracking system has been established by Internal Affairs to automatically report out any officer with three or more Category complaints in a twelve-month period. The Department's review and evaluation of the officer, including resulting action by the Department will be reported to the CRB annually for its comments and recommendations.

A check-box item for complainants has been added to the Citizen's Complaint Form if the complainant requires an interpreter.

Slurs have been changed from Category II to Category I complaints.

At the recommendation of the CRB, Chief Jerry Sanders extended the CRB's authority to include review of all fatalities that occur during police contact.

At the request of the CRB, the entire homicide investigation is brought to the CRB meeting at which a fatal shooting case is reviewed.

At the recommendation of the CRB, CRB brochures are now sent to complainants with the initial information letter from Internal Affairs.

At the recommendation of the CRB, conclusion letters sent to complainants now include more detail about the specific allegations and definitions of conclusions.

At the recommendation of the CRB, new procedures have been established that require a witness for searching wallets and purses.

CRB background and review procedures have been included in the Department Policies.

At the recommendation of the CRB, complainants are now allowed to have an uninvolved support person present during Internal Affairs interviews.

At the request of the CRB, "Misconduct Noted" and "Discrepancy Noted" findings have been clarified and definitions are included in Department Policies.

Misconduct Noted. The investigation evidenced Category I violation(s) of Department Policies/Procedures not alleged in the complaint.

Discrepancy Noted. The investigation evidenced Category II violation(s) of Department Policies/Procedures not alleged in the complaint.

Public Forum meetings were recommended by the CRB. The first were held at police facilities, then moved to neutral sites to encourage public attendance and input.

The CRB recommended that Statistical Reports maintained and/or generated regarding complaints and dispositions be made public. SDPD cleared the legal hurdles and implemented the request.

A "False Complaint" disposition was initiated by SDPD. The CRB had concerns that this finding would have a "chilling effect" on the reporting of complaints by citizens. Internal Affairs consulted with the San Diego Police Officers Association and the disposition was eliminated.

The Police Shooting Review Board did not have any civilian membership. As a result of a recommendation by the CRB, a community volunteer was selected to sit on the Shooting Board to hear shooting cases. The practice is no longer followed however, as all police shooting cases are now evaluated by the CRB itself.

Annual Report Statistics are now compiled by the CRB rather than by the Complaint Enhancement Detective who formerly kept such records.

The CRB requested that Complainant Non-Cooperative cases be investigated as thoroughly as possible even if the original complainant refused to be interviewed. This has been implemented and conclusions are being reached in many cases.

The CRB's ride-along program has increased CRB awareness at the field level. These interactions provide both CRB Members and officers with the opportunity to learn more about each other's tasks and responsibilities.

Findings and requests by the CRB have a direct influence upon formal and informal training provided to police officers.

As a result of the case review process, Department procedures and policies are constantly being monitored and evaluated. Changes in Pursuit, Prisoner Restraint, Officer Off-duty/On-duty Responsibility, Money Handling and Use of Force policies are just a few of the policies which have been positively impacted as a result of CRB input.

The ongoing, high level of concurrence between the CRB and Internal Affairs findings is an affirmation of the quality and integrity of the self-examination process. It has increased the public confidence in the complaint reception and investigation process.

The CRB recommended direct, but not leading, questions to be asked during interviews with officers. The resulting changes created higher quality and more complete interrogations where the "hard questions" were always asked.

Numerous informal, in-office procedures have been established to provide Review Team Members with access to investigators for questions pertinent to their review of cases.

At the recommendation of the CRB, the Department issued new guidelines for the handling of evidence seized from citizens.

At the recommendation of the CRB, the Chief of Police rescinded the policy of allowing off-duty officers to work as security guards. This was later compromised by a Police Officers Association lawsuit – now off-duty work is permitted under limited conditions.

At the request of the CRB, Internal Affairs investigators attend a CRB meeting in order to familiarize themselves with the CRB and the review process.

At the request of the CRB, Internal Affairs investigators now receive additional training on interviewing subject personnel.

The CRB requested more thorough documentation by Internal Affairs Investigators of their efforts to contact citizens in “Complainant Non-Cooperative” cases. The investigators are instructed to ensure that every possible means is used to try to locate the complainant with appropriate documentation placed in the file to support that effort, including use of certified mail and visits to residences.

At the CRB’s request, a system for “flagging” cases which it feels to be particularly serious was implemented in order to assure appropriate action on the part of the Department.

Additionally, if the current complaint contained “Not Sustained” findings, the CRB asked to be able to see prior similar “Not Sustained” cases and, if deemed necessary, have the prior case(s) reopened.

At the request of the CRB, information regarding prior discipline of an officer is provided to the Review Team when the current complaint contains “Sustained” findings.

The CRB, believing that officers’ complaint histories should, in some cases, be reviewed, asked to have prior, similar, “Not Sustained” findings made available to Review Teams after they review the current case.

In the same report, questions were raised about the use of flashlights as impact weapons and the possibility of purchasing smaller, less cumbersome flashlights. The Department re-examined the lights and responded with refresher training, but the lights were determined to be appropriate.

As a result of the CRB’s first annual report, an office was opened at the City Administration Building for the receipt of citizen complaints. The office was publicized to promote community awareness that complaints could be filed in a location away from the Police Department. In addition, the CRB trained 23 community-based agencies to receive citizen complaints in order to make the complaint process as simple and accessible as possible to the public.

Chief Bob Burgreen modified Department procedures to empower the CRB and to review and comment on all police-involved shootings.



The City of San Diego
Proclamation

**CITIZENS' REVIEW BOARD
ON POLICE PRACTICES
DAY**

Presented By
The Office Of
The Mayor

WHEREAS, the **Citizens' Review Board on Police Practices** was established on November 8, 1988 by the voters of San Diego through passage of Proposition G; and

WHEREAS, the City of San Diego empowered an independent citizen's group to assure the public that serious complaints against San Diego Police Officers are investigated thoroughly, completely, and fairly; and to recommend and advocate for policies which promote fair and humane policing; and to ensure the safety of both citizens and police officers; and

WHEREAS, on April 25, 1989 the City Manager announced to the Mayor and City Council the volunteer appointments to the newly established **Citizens' Review Board on Police Practices**; and

WHEREAS, on July 1, 1989 the **Citizens' Review Board on Police Practices** having completed 40 hours of training, was empanelled and officially commenced review of complaints against the San Diego Police Department; and

WHEREAS, the **Citizens' Review Board on Police Practices** has fostered an open and accessible process for citizen complaints about police officer conduct; and

WHEREAS, the **Citizens' Review Board on Police Practices** has been instrumental in police accountability through numerous recommendations and subsequent implementation of written policies governing police use of force and other critical incidents; and

WHEREAS, more than 130 individuals have volunteered and been appointed Board Members, donating more than 5000 annually to the City of San Diego conducting case review, case preparation, case presentation, board meetings, committee participation, and training; and

WHEREAS, the **Citizens' Review Board on Police Practices** has evolved into a civilian oversight agency which is greatly respected for fairness by the San Diego Police Department Command Staff, San Diego Police Officers Association, patrol officers, and other oversight agencies; and

WHEREAS, the dedication and commitment that the **Citizens' Review Board on Police Practices** has brought to the City of San Diego, the San Diego Police Department, and the citizens of San Diego over the past twenty years is truly appreciated; **NOW THEREFORE**

BE IT PROCLAIMED, THAT I, JERRY SANDERS, the thirty-fourth Mayor of the City of San Diego, do hereby proclaim, February 26, 2009, to be "**Citizens Review Board on Police Practices Day**" in the City of San Diego and commend and thank the **Citizens' Review Board on Police Practices** for their service to the City of San Diego.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND, THIS DAY,
AND HAVE CAUSED THE SEAL TO BE AFFIXED HERETO.


JERRY SANDERS
MAYOR

February 26, 2009

DATE

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