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December 9, 2009

Mayor Jerry Sanders and City Council
City of San Diego
202 C Street
San Diego, CA 92101

Re: San Diego Citizens' Review Board on Police Practices

Dear Honorable Mayor and City Council Members:

On behalf of the ACLU of San Diego & Imperial Counties (ACLU-SDIC), I write to urge you to reconsider your recent recommendations to dispense with the position of executive director of the San Diego Citizens' Review Board on Police Practices (CRB), transfer its authority and undertakings to San Diego's Human Relations Commission (HRC), and concurrently reduce non-personnel expenses for the HRC.

The ACLU-SDIC is a nonprofit, nonpartisan organization with approximately 8,000 members dedicated to the promotion and defense of constitutional rights and civil liberties. It is a regional affiliate of the American Civil Liberties Union, a nationwide organization with over 500,000 members dedicated to the same goals. As a defender of civil liberties, the ACLU is very appreciative of the positive influence civilian oversight can have on the conduct of law enforcement agencies, and is particularly troubled whenever that oversight is curtailed. Due to our efforts to help those who have had their rights violated, much of our work involves working in partnership with police departments to promote best practices in policing. When patterns or practices of abuse are detected, we have a more adversarial relationship with departments. These experiences have led to our belief in the importance of organizations like CRB.

As you know, CRB was established in 1988 after Proposition G was passed by San Diego voters. CRB provides invaluable civilian oversight of police through its review and evaluation of complaints, officer involved shootings, in-custody deaths, and the administration of discipline arising from sustained complaints. CRB also has the important right to make policy and procedure recommendations to the Chief of Police.

These functions are important for many reasons. They help ensure that police act in accordance with the law, provide a way for people to have their complaints and concerns about police conduct heard by a neutral authority, identify broader problems and patterns of abuse that may need to be addressed, and maintain public confidence in law

enforcement. When effective, organizations like CRB can result in better policing, fewer constitutional and other rights violations, and more safety for both police and citizens.

The oversight provided by organizations like CRB has another important side effect – it reduces costs and saves money. Oversight makes police misconduct less likely for a variety of reasons, including a deterrent effect and better informed police departments. The policy and procedure recommendations CRB can provide also result in prevention of police misconduct. Less police misconduct means less litigation, and less litigation saves money for the City. In addition to avoiding large money damages payments, the City will save money on its own costs of litigation, including attorneys' fees and the time City employees must spend in litigation when they could be working.

While we understand the City's need to save money due to the impending economic situation, spending money on organizations like CRB actually saves much more money. Furthermore, the recommendations would result in the total elimination of any CRB-specific staff, a far more drastic measure than the already accomplished staff reductions.

The reduction in staff, funding, and independent authority will greatly reduce the capabilities of CRB. Any reduced presence by CRB will likely bring about less effective oversight of the San Diego Police Department and resultant inferior policing. In addition to increasing litigation and the accompanying costs discussed above, inferior policing will undermine community trust and confidence in the police department and the City. Indeed, we feel strongly that the City should be trying to strengthen CRB to bring it in line with other civilian oversight programs instead of making its mission more difficult.

For the reasons stated above, the City should not eliminate the position of Executive Director of CRB, or transfer its authority to HRC. We urge you to reconsider your recommendations on these points.

Sincerely,



Kevin Keenan,
Executive Director