

# *County of San Diego*



## **2010 ANNUAL REPORT**

*“SERVING THE COMMUNITY AND THE JUSTICE SYSTEM FOR 20 YEARS”*

**2010 CLERB ANNUAL REPORT  
TABLE OF CONTENTS**

About the Citizens' Law Enforcement Review Board.....	1
Mission Statement.....	1
List of Board Members & Staff, Office Location Information.....	1
Résumés of Review Board Members Serving in 2010.....	2
Message from the Chair.....	5
Executive Officer's Summary.....	5
Complaint Data Review.....	6
Total Complaints Received by Year 2000 - 2010 (Graph 1).....	10
Complaints Received by Quarter – 2009 / 2010 (Graph 2).....	10
Complaints & Allegations <u>Received</u> by Unit or Facility in 2010 (Table 1).....	11
Allegation Totals for Complaints Received in 2010 (Graph 3).....	12
Total Complaints by Major Org / Bureau (Table 2).....	13
Breakdown of Discrimination Allegations – 2009 / 2010 (Table 3).....	13
Breakdown of Misconduct Allegations – 2009 / 2010 (Table 4).....	13
Breakdown of Excessive Force Allegations – 2009 / 2010 (Table 5).....	13
Complaint Percentages by Major Org/Bureau – 2009 / 2010 (Graphs 4 & 5).....	14
Allegations by Percentage – 2009 / 2010 (Graph 6 & 7).....	15
Complaints & Allegations <u>Closed</u> by Unit or Facility in 2010 (Table 6).....	16
Allegation Totals for Complaints Closed in 2010 (Graph 8).....	17
Fully Investigated Cases / Findings by Date Closed - 2010 (Table 7).....	17
One Year Summary Dismissal / Summary Dismissal / Procedurally Closed Cases by Date – 2010 (Table 8).....	18
Policy Recommendations (Table 9).....	20
CLERB Two-Year Operational Budget (Table 10).....	21
Glossary of Terms & Definitions.....	22

**APPENDICES**

San Diego County Charter Section 606.....	A
San Diego Administrative Code, Article XVIII.....	B

### ***About the Citizens' Law Enforcement Review Board***

San Diego County citizens voted to establish the Citizens' Law Enforcement Review Board in November 1990. The Review Board was established to receive and investigate complaints of misconduct concerning peace officers performing their duties while employed by the Sheriff's Department or the Probation Department. The Review Board also is authorized to investigate any death that occurs in the custody of, or in connection with, actions of Deputies and Probation Officers. The Review Board is made up of 11 citizens who are appointed by the Board of Supervisors.

#### ***Mission Statement***

To increase public confidence in government and the accountability of law enforcement by conducting impartial and independent investigations of citizen complaints of misconduct concerning Sheriff's Deputies and Probation Officers employed by the County of San Diego.

#### ***2010 Board Members***

James Achenbach, Chairperson  
George DeLaBarre II, Vice Chairperson  
Edward Castoria, Secretary  
Sheryl Bennett  
Debra DePratti Gardner  
Riley Gordon  
Thomas Iniguez  
Carolyn Norris Rhein  
Calixto J. Pena  
Loren Vinson  
Don Warfield  
Louis Wolfsheimer

#### ***Staff***

Patrick A. Hunter, Executive Officer  
Lynn Setzler, Special Investigator  
Mark A. Watkins, Special Investigator  
Ana Marie Becker, Administrative Secretary III

#### ***Office Information***

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**RÉSUMÉS OF  
REVIEW BOARD MEMBERS  
SERVING IN 2010**

**James Achenbach**  
*Chair*

Mr. Achenbach is a Speech-Language Pathologist with the San Diego City School District. He participates in the Partnership in Education Program and currently volunteers as the Chairman of the San Diego Scottish Rite Language Disorders Clinic. Mr. Achenbach lives in La Mesa with his wife and two children.

**George DeLaBarre II**  
*Vice Chairperson*

Mr. DeLaBarre is a Systems/Project Engineer for General Atomics Aeronautical Systems and has worked in the defense industry in San Diego since 1985. A graduate of Fallbrook High School, Mr. DeLaBarre holds degrees and graduated with honors from San Diego City College (Electronics Technology) and the University of Phoenix (Information Technology.) He served in the U.S. Navy as a Fire Control Technician and instructor in electronics, microcomputers, and submarine sonar training. Mr. DeLaBarre has served on the Serra Mesa Planning Group, the Serra Mesa Community Council, and the Serra Mesa Recreation Council. Mr. DeLaBarre served as an Assistant Scout Master for BSA Troop 278 and is an Elder at Peace Lutheran Church. Mr. DeLaBarre resides in Serra Mesa with his family.

**Edward Castoria**  
*Secretary*

A resident of the Tierrasanta area of San Diego, Edward Steven "Eddie" Castoria, M.A., J.D. is President and CEO of TeleTran Tek Services, a San Diego-based consulting company which, among other projects, manages the region's motorist aid call box system. He holds a B.A. in Psychology from the University of San Francisco, as well as an M.A. in Counseling Psychology and a J.D. in law from the University of New Mexico. Before entering private business, Mr. Castoria worked as a government public works Program Manager for both San Diego County and Nueces County, Texas. As an attorney, he prosecuted major fraud cases for the U.S. Department of Justice in Washington, D.C., and practiced civil litigation in New Mexico and California. Before law

school, Mr. Castoria managed an in-house inmate counseling program in the Bernalillo County, NM jail system. He was a decorated Army Infantry Airborne Ranger officer who served as a Pathfinder commander during the Vietnam war. He is an avid golfer.

**Sheryl Bennett**

Mrs. Bennett is the Director of Human Resources for the City of Escondido, where she has worked since 1999. She has chaired and participated in a variety of boards and committees in relation to her profession. Mrs. Bennett is also actively involved in various community and volunteer activities. Mrs. Bennett graduated with distinction from San Diego State University with a Bachelor's of Science degree in Criminal Justice Administration and holds a Master of Business Administration degree with an emphasis in Human Resources Management from National University. Mrs. Bennett lives in Escondido with her family.

**Debra DePratti Gardner**

Mrs. DePratti Gardner, a resident of Jamul, is the President of DePratti, Inc., a real estate services company with emphasis in both private, and public sector developments. She has extensive experience in community development with the cities of Chula Vista and Inglewood, and as a Planner for JM Consulting Group in San Diego. A licensed Real Estate Broker, Mrs. DePratti Gardner also holds a number of real estate and planning certifications. She is active in local school, sports league, and church activities. She holds a Bachelor of Arts Degree in Urban Planning from University of California at San Diego, and a Master of Arts in Urban Planning from University of California Los Angeles.

**Riley Gordon**

Retired from a long career in government, Mr. Gordon was the Deputy Director of the Discrimination Complaints Service, Department of Veterans Affairs, Office of Equal Opportunity in Washington, D.C., where he supervised the processing of complaints and conducted training in EEO investigation. He also served as a labor relations specialist in the Office of Labor Relations and Collective Bargaining for the District of Columbia as a negotiator and advisor. After retiring to San Diego, Mr. Gordon was recruited to serve on the Citizens'

Review Board on Police Practices (CRB) at the City of San Diego in May 1999. From June 2005 to June 2006, Mr. Gordon was the chairman of the 23-member CRB. In addition to his work in civilian oversight, Mr. Gordon has participated as a discussion leader for Brandeis University's National Women's Committee. Mr. Gordon has taught graduate courses in public administration, collective bargaining, public personnel administration, and fiscal administration at Roosevelt University's Graduate School of Public Administration. Mr. Gordon holds a Bachelor's Degree in Economics from Fisk University and a Master's Degree in Public Administration from Roosevelt University. He lives in Rancho Bernardo with his wife.

### **Thomas Iniguez**

A resident of Bonita, Thomas Iniguez is currently employed by Walters Management as a Community Director and Property Manager for the Eastlake Community of Chula Vista. He served in the U.S. Navy from 1970-1974. Mr. Iniguez is retired from the Chula Vista Police Department and had served previously with the Imperial Police Department and the San Diego Sheriff's Department. Mr. Iniguez is a member of the Bonita Optimist Club; the Bonita - Sweetwater Civic Association, and the Bonita Highlands Homeowners Association.

### **Carolyn Norris Rhein**

A long-time resident of San Diego County, following residence in Arizona, Ms. Rhein currently lives and works as a Realtor in Carlsbad. As a Legal Assistant, she worked in labor, real estate, corporate, estate planning and family law. She has extensive experience as a volunteer: past Vice-Chair of the Harrington House, a project of the Harrington Arthritis Research Center in Phoenix; past board member for the Sojourner Center in Phoenix; and past board member of the Make-A-Wish Foundation of Central & Southern Arizona, to name a few. She served as president of the Maricopa County Medical Society Alliance and the Columbus County, North Carolina Hospital Auxiliary. She worked as a Realtor in Scottsdale, Arizona, served as Interim Executive Director of the Make-A-Wish Foundation of Central & Southern Arizona, and was the Executive Director of the Whiteville Downtown Development Commission in Whiteville, North Carolina. Ms. Rhein was appointed to the Review Board in October 2009.

### **Calixto J. Pena**

A resident of Chula Vista, Mr. Pena is the Controller for Highland Partnership, Inc., a Chula Vista design/build general contracting firm. He is a member of the Construction Financial Management Association, and has been active in local school and church activities. Mr. Pena holds a Master of Business Administration degree Information and Decision Systems from San Diego State University, and a Bachelor of Science in Accountancy from National University, graduating Magna Cum Laude.

### **Loren Vinson**

Following his service as a Naval Officer during the Vietnam War, Mr. Vinson worked for more than 28 years as a Probation Officer at the state and federal levels. He worked with both juveniles and adults in the San Diego County Probation Office as a Deputy Probation Officer and Senior Probation Officer from 1969 to 1975. He then joined the U.S. Probation Office in San Diego and served in both the Supervision and Investigation Divisions as a Probation Officer, Supervisor, and Division Chief. He retired in 1998 as the Deputy Chief Probation Officer in charge of the Investigation Division. After retirement, he taught a variety of Criminal Justice Administration courses as a part-time Adjunct Professor at three local colleges. Before being appointed to the Review Board, he completed eight years of service on the City of San Diego's Citizens' Review Board on Police Practices, where he chaired the training committee, authored an investigation manual, and was First Vice-Chair. Mr. Vinson holds a Master of Science degree in Criminal Justice Administration and a Bachelor of Arts degree in Political Science from San Diego State University. Mr. Vinson lives with his wife in the Tierrasanta neighborhood of San Diego, where he currently serves as a member of the Tierrasanta Community Council.

### **Don Warfield**

A San Diego native, Mr. Warfield is owner of Donald Warfield & Associates, a real estate firm dealing in the sales of investment properties & residential real estate. Mr. Warfield is a graduate of San Diego State University and the Graduate School of Savings & Loan at Indiana University; he also served in the United States Air Force. He has worked in the banking industry for 28 years and served on various boards, including Boys & Girls Club; the Mother

Goose Parade Association; Rotary Club; the El Cajon Chamber of Commerce; the El Cajon Police Selection Board; the City of El Cajon & County of San Diego United Way Boards; Tax Payers Association and chaired the Cajon Valley School Tax Override. Mr. Warfield was also a member of the Crime Commission. Mr. Warfield currently serves as a member of the San Diego Police RSVP in Central Division and is the Treasurer of the Del Cerro Heights Home Owners' Association.

### **Louis Wolfsheimer**

Originally from Baltimore, MD, Mr. Wolfsheimer has been a resident of San Diego since 1962. He was a First Lieutenant in the United States Air Force, 1100th Air Police Squadron in Washington D.C. Mr. Wolfsheimer currently practices law with the firm of Milch & Wolfsheimer. He is a graduate of the University of North Carolina and California Western School of Law. Mr. Wolfsheimer has served on a multitude of board committees such as Francis W. Parker School, American Jewish Committee, Episcopal Community Services, Combined Arts of San Diego (COMBO), Salvation Army and Human Subjects Committee of UCSD Medical School. He was 8 years Chairman of the City of San Diego Planning Commission, Board member of Port Commission of San Diego Unified Port District, and Board member of the Del Mar Fair Board. Mr. Wolfsheimer lives in Rancho Santa Fe.

***MESSAGE FROM THE CHAIR***

2010 was a challenging year for the Citizens' Law Enforcement Review Board (CLERB). Thanks to the dedication and tireless efforts of the volunteer board members and staff, however, the Board has been able to implement positive change in a number of different ways. These changes include the addition of new board members, a new investigator, and a new Executive Officer. Through it all, we have continued to analyze law enforcement and detention procedures and make policy recommendations when warranted by the facts of a case.

The Review Board is made up of volunteers who are nominated by the County of San Diego's Chief Administrative Officer and appointed by the Board of Supervisors. The Review Board members make final determination as to whether allegations of misconduct against Sheriff's Deputies or Probation Officers are appropriate and, if so, make recommendations for disciplinary action. All complaints are taken seriously and investigated thoroughly and professionally.

CLERB provides the citizens of San Diego County the ability to file a complaint or allegation of misconduct by a Sheriff's Deputy or Probation Officer that is independent of either department's internal complaint process. The findings in most cases indicate that the Sheriff's deputy or Probation officer acted properly, both under departmental policy and under the law. There are cases, however, that indicate that misconduct has occurred, and the Review Board is then able to make appropriate recommendations.

As a citizen of San Diego, I am grateful for the outstanding leadership at both the Probation Department and Sheriff's Department and for the dedicated law enforcement professionals that serve our country. I am also pleased to serve on a board that is dedicated to providing a measure of assurance that both departments respect the rights of all individuals while performing their duties.

**James Achenbach**  
**Chairperson – 2010**

***EXECUTIVE OFFICER'S SUMMARY***

Staffing deficiencies in 2009 and 2010 had a deleterious effect on CLERB's ability to complete investigations in a timely manner, which culminated in the summary dismissal of investigations that were not completed with one year of filing a complaint. culminating with summary dismissal of investigations that had not been completed within one year of filing the complaint.

CLERB operated ten months of calendar year 2009 and six months of calendar year 2010 with only one of two authorized Special Investigators. Staff continued to accept complaints at a level consistent with previous years despite the ever-increasing caseload. The selection of a new Executive Officer in June 2010, followed by hiring of a second Special Investigator in July 2010, increased the number of completed investigations, but the caseload remained constant.

Staff held caseloads of 40+ at yearend. Comparable agencies in California experience caseloads experienced caseloads of 20-30 cases per investigator

while CLERB maintained an ongoing caseload of eighty for one investigator.

### ***PUBLIC SAFETY OFFICERS PROCEDURAL BILL OF RIGHTS – TIME LIMITS***

CLERB reports, which sustain findings of officer misconduct are considered “punitive action” under the Public Safety Officer Procedural Bill of Rights (POBR) and must be completed to provide notice to the officer within one year of receiving a citizen’s complaint.

In *Mays v. City of Los Angeles* (2008) 43 Ca1.4th 313, 321-322, the California Supreme Court recognized POBR's one year statute of limitations for investigations which may lead to punitive action and described its purpose and application as follows:

“[I]t appears clear that the fundamental purpose of this provision is to place a one-year limitation on investigations of officer misconduct. The one-year period runs from the time the misconduct is discovered.... Not only completion of the investigation, but also the requisite notification to the officer, must be accomplished within a year of discovery of the misconduct. This interpretation is consistent with the apparent purpose of the subdivision, (Government Code 3304) which is to ensure that an officer will not be faced with the uncertainty of a lingering investigation, but will know within one year of the agency's discovery of the officer's act or omission that it may be necessary for the officer to respond in the event he or she wishes to defend against possible discipline.”

After considerable research and discussion, CLERB was advised that in order to remain in compliance with POBR, staff must complete investigatory actions within one year from receipt of a signed complaint or dismiss the case. In January 2010, the first eight One-Year Summary Dismissal cases were presented to the Review Board. Through the course of the year, another 45 cases were presented to the Review Board for One Year Summary Dismissal, reaching a total of 53 cases closed without completed investigations. (See Table 8, Page 19.)

### ***COMPLAINT DATA REVIEW***

#### ***Intakes***

The Review Board logged **128** complaints in 2010; a 5% decrease from the **135** complaints received in 2009.<sup>1</sup> Allegations totaled **563** in 2010; an 8% increase from the **518** allegations in 2009. Death cases remained at **seven** for both years.

Sheriff's facilities or units with double digit complaint totals decreased from three in 2009 to just one in 2010 (13 complaints were recorded for unidentified sheriff units). Leading in complaint totals was the Sheriff's Department's largest detention facilities - the San Diego Central Jail with 18 complaints (down from 26 in 2009), followed by the George Bailey Detention Facility with eight complaints (down from 22 in 2009), and Vista Detention Facility with seven complaints (up from five in 2009). Encinitas Station had nine complaints, followed by Imperial Beach, Lemon Grove, and Vista

<sup>1</sup> The average number of complaints over the last 5 years is 123. The highs and lows in the past ten years were 229 in 2002 and 105 in 2008. See Graph 1, Page 9.



Stations each with seven complaints. The Probation Department received 13 complaints in both 2009 and 2010. (See Table 1, Page 10.)

Total complaints traditionally are broken into three segments by count and percentage: Sheriff's law enforcement, which includes Court Services and units that could not be identified from the complaint; Sheriff's jails; and the Probation Department. In 2010, Sheriff's law enforcement had 80 complaints or 63% of the total (compared to 66 or 49% in 2009); Sheriff's jails had 35 complaints or 27% (compared to 56 or 41% in 2009); and the Probation Department had 13 complaints or 10% of total complaints in both 2009 and 2010.

### Closures

The Review Board met 7 times and closed **119** cases during the year, compared to closing 111 cases in 2009; a 7% increase in case closures. Of the **119** cases closed, **33** were *Procedurally Closed* by staff because a signed complaint was not returned by the complainant. This was a 28% decrease from the 46 cases that were Procedurally Closed "PC" in 2009. Overall however, PC cases accounted for 26% of the year's complaint total (128), which was a decrease from the 34% (135) in 2009. Another **12** cases were submitted to the Review Board for *Summary Dismissal* following an abbreviated investigation of a signed complaint. Summary Dismissal cases were dismissed for lack of jurisdiction or because further investigation was not possible without the complainant's cooperation. This equaled the **12** Summary Dismissal cases submitted to and approved by the Board in 2009.

There were **53** cases submitted to the Review Board for One-Year Summary Dismissal because the investigations had not been completed within legislated timelines. The One-Year Summary Dismissals represent 45% of the case closures for 2010. There were no One-Year Summary Dismissals in 2009.

The remaining **21** closed cases were fully investigated and submitted to the Review Board, compared to **54** fully investigated cases submitted in 2009; a 61% decrease. Included in the number of fully investigated cases were **5** death cases. Of the 21 fully investigated cases, **2** cases or 10% had *Sustained* allegations, compared to 3 cases with *Sustained* allegations, or 6%, of the 54 fully investigated cases in 2009. Of the 21 fully investigated cases, the number of sustained findings was **3**, representing 4% of the **82** findings in fully investigated cases. (See Table 7, Page 16.)

The three sustained findings, involved misconduct by deputies for discourtesy (2) and misconduct-procedure (1).

At year's end there were **94** open cases. This was a 12% increase from the **84** open cases at the end of 2009.

### **PERSONNEL**

The Board re-elected James Achenbach chair, George DeLaBarre II vice chair, and Eddie Castoria treasurer at the January 2010 meeting.

Don Warfield served the maximum term allowed and left the Board in June 2010 having served since July 2004. Also in June, Patrick Hunter was selected by

the Board to fill the Executive Officer position vacated in April by Carol Trujillo.

Board Members Sheryl Bennett, Eddie Castoria, and Louis Wolfsheimer were reappointed to their second full terms in July. Additionally, Mark Watkins was selected to fill the vacant Special Investigator position.

In September, Debra DePratti Gardner was appointed to fill the District 2 seat vacated by Don Warfield, and Calixto J. Pena was appointed to fill the unexpired District 1 term of Mark Marchand.

At the Sheriff's Department Division of Inspectional Services (DIS), Sergeant Scott Amos continued to serve as the Review Board's processor. Sergeant David Gilmore was assigned to DIS to coordinate the review and update of Sheriff's Department Policies and Procedure, and provide support for CLERB case processing. Supervising Probation Officer Cesar Escuro continued to serve as the Review Board's liaison to the Probation Department.

**TRAINING**

Board Members and/or Staff toured the Las Colinas Detention Facility, San Diego Central Jail, George Bailey Detention Facility, Facility 8, and East Mesa Detention Facility.

In addition to participating in ride-alongs and facility tours, Review Board members enhanced their understanding of law enforcement procedures through presentations at Board meetings through topics which

included: Shooting Reaction Times, Vehicle Towing Policy, and Jail Population Management.

Walt Ekard, San Diego County Chief Administrative Officer, addressed the Board in September 2010, conducted the swearing in ceremony for the Board's newest members, and recognized the Board Members for their commitment to the County and their dedication as volunteers. Kevin Keenan, Executive Director for American Civil Liberties Union San Diego-Imperial Counties, addressed the Board, presenting the Board with a community perspective of civilian oversight of law enforcement and CLERB.

Seven Board Members attended orientation programs for the Sheriff's and Probation Departments. Staff and Board Members participated in a Sheriff's Department training event for the University of San Diego Law School, and CLERB's newest investigator attended the California Peace Officer Standards and Training "Internal Affairs Investigator's Course."

Board Chair Jim Achenbach and Board Executive Officer Patrick Hunter attended the annual conference of the National Association for Civilian Oversight of Law Enforcement in Seattle, Washington.

**COMMUNITY OUTREACH**

The Executive Officer participated in orientations with Sheriff's Department Command Staff, Detention Facility Commanders, and Sheriff Station Commanding Officers. He conducted presentations at the San Diego Sheriff's Department Supervisors Training Course, an impromptu session at the Use of

Force Training, and at the Detentions Academy. Mr. Hunter also served as a panel member for the selection of prospective members for the City of San Diego Citizens' Review Board on Police Practices.

### ***POLICY RECOMMENDATIONS***

Two Policy recommendations were presented to the Sheriff's Department during 2010:

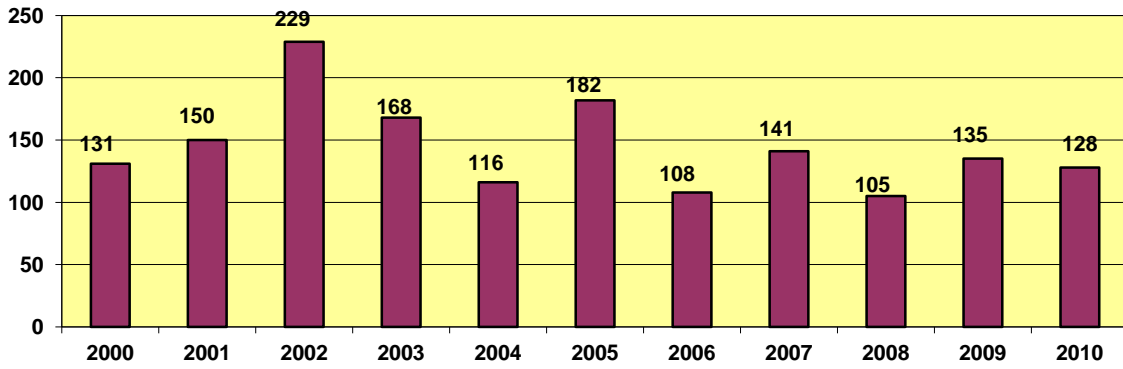
A recommendation that the Sheriff's Department review Policies and Procedures as they relate to inmate church services (sign-up procedures, criteria, and staff screening guidelines) was approved and Inmate Church Services Policies and Procedures were modified.

A recommendation that the Sheriff's Department review and update all procedures associated with the Standard Application for License to Carry a Concealed Weapon (CCW) was acknowledged. The Sheriff's Department convened a committee to review application requirements, denial procedures and appeals process were transparent to the public and adhered to Federal, State and County laws. The committee had not reported its conclusions at year end.

### ***RULES REVISION***

Rules Revisions initiated in November 2009 were set aside for further review.

Graph 1: TOTAL COMPLAINTS RECEIVED BY YEAR 2000-2010



Graph 2: COMPLAINTS RECEIVED BY QUARTER – 2009/2010

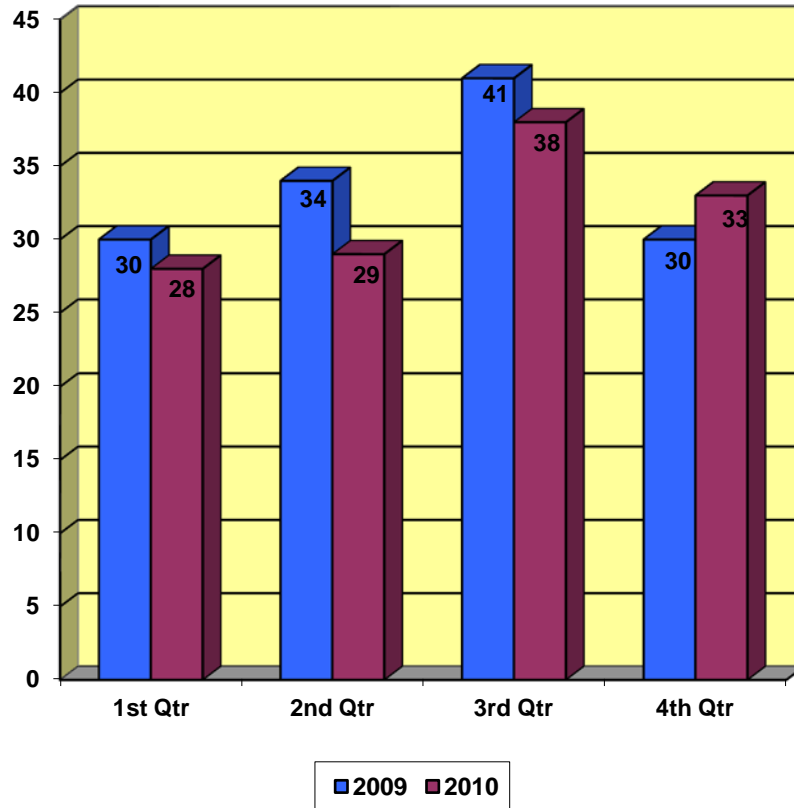


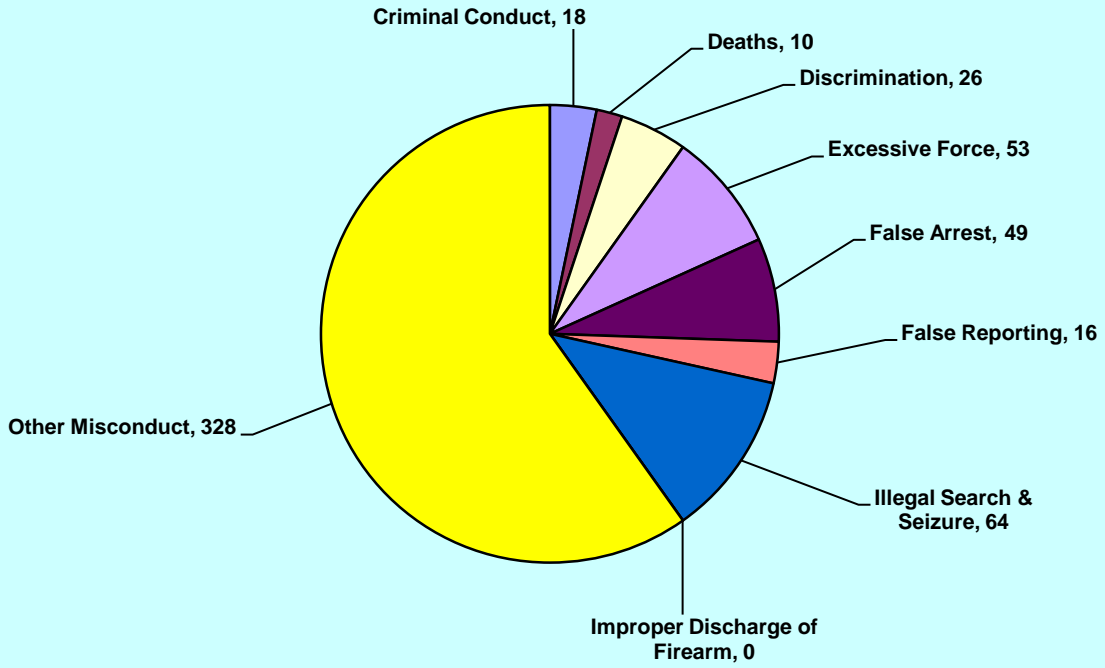
TABLE 1: COMPLAINTS & ALLEGATIONS RECEIVED BY UNIT OR FACILITY IN 2010

STATIONS/UNITS:	Complaint Totals	CC	Deaths	Discr.	EF	FA	FR	ISS	IDF	Misconduct	Allegation Totals
<b>LAW ENFORCEMENT</b>											
4S Ranch Substation	-	-	-	-	-	-	-	-	-	-	-
Alpine Station	2	-	-	-	-	-	-	2	-	2	4
Bonsall Office	1	-	-	-	-	-	-	-	-	1	1
Borrego Springs Office	1	-	-	-	-	-	-	-	-	3	3
Boulevard Office	-	-	-	-	-	-	-	-	-	-	-
Encinitas Station	9	-	-	3	6	8	1	11	-	36	65
Fallbrook Substation	4	1	-	-	-	2	-	3	-	16	22
Imperial Beach Station	7	1	-	1	6	2	1	5	-	10	26
Julian Substation	1	-	-	-	-	-	-	-	-	5	5
Lakeside Substation	1	-	-	-	-	-	1	-	-	-	1
Lemon Grove Station	7	-	-	-	5	3	-	2	-	17	27
Pine Valley Substation	-	-	-	-	-	-	-	-	-	-	-
Poway Station	3	-	2	3	-	-	-	1	-	6	12
Ramona Substation	3	-	-	2	1	4	-	2	-	18	27
Ranchita Substation	-	-	-	-	-	-	-	-	-	-	-
Rural Law Enforcement	1	-	-	-	-	1	1	3	-	4	9
San Marcos Station	4	2	-	-	1	1	-	2	-	4	10
Santee Station	5	1	1	-	5	7	0	4	-	10	28
SID:SD Regional Fugitive TF	1	-	-	-	-	-	-	2	-	-	2
Valley Center Substation	-	-	-	-	-	-	-	-	-	-	-
Vista Station	7	2	-	3	8	5	2	3	-	26	49
<b>TOTAL</b>	<b>57</b>	<b>7</b>	<b>3</b>	<b>12</b>	<b>32</b>	<b>33</b>	<b>6</b>	<b>40</b>	<b>-</b>	<b>158</b>	<b>291</b>
<b>DETENTIONS</b>											
East Mesa Detention Facility	-	-	-	-	-	-	-	-	-	-	-
Facility 8 Detention Facility	-	-	-	-	-	-	-	-	-	-	-
George F. Bailey Detention Facility	8	3	-	5	5	1	-	-	-	23	37
Las Colinas Detention Facility	3	2	-	-	4	-	-	-	-	12	18
San Diego Central Jail	18	-	2	1	3	-	1	3	-	56	66
South Bay Detention Facility	1	-	-	-	-	2	-	-	-	1	3
Vista Detention Facility	7	1	4	1	2	1	-	2	-	11	22
<b>TOTAL</b>	<b>37</b>	<b>6</b>	<b>6</b>	<b>7</b>	<b>14</b>	<b>4</b>	<b>1</b>	<b>5</b>	<b>-</b>	<b>103</b>	<b>146</b>
<b>COURT SERVICES</b>											
Court Services Bureau	7	2	-	-	5	2	1	1	-	17	28
CSB: Prisoner Transport	1	-	-	-	1	-	-	-	-	2	3
<b>TOTAL</b>	<b>8</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>19</b>	<b>31</b>
<b>OTHER SHERIFF UNITS</b>											
Office of the Sheriff	-	-	-	-	-	-	-	-	-	-	-
Unknown Sheriff Unit	13	3	-	1	-	6	4	4	-	22	40
<b>TOTAL</b>	<b>13</b>	<b>5</b>	<b>-</b>	<b>2</b>	<b>-</b>	<b>7</b>	<b>4</b>	<b>5</b>	<b>-</b>	<b>19</b>	<b>44</b>
<b>PROBATION</b>											
Probation: Adult Services	11	-	1	4	1	4	4	13	-	17	43
Probation: Inst Services	1	-	-	-	-	-	-	-	-	9	9
Probation: Juvenile Services	1	-	-	2	-	-	-	1	-	-	3
<b>TOTAL</b>	<b>13</b>	<b>-</b>	<b>1</b>	<b>6</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>-</b>	<b>26</b>	<b>55</b>
<b>TOTALS:</b>	<b>128</b>	<b>18</b>	<b>10</b>	<b>26</b>	<b>53</b>	<b>49</b>	<b>16</b>	<b>64</b>	<b>-</b>	<b>328</b>	<b>563</b>

**NOTES:**

- 1) CC= Criminal Conduct; Discr= Discrimination; EF= Excessive Force; FA= False Arrest; FR= False Reports; ISS= Illegal Search & Seizure; IDF= Improper Discharge of Firearm.
- 2) Allegation totals exceed complaint totals and are multiplied by the number of personnel involved.
- 3) Unknown Unit: staff was unable to identify personnel or a command from the complaint

**GRAPH 3: ALLEGATION TOTALS FOR COMPLAINTS RECEIVED IN 2010**



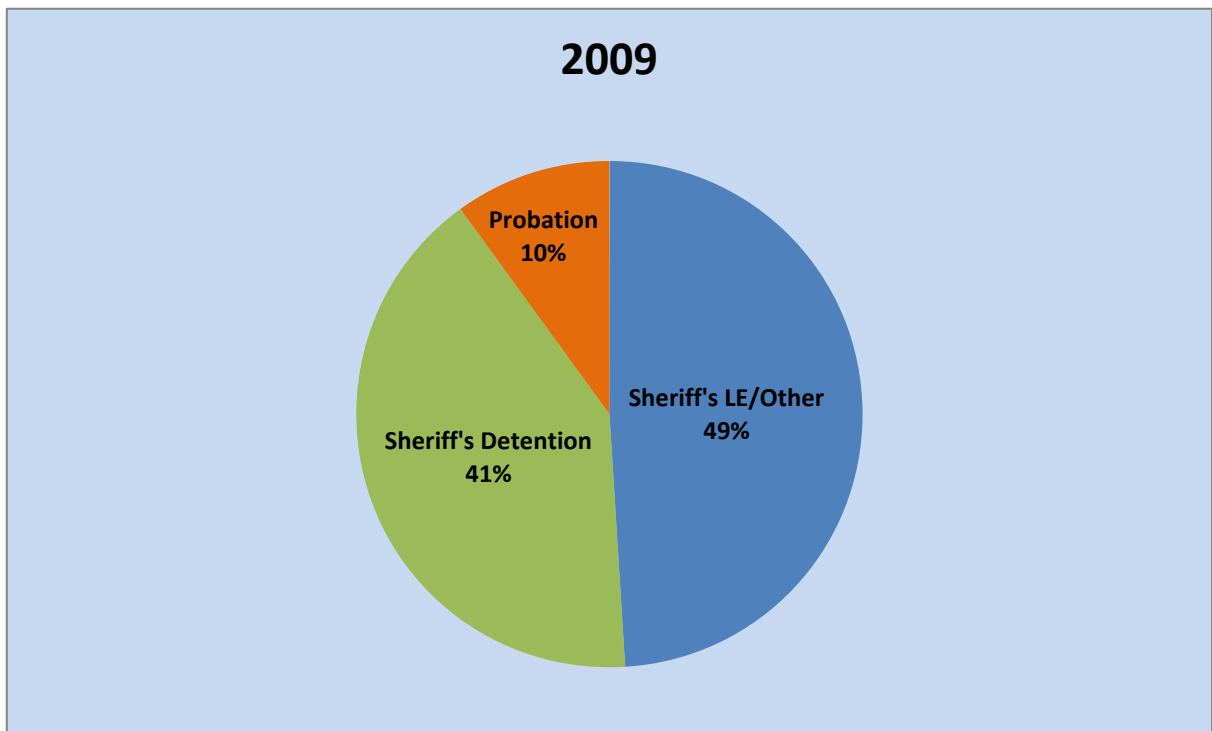
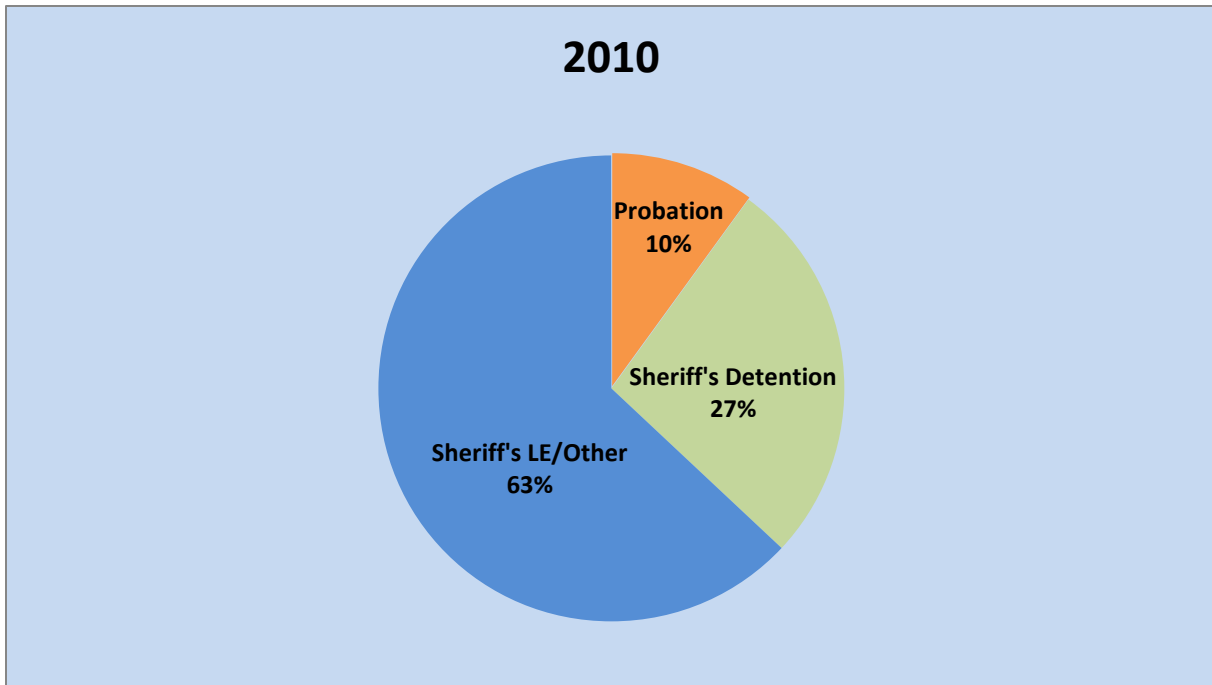
<b>Table 2: TOTAL COMPLAINTS BY MAJOR ORG / BUREAU</b>		
<b>Organization/Bureau</b>	<b>2009</b>	<b>2010</b>
Sheriff's Detention Facilities	56	35
Sheriff's Law Enforcement Services & Other	63	77
Probation Department-All	13	13
Unknown Sheriff's Unit	3	3
<b>TOTAL</b>	<b>135</b>	<b>128</b>

<b>Table 3: BREAKDOWN OF DISCRIMINATION ALLEGATIONS</b>		
<b>Description</b>	<b>2009</b>	<b>2010</b>
National Origin	2	1
Other	7	8
Racial	13	13
Religious	5	3
Sexual/Gender	1	1
<b>TOTAL</b>	<b>28</b>	<b>26</b>

<b>Table 4: BREAKDOWN OF MISCONDUCT ALLEGATIONS</b>		
<b>Description</b>	<b>2009</b>	<b>2010</b>
Discourtesy	61	57
Harassment	10	7
Intimidation	31	25
Medical (info only)	13	8
Procedure	263	214
Retaliation	4	6
Truthfulness	14	11
<b>TOTAL</b>	<b>396</b>	<b>328</b>

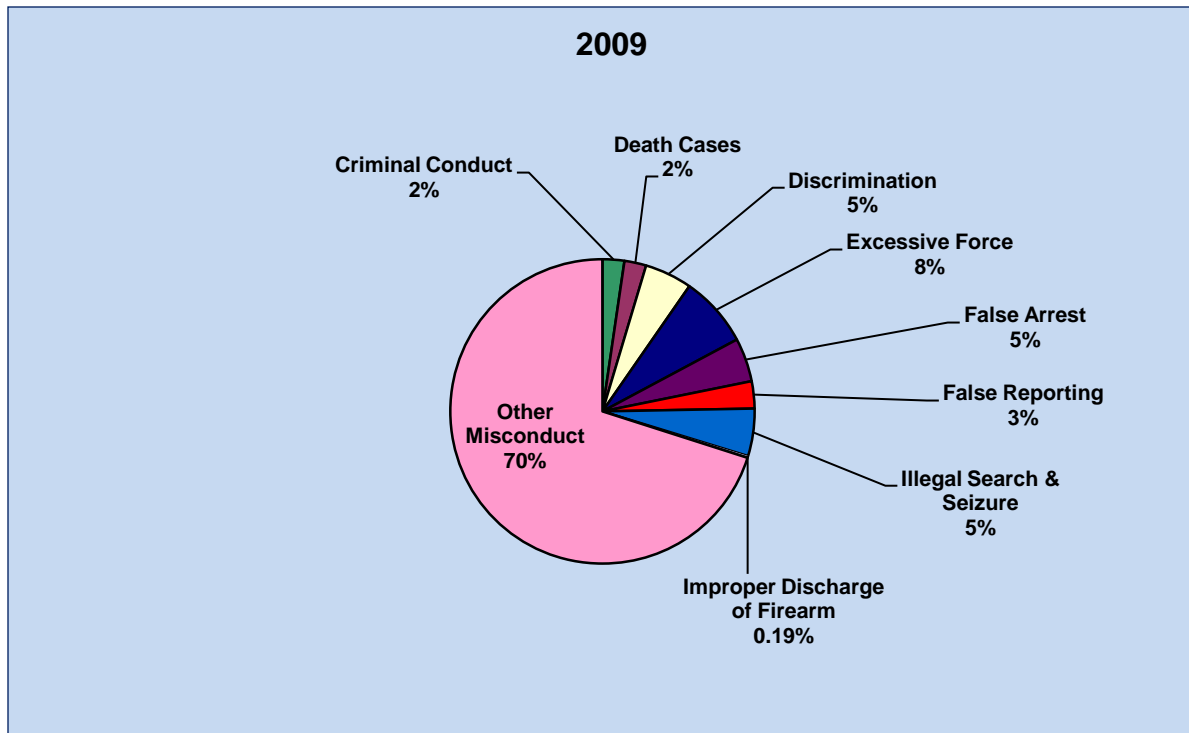
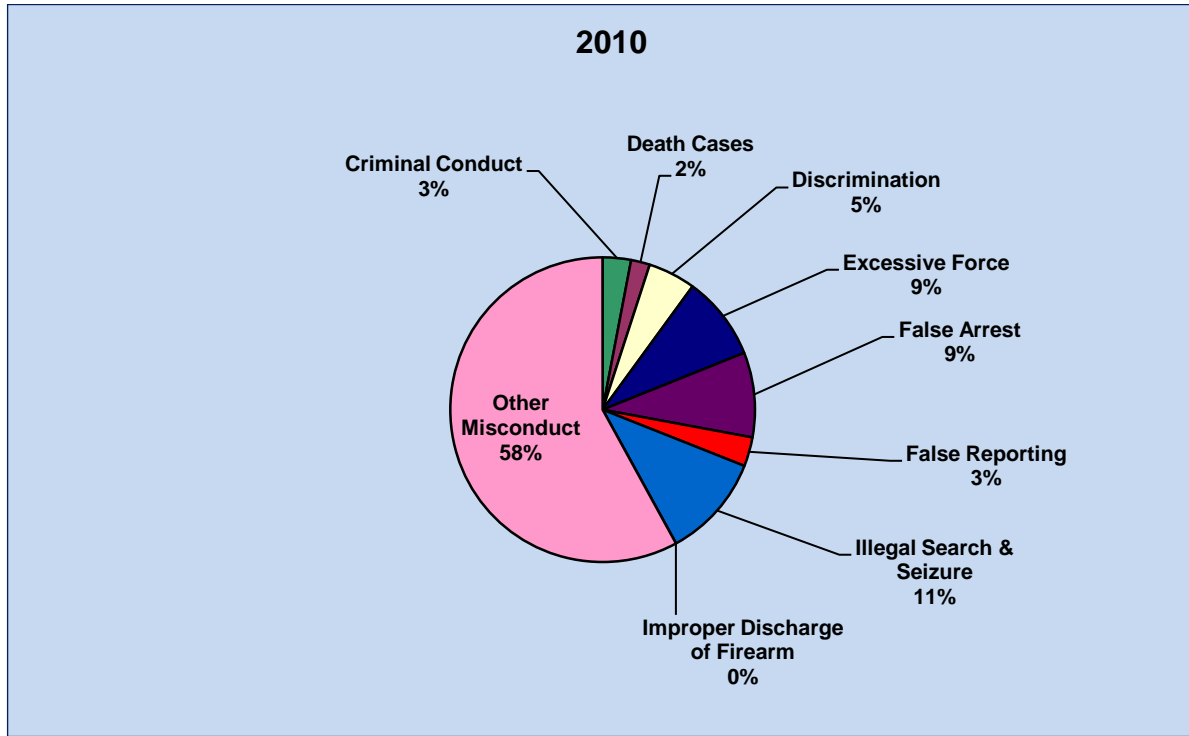
<b>Table 5: BREAKDOWN OF EXCESSIVE FORCE ALLEGATIONS</b>		
<b>Description</b>	<b>2009</b>	<b>2010</b>
Baton/Impact Weapon	1	1
Carotid Restraint	1	-
Drawn Firearm	-	1
Fists	1	1
Kicks	7	-
K-9 Bites	-	-
Less Lethal Munitions	1	-
OC Spray	2	-
Other	18	44
Pepperball Launcher	1	-
Taser	3	-
Tight Handcuffs	2	2
Unspecified	2	4
<b>TOTAL</b>	<b>39</b>	<b>53</b>

**GRAPHS 4 & 5: COMPLAINT PERCENTAGES BY MAJOR ORG / BUREAU – 2009/2010**





GRAPHS 6 & 7: ALLEGATIONS BY PERCENTAGE – 2009/2010

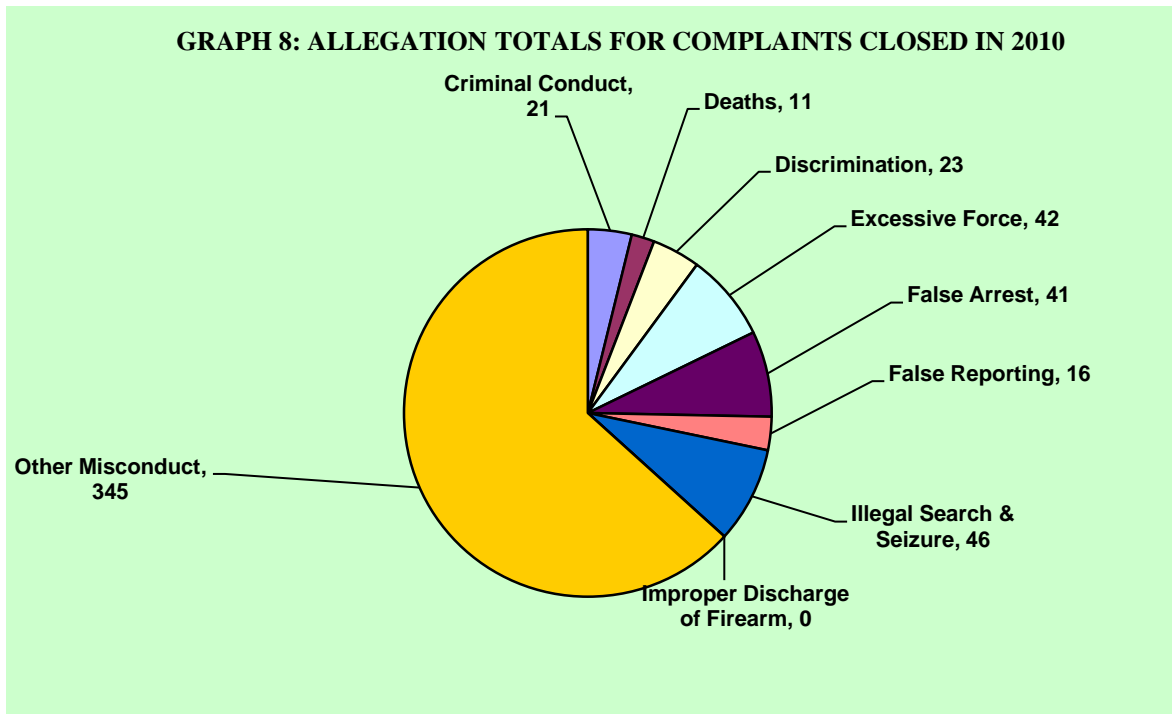


**TABLE 6: COMPLAINTS & ALLEGATIONS CLOSED BY UNIT OR FACILITY IN 2010**

STATIONS/UNITS	Complaint										Allegation Totals	
	Totals	CC	Deaths	Discr.	EF	FA	FR	ISS	IDF	Misconduct		
<b>LAW ENFORCEMENT</b>												
4S Ranch Substation	-	-	-	-	-	-	-	-	-	-	-	-
Alpine Station	1	-	-	-	-	-	-	-	-	-	2	2
Bonsall Office	1	-	-	-	-	-	-	-	-	-	1	1
Borrego Springs Office	1	-	-	-	-	-	-	-	-	-	3	3
Boulevard Office	-	-	-	-	-	-	-	-	-	-	-	-
Campo/Tecate Substation	-	-	-	-	-	-	-	-	-	-	-	-
Encinitas Station	3	-	-	2	2	4	1	1	-	-	9	19
Fallbrook Substation	2	-	-	-	-	-	-	-	-	-	3	3
Imperial Beach Station	6	2	-	-	-	2	1	5	-	-	11	21
Julian Substation	-	-	-	-	-	-	-	-	-	-	-	-
Lakeside Substation	1	-	-	-	-	-	1	-	-	-	-	1
Lemon Grove Station	7	2	-	-	-	4	-	9	-	-	40	55
Pine Valley Substation	-	-	-	-	-	-	-	-	-	-	-	-
Poway Station	3	-	-	2	-	2	2	-	-	-	9	15
Ramona Substation	1	-	-	-	-	1	-	-	-	-	5	6
Ranchita Substation	1	1	-	-	-	-	-	-	-	-	3	4
Rural Law Enforcement	-	-	-	-	-	-	-	-	-	-	-	-
San Marcos Station	4	1	4	-	-	-	-	2	-	-	3	10
Santee Station	2	-	-	-	-	2	-	-	-	-	6	8
SID: SD Regional Fugitive TF	1	-	-	-	-	-	-	2	-	-	-	2
Valley Center Substation	-	-	-	-	-	-	-	-	-	-	-	-
Vista Station	11	3	-	6	11	4	3	9	-	-	31	67
<b>TOTAL</b>	<b>45</b>	<b>9</b>	<b>4</b>	<b>10</b>	<b>13</b>	<b>19</b>	<b>8</b>	<b>28</b>	<b>-</b>	<b>-</b>	<b>126</b>	<b>217</b>
<b>DETENTIONS</b>												
East Mesa Detention Facility	1	-	-	-	-	-	-	-	-	-	1	1
Facility 8 Detention Facility	-	-	-	-	-	-	-	-	-	-	-	-
George F. Bailey Detention Facility	16	4	-	7	9	1	1	1	-	-	61	84
Las Colinas Detention Facility	1	-	-	-	1	-	-	-	-	-	-	1
San Diego Central Jail	23	-	4	3	6	-	3	-	-	-	64	80
South Bay Detention Facility	2	1	-	1	-	-	-	-	-	-	8	10
Vista Detention Facility	5	-	3	-	5	1	-	-	-	-	5	14
<b>TOTAL</b>	<b>48</b>	<b>5</b>	<b>7</b>	<b>11</b>	<b>21</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>139</b>	<b>190</b>
<b>COURT SERVICES</b>												
Court Services Bureau	7	3	-	-	-	-	-	1	-	-	24	28
CSB: Prisoner Transport	1	-	-	-	-	-	-	-	-	-	5	5
<b>TOTAL</b>	<b>8</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>30</b>	<b>33</b>
<b>OTHER SHERIFF UNITS</b>												
Office of the Sheriff	1	1	-	-	-	-	-	-	-	-	4	5
Unknown Sheriff Unit	8	2	-	1	-	3	2	3	-	-	7	18
<b>TOTAL</b>	<b>9</b>	<b>4</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>10</b>	<b>24</b>
<b>PROBATION</b>												
Probation: Adult Services	8	1	-	-	8	17	2	13	-	-	40	81
Probation: Inst Services	-	-	-	-	-	-	-	-	-	-	-	-
Probation: Juvenile Services	1	-	-	1	-	-	-	-	-	-	-	1
<b>TOTAL</b>	<b>9</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>8</b>	<b>17</b>	<b>2</b>	<b>13</b>	<b>-</b>	<b>-</b>	<b>40</b>	<b>82</b>
<b>TOTALS:</b>	<b>119</b>	<b>21</b>	<b>11</b>	<b>23</b>	<b>42</b>	<b>41</b>	<b>16</b>	<b>46</b>	<b>-</b>	<b>-</b>	<b>345</b>	<b>545</b>

**NOTES:**

- 1) CC= Criminal Conduct; Discr= Discrimination; EF= Excessive Force; FA= False Arrest; FR= False Reports; ISS= Illegal Search & Seizure; IDF= Improper Discharge of Firearm.
- 2) Allegation totals exceed complaint totals and are multiplied by the number of personnel involved.
- 3) Unknown Unit: staff was unable to identify personnel or a command from the complaint



**TABLE 7: FULLY INVESTIGATED CASES / FINDINGS BY DATE CLOSED - 2010**  
*(Procedurally Closed & Summary Dismissal Cases are listed separately in Table 8, below.)*

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
09-005	Brodale		11	14			01-12-10
09-051	Sanchez (death)			1			01-12-10
09-053	Scimeca (death)			1			01-12-10
09-098	Vidyakin			4			01-12-10
09-003	Rapciewicz				2	2	03-09-10
09-007	Booker			4	5		03-09-10
09-008	Booker			1			03-09-10
09-017	Garcia			1			03-09-10
09-029	Hamlin			4			03-09-10
09-034	Jones			1	1		03-09-10
09-020	Ivy		1	1			05-11-10
09-025	Cramer		6				05-11-10
09-050	Santana (death)			2			05-11-10
09-084	Ceja (death)			4			09-14-10
09-106	Rodgers/Reed			1			09-14-10
09-126	Evans	1					09-14-10
10-028	Lisowski (death)			3			09-14-10
09-093	Martinez		2	2			10-12-10
09-103	Montanez			1			10-12-10
10-004	Ewing				1		10-12-10
09-115	Braggs	2	2				11-09-10
<b>TOTALS</b>	<b>21</b>	<b>3</b>	<b>22</b>	<b>45</b>	<b>9</b>	<b>2</b>	<b>82 findings/ 8 meetings</b>

**TABLE 8: ONE YEAR SUMMARY DISMISSAL / SUMMARY DISMISSAL / PROCEDURALLY CLOSED CASES BY DATE – 2010**

CASE #	COMPLAINANT	FINDINGS			DATE CLOSED
		ONE YEAR SUMMARY DISMISSAL *	SUMMARY DISMISSAL	PROCEDURALLY CLOSED	
08-079	Brooking	X			01-12-10
08-080	Glover	X			01-12-10
08-086	Ostermann	X			01-12-10
08-091	Mertz	X			01-12-10
08-092	Lindemann	X			01-12-10
08-101	Hernandez	X			01-12-10
08-103	Meza	X			01-12-10
08-104	Lewis	X			01-12-10
09-006	Reaster	X			03-09-10
09-009	Ciesla	X			03-09-10
09-010	Katzel	X			03-09-10
09-012	Wales	X			03-09-10
09-014	Whalen	X			03-09-10
09-016	Stein	X			03-09-10
09-023	Hostetler	X			05-11-10
09-024	Hostetler	X			05-11-10
09-030	Carpenter	X			05-11-10
09-031	Hoang	X			05-11-10
09-035	Roberts	X			05-11-10
09-041	Thomas	X			07-13-10
09-043	Graham	X			07-13-10
09-044	Ewing	X			07-13-10
09-046	Kassas	X			07-13-10
09-049	Cataldo	X			07-13-10
09-054	Valiant	X			07-13-10
09-055	Anderson	X			07-13-10
09-057	Leung	X			07-13-10
09-059	Craig & Torbert	X			07-13-10
09-060	Jillings	X			07-13-10
09-061	Zarco	X			07-13-10
09-062	Johnson	X			07-13-10
09-064	Riebeling	X			07-13-10
09-069	Ritchey	X			07-13-10
09-074	Rimmer	X			07-13-10
09-076	Seymour	X			07-13-10
09-068	Trotter/Phillips	X			09-14-10
09-070	Eggson	X			09-14-10
09-077	Thomas	X			09-14-10
09-081	Austin/Hamilton	X			09-14-10
09-082	Luqman	X			09-14-10

CASE #	COMPLAINANT	FINDINGS		PROCEDURALLY CLOSED	DATE CLOSED
		ONE YEAR SUMMARY DISMISSAL *	SUMMARY DISMISSAL		
09-086	McDonald	X			09-14-10
09-090	Smith	X			09-14-10
09-092	Ellington	X			09-14-10
09-094	Turrey	X			09-14-10
09-097	Philipian	X			09-14-10
09-102	Kendall	X			09-14-10
09-111	Breneman	X			09-14-10
09-096	Martin & Shaw	X			10-12-10
09-100	Harris	X			11-09-10
09-107	Hughes	X			11-09-10
09-109	Ruland	X			11-09-10
09-112	Zulauf	X			11-09-10
09-120	Frazee	X			11-09-10
09-105	Hoodneh		X		01-12-10
10-012	Gahn		X		03-09-10
10-013	Mitchell		X		03-09-10
10-020	Smith		X		05-11-10
10-026	McDonald		X		07-13-10
10-052	Gutierrez		X		07-13-10
09-121	Mercado		X		09-14-10
10-070	Wilson		X		09-14-10
10-078	Arvizu		X		09-14-10
09-125	Peruta		X		10-12-10
10-090	Turner		X		10-12-10
10-093	Jones		X		11-09-10
10-001	Montgomery			X	01-27-10
10-009	Dreifuss			X	03-10-10
10-017	Flores			X	03-10-10
10-018	Boccaletti			X	03-18-10
10-024	Jones			X	04-07-10
10-025	Metcalfe			X	04-07-10
10-035	Grigler/Yanai			X	04-12-10
10-027	Thaw			X	04-20-10
10-032	Ball/Barringer			X	05-05-10
10-033	Bagshaw			X	05-05-10
10-034	Gramcko			X	05-05-10
10-037	Burda			X	05-05-10
10-038	Reza			X	06-08-10
10-044	Brown			X	06-22-10
10-054	Howden			X	07-08-10
10-057	Pendry			X	07-21-10
10-058	Mabry			X	07-28-10
10-059	Estes			X	07-28-10

CASE #	COMPLAINANT	FINDINGS		PROCEDURALLY CLOSED	DATE CLOSED
		ONE YEAR SUMMARY DISMISSAL *	SUMMARY DISMISSAL		
10-061	Robins			X	07-28-10
10-062	Brambila			X	07-28-10
10-063	Bray			X	07-28-10
10-065	Reizman			X	08-10-10
10-073	Smith			X	09-01-10
10-080	Wetherbee			X	09-16-10
10-081	Fashion			X	09-16-10
10-083	McBreairty			X	09-27-10
10-084	McDonald			X	09-27-10
10-087	Kline			X	09-28-10
10-092	Pinkham			X	10-26-10
10-097	Martin			X	10-26-10
10-100	Herron			X	10-28-10
10-104	Martin			X	11-08-10
10-106	Jordan			X	11-16-10
<b>TOTALS</b>	<b>119</b>	<b>53</b>	<b>12</b>	<b>33</b>	

\* Court decisions applicable to the Review Board and Government Code Section 3304(d) of the Public Safety Officers' Procedural Bill of Rights require that an investigation of a misconduct that could result in discipline be completed within one year of discovery of the misconduct, unless statutory exceptions apply. A review of the complaint showed no statutory exceptions applied, and the Review Board approved Summary Dismissal.

**TABLE 9: POLICY RECOMMENDATIONS - 2010**

CASE #	NAME	SUMMARY OF POLICY RECOMMENDATIONS	DATE TO BOARD	DEPT. RESPONSE
09-103	Eddie Montanez	It is recommended that the Sheriff's Department issue notice to corrections facility commanders to ensure compliance with San Diego County Sheriff's Department Detention Services Bureau – Manual of Policies and Procedures W-5 – Inmate Church Services. The notice should direct facility commanders to develop inmate sign-up procedures, criteria, and staff screening guidelines for inmates desiring to participate in church services.	10/12/10	12/01/10
09-125	Edward Peruta	It is recommended that the Sheriff's Department review and update all procedures associated with the Standard Application for License to Carry a Concealed Weapon (CCW). Application requirements, denial procedures, and appeal rights should be clearly identified, in conformance with <i>California Penal Code §12050-12054</i> , and relevant information considered for inclusion in the <i>San Diego County Code of Regulatory Ordinances, Chapter 1, Uniform Licensing Procedure</i> , and <i>The San Diego County Sheriff's Department Policies and Procedures Manual</i> .	10/12/10	10/21/10 Interim  <i>Pending</i>

**TABLE 10: CLERB TWO-YEAR ADOPTED/APPROVED OPERATIONAL BUDGET**

<b>LINE ITEM CATEGORY</b>	<b>2010-11</b>	<b>2011-12</b>
<b>Salaries &amp; Fringe Benefits</b>	<b>\$435,119</b>	<b>\$453,467</b>
<b>Services &amp; Supplies</b>	<b>\$118,532</b>	<b>\$104,273</b>
<b>Total Expense</b>	<b>\$553,651</b>	<b>\$557,740</b>
<b>General Revenue</b>	<b>\$553,651</b>	<b>\$557,740</b>
<b>Employee positions</b>	<b>4<sup>2</sup></b>	<b>4</b>

<sup>2</sup> The Review Board maintained a vacancy in one of two special investigator positions for entire reporting period and continued the Administrative Assistant III as a half-time rather than full-time position.

## GLOSSARY OF TERMS & DEFINITIONS

**Action Justified:**

The investigation showed the alleged act did occur, and was lawful, justified and proper.

**Not Sustained (Insufficient Evidence):**

There was insufficient evidence to either prove or disprove the allegation.

**Procedurally Closed:**

A lodged case is closed by the Executive Officer when it is not returned with a signature under penalty of perjury.

**Summary Dismissal:** Action taken by the Review Board on a filed complaint:

- (a) The Review Board has no jurisdiction over the complaint or an allegation; or
- (b) The Review Board has no jurisdiction because the complaint was not timely filed; or
- (c) The complaint was so clearly without merit that no reasonable person could sustain a finding based on the facts.

**Sustained:**

The evidence supports the allegation and the act or conduct was not justified.

**Unfounded:**

The investigation showed the alleged act or conduct did not occur.

**Lodged versus Filed Complaints:**

A complaint is "lodged" or recorded and given a case number when a person contacts the Review Board to complain about an incident and is sent a complaint form. The complaint is "filed" when the person returns the complaint form signed under penalty of perjury.

**Preponderance of the Evidence:**

Evidence that has more convincing force than that opposed to it. "Preponderance of the evidence" is the standard of proof used in the Review Board's investigations.

**Summary Hearings:**

The Review Board considers the staff reports on complaint investigations in Summary Hearings in closed session.



**APPENDIX A:**  
**CHARTER OF THE COUNTY OF SAN DIEGO**

**Section 606: Citizens Law Enforcement Review Board.**

- (a) The Board of Supervisors, by ordinance, shall establish a Citizens Law Enforcement Review Board consisting of not less than nine (9) nor more than fifteen (15) members nominated by the Chief Administrative Officer and appointed by the Board of Supervisors. Members of the Citizens Law Enforcement Review Board shall serve without compensation for terms not to exceed three years as established by ordinance, and members shall be appointed for not more than two consecutive full terms. County employees and persons employed as peace officers or custodial officers shall not be eligible to be members of the Citizens Law Enforcement Review Board.
- (b) Members of the Citizens Law Enforcement Review Board shall serve at the pleasure of the Board of Supervisors, and they may be removed at any time by a majority vote of the Board of Supervisors.
- (c) Vacancies on the Citizens Law Enforcement Review Board shall be filled for the balance of the unexpired term in the same manner as the position was originally filled.
- (d) The Citizens Law Enforcement Review Board shall have the power to subpoena and require attendance of witnesses and the production of books and papers pertinent to its investigations and to administer oaths.
- (e) The Citizens Law Enforcement Review Board may appoint in accordance with its established procedures such personnel as may be authorized by the Board of Supervisors. Notwithstanding any other provision of this Charter, any authorized executive director and investigators of the Citizens Law Enforcement Review Board shall be in the classified or the unclassified service as determined, by ordinance, by the Board of Supervisors.
- (f) The Board of Supervisors, by ordinance, shall establish the duties of the Citizens Law Enforcement Review Board and its duties may include the following:
  - (1) Receive, review and investigate citizens complaints which charge peace officers or custodial officers employed by the Sheriff's Department or the Probation Department with (A) use of excessive force, (B) discrimination or sexual harassment in respect to members of the public, (C) the improper discharge of firearms, (D) illegal search or seizure, (E) false arrest, (f) false reporting, (G) criminal conduct or (H) misconduct. All action complaints shall be in writing and the truth thereof shall be attested under penalty of perjury. "Misconduct" is defined to mean and include any alleged improper or illegal acts, omissions or decisions directly affecting the person or property of a specific citizen by reason of:
    - 1. An alleged violation of any general, standing or special orders or guidelines of the Sheriff's Department or the Probation Department; or
    - 2. An alleged violation of any state or federal law; or

3. Any act otherwise evidencing improper or unbecoming conduct by a peace officer or custodial officer employed by the Sheriff's Department or the Probation Department.
  - (2) Review and investigate the death of any individual arising out of or in connection with actions of peace officers or custodial officers employed by the Sheriff's Department or the Probation Department, regardless of whether a citizen complaint regarding such death has been filed with the Citizens Law Enforcement Review Board.
  - (3) Prepare reports, including at least the Sheriff or the Probation Officer as recipients, on the results of any investigations conducted by the Citizens Law Enforcement Review Board in respect to the activities of peace officers or custodial officers, including recommendations relating to the imposition of discipline and recommendations relating to any trends in regard to employees involved in citizen complaints.
  - (4) Prepare an annual report to the Board of Supervisors, the Chief Administrative Officer, the Sheriff and the Probation Officer summarizing the activities and recommendations of the Citizens Law Enforcement Review Board, including the tracking and identification of trends in respect to all complaints received and investigated during the reporting period.
  - (5) Notify in writing any citizens having filed a complaint with the Citizens Law Enforcement Review Board of the disposition of his or her complaint. The Chief Administrative Officer shall also receive appropriate notification of the disposition of citizen complaints.
  - (6) Review and make recommendations on policies and procedures of the Sheriff and the Probation Officer.
  - (7) Establish necessary rules and regulations for the conduct of its business, subject to approval of the Board of Supervisors.
  - (8) Perform such other duties as the Board of Supervisors, by ordinance, may assign to the Citizens Law Enforcement Review Board.
  - (9) Established rules and procedures for receipt of complaints from detention facility inmates.
- (g) In the event that a County Department of Corrections is established, the Citizens Law Enforcement Review Board shall have the same powers and duties in respect to that Department, its Director, and its peace officer and custodial officer employees, as the Citizens Law Enforcement Review Board has in respect to the Sheriff, the Probation Officer and their departments and employees.

(Added, Effective 12-26-90)

**APPENDIX B:**

**SAN DIEGO COUNTY ADMINISTRATIVE CODE**

**ARTICLE XVIII - CITIZENS LAW ENFORCEMENT REVIEW BOARD**

**SEC. 340. PURPOSE AND INTENT.**

It is the purpose and intent of the Board of Supervisors to establish a Citizens Law Enforcement Review Board of the County of San Diego to advise the Board of Supervisors, the Sheriff and the Chief Probation Officer on matters related to the handling of citizen complaints which charge peace officers and custodial officers employed by the County in the Sheriff's Department or the Probation Department with misconduct arising out of the performance of their duties. The Citizens Law Enforcement Review Board is also established to receive and investigate specified citizen complaints and investigate deaths arising out of or in connection with activities of peace officers and custodial officers employed by the County in the Sheriff's Department or the Probation Department. In addition, the Citizens Law Enforcement Review Board is to make appropriate recommendations relating to matters within its jurisdiction, report its activities, and provide data in respect to the disposition of citizen complaints received by the Citizens Law Enforcement Review Board. It is the purpose and intent of the Board of Supervisors in constituting the Citizens Law Enforcement Review Board that the Review Board will be advisory only and shall not have any authority to manage or operate the Sheriff's Department or the Probation Department or direct the activities of any County officers or employees in the Sheriff's Department or the Probation Department. The Review Board shall not decide policies or impose discipline against officers or employees of the County in the Sheriff's Department or the Probation Department.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

**SEC. 340.1. CITIZENS LAW ENFORCEMENT REVIEW BOARD.**

The Board of Supervisors hereby establishes the Citizens Law Enforcement Review Board of the County of San Diego, hereinafter referred to as "Review Board."

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

**SEC. 340.2. NUMBER OF MEMBERS.**

The Review Board shall consist of eleven (11) members.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

**SEC. 340.3. NOMINATION AND APPOINTMENT.**

(a) The Board of Supervisors shall appoint all eleven members to the Review Board, all of whom shall be residents and qualified electors of the County. Members shall be nominated by the Chief Administrative Officer. In making nominations the Chief Administrative Officer shall attempt to reflect in Review Board membership

comprehensive representation of age, sex, socioeconomic status, racial and ethnic background and geographical distribution, including representation of both the unincorporated areas and the cities that contract with the County for law enforcement by the Sheriff's Department. The list of nominees submitted to the Board of Supervisors shall include a statement of the qualifications of each person nominated.

(b) Public notice and publicity shall be given of intention to appoint members to the Review Board. An application form shall be provided to members of the public.

(c) County employees and persons employed as peace officers and custodial officers shall not be eligible to be members of the Review Board.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

#### **SEC. 340.4. TERM OF OFFICE.**

(a) Each member shall serve a term of three years; provided, however, that the terms of the initial members of the Review Board shall be determined as follows:

At the first meeting of the Review Board, the eleven members shall draw lots to determine which four members will serve a three year term, which four members will serve a two year term, and which three members will serve a one year term.

(b) A member shall serve on the Review Board until a successor has been appointed. A member shall be appointed for no more than two consecutive full terms. Appointment to fill a vacancy shall constitute appointment for one term. The term for all members shall begin on July 1 and end on June 30. The term of all persons who are the initial appointees to the Review Board shall be deemed to commence on July 1, 1991.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

#### **SEC. 340.5. REMOVAL.**

Members of the Review Board serve at the pleasure of the Board of Supervisors and may be removed from the Review Board at any time by a majority vote of the Board of Supervisors.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

#### **SEC. 340.6. VACANCIES.**

A vacancy shall occur on the happening of any of the following events before the expiration of the term:

- (1) The death of the incumbent.
- (2) The resignation of the incumbent.
- (3) The ceasing of the incumbent to be a resident of the County of San Diego.
- (4) Absence of the member from three consecutive regular meetings of the Review Board, or

(5) Failure to attend and satisfactorily complete the required training course within three months of the beginning of a member's term or of the member's appointment to fill a vacancy.

When a vacancy occurs the Board of Supervisors and, where appropriate, the member shall be notified of the vacancy by the Chairperson. Vacancies shall be filled in the same manner as the position was originally filled. Vacancies shall be filled within forty-five days and, subject to the provisions of this article, shall be filled for the balance of the unexpired term.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

#### **SEC. 340.7. ORGANIZATION.**

(a) *Officers.* The Review Board shall select annually from its membership a Chairperson, a Vice-Chairperson and a Secretary.

(b) *Rules.* The Review Board shall prepare and adopt necessary rules and regulations for the conduct of its business, subject to approval of the Board of Supervisors. A current copy of the rules and regulations shall be filed with the Clerk of the Board of Supervisors.

(c) *Quorum.* A majority of members currently appointed to the Review Board shall constitute a quorum. A majority of members currently appointed to the Review Board shall be required to carry any motion or proposal.

(d) *Minutes.* The Review Board shall keep written minutes of its meetings, a copy of which shall be filed with the Clerk of the Board of Supervisors.

(e) *Meetings.* The Review Board shall establish a regular meeting schedule and shall give public notice of the time and place of meetings. All meetings shall be held in accordance with the requirements of the Ralph M. Brown Act (Government Code, section 54950 et seq.).

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

#### **SEC. 340.8. COMPENSATION.**

Members of the Review Board shall serve without compensation, except they shall be reimbursed for expenses incurred in performing their duties in accordance with provisions of the County Administrative Code regulating reimbursement to County officers and employees.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

#### **SEC. 340.9. DUTIES AND RESPONSIBILITIES.**

The Review Board shall have the authority to:

(a) Receive, review and investigate citizen complaints filed against peace officers or custodial officers employed by the County in the Sheriff's Department or the Probation Department which allege: (A) use of excessive force; (B) discrimination or sexual harassment in respect to members of the public; (C) the improper

discharge of firearms; (D) illegal search or seizure; (E) false arrest; (F) false reporting; (G) criminal conduct; or (H) misconduct. The Review Board shall have jurisdiction in respect to all citizen complaints arising out of incidents occurring on or after November 7, 1990; provided, however, that the Review Board shall not have jurisdiction to take any action in respect to complaints received more than one year after the date of the incident giving rise to the complaint, except that if the person filing the complaint was incarcerated or physically or mentally incapacitated from filing a complaint following the incident giving rise to the complaint, the time duration of such incarceration or physical or mental incapacity shall not be counted in determining whether the one year period for filing the complaint has expired. All action complaints shall be in writing and the truth thereof shall be attested under penalty of perjury. "Citizen complaints" shall include complaints received from any person whatsoever without regard to age, citizenship, residence, criminal record, incarceration, or any other characteristic of the complainant. "Misconduct" is defined to mean and include any alleged improper or illegal acts, omissions or decisions directly affecting the person or property of a specific citizen by reason of:

1. An alleged violation of any general, standing or special orders or guidelines of the Sheriff's Department or the Probation Department; or
2. An alleged violation of any state or federal law; or
3. Any act otherwise evidencing improper or unbecoming conduct by a peace officer or custodial officer employed by the Sheriff's Department or the Probation Department.

The Review Board shall have no authority pursuant to this subdivision to take action in regard to incidents for which no citizen complaint has been filed with the Review Board.

(b) Review and investigate the death of any individual arising out of or in connection with actions of peace officers or custodial officers employed by the County in the Sheriff's Department or the Probation Department, regardless of whether a citizen complaint regarding such death has been filed with the Review Board. The Review Board shall have jurisdiction in respect to all deaths of individuals coming within the provisions of this subdivision occurring on or after November 7, 1990; provided, however, that the Review Board may not commence review or investigation of any death of an individual coming within the provisions of this subdivision more than one year after the date of the death, unless the review and investigation is commenced in response to a complaint filed within the time limits set forth in subdivision (a) of this section.

(c) Prepare reports, including at least the Sheriff or the Probation Officer as recipients, on the results of any investigations conducted by the Review Board in respect to the activities of peace officers or custodial officers, including recommendations relating to the imposition of discipline, including the facts relied on in making such recommendations, and recommendations relating to any trends in regard to employees involved in citizen complaints. The Review Board is not established to determine criminal guilt or innocence.

(d) Prepare an annual report to the Board of Supervisors, the Chief Administrative Officer, the Sheriff and the Probation Officer summarizing the activities and recommendations of the Review Board including the tracking and identification of trends in respect to all complaints received and investigated during the reporting period.

(e) Notify in writing any citizen having filed a complaint with the Review Board of the disposition of his or her complaint. The Chief Administrative Officer shall also receive appropriate notification of the disposition of citizen complaints. Such notifications shall be in writing and shall contain the following statement: "In accordance with Penal Code section 832.7, this notification shall not be conclusive or binding or admissible as evidence in any separate or subsequent action or proceeding brought before an arbitrator, court, or judge of California or the United States."

(f) Establish necessary rules and regulations for the conduct of its business, subject to approval of the Board of Supervisors.

(g) Review and make recommendations on policies and procedures of the Sheriff's Department and the Probation Departments to the Board of Supervisors, the Sheriff, and the Chief Probation Officers.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91; amended by Ord. No. 7914 (N.S.), effective 6-27-91; amended by Ord. No. 9737 (N.S.), effective 10-27-05; amended by Ord. No. 9782 (N.S.), effective 7-20-06)

#### **SEC. 340.10. REVIEW BOARD INVESTIGATIONS.**

Citizen complaints received by the Review Board shall be transmitted forthwith to the Sheriff or the Probation Officer.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

#### **SEC. 340.11. SUBPOENAS.**

The Review Board shall, pursuant to the Charter of the County of San Diego, section 606(d), have the power to subpoena and require attendance of witnesses and the production of books and papers pertinent to its investigations and to administer oaths.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

#### **SEC. 340.12. STAFF ASSISTANCE.**

The Review Board shall appoint such personnel as may be authorized by the Board of Supervisors.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

#### **SEC. 340.13. TRAINING REQUIREMENTS.**

All members shall attend and satisfactorily complete a training course within three months of the beginning of the member's term or of the member's appointment to fill a vacancy. The training requirements shall be established by the Chief Administrative Officer. Failure to attend and satisfactorily complete the training course within the prescribed time shall result in the member's removal from the Review Board and shall automatically create a vacancy on the Review Board.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

#### **SEC. 340.14. RECORDS.**

Any personnel records, citizen complaints against County personnel in the Sheriff's Department or the Probation Department, and information obtained from these records, which are in the possession of the Review Board or its staff, shall be confidential and shall not be disclosed to any member of the public, except in accordance with applicable law. Copies of records and complaints of the Review Board shall be made available

to the Sheriff or the Probation Officer upon completion of the investigation of the Review Board unless prohibited by applicable law.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

**SEC. 340.15. COOPERATION AND COORDINATION.**

In the discharge of its duties, the Review Board shall receive complete and prompt cooperation from all officers and employees of the County. The Review Board and other public officers, including the Sheriff, the District Attorney, and the Grand Jury, shall coordinate their activities so that the other public officers and the Review Board can fully and properly perform their respective duties.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)