

County of San Diego



2013 ANNUAL REPORT

"SERVING THE COMMUNITY AND THE JUSTICE SYSTEM FOR 23 YEARS"

2013 CLERB ANNUAL REPORT

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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.

2013 Board Members

George DeLaBarre II, Chairperson
James Achenbach, Vice Chairperson
Loren Vinson, Secretary
Sandra I. Arkin
Sheryl Bennett
Gary R. Brown
Delores Chavez-Harmes
Debra DePratti Gardner
Riley Gordon
James B. Lasswell
Clifford O. Myers, III
Calixto J. Pena
Louis Wolfsheimer

Staff

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

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**RÉSUMÉS OF
REVIEW BOARD MEMBERS
SERVING IN 2013**

George DeLaBarre II
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.

James Achenbach
Vice Chairperson

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.

Loren Vinson
Secretary

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.

Sandra I. Arkin

Sandra Arkin is a retired strategic planning consultant and facilitator. She is one of the founders of the original Children's Museum of San Diego and was on the Board of Directors for seventeen years, five of them as President. Among the other organizations Sandra has been involved with, either as a Board member or as a committee member, are the San Diego Historical Society, LEAD San Diego, San Diego Mediation Center, San Diego Foundation, Citizens' Review Board on Police Practices, and the San Diego Unified School District.

Sandra has a degree in biology from the University of Buffalo and earned a professional certificate from UCSD Extension in Art and the Creative Process. She and her husband, University City residents, are the parents of two sons, two daughters-in-law, and, one grandson. She is also a scale model miniature artist and enjoys travel, reading, and food - cooking it, reading about it, and eating it.

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.

Gary R. Brown

Mr. Brown has spent a majority of his career serving local governments as Community Development Director in Winston-Salem, North Carolina and Lakewood, Colorado; Assistant City Manager and City Manager in Tempe, Arizona, and most recently City Manager in Imperial Beach, California. He also worked for the federal Department of Housing and Urban Development and for a private company that cleaned-up environmentally contaminated properties and prepared them for development. He has a BA with honors in Political Science from the University of Florida and an MBA from Wake Forest University.

Delores Chavez Harmes

Delores Chavez Harmes is owner of Chavez Financial Offices (CFO), a firm that offers accounting, tax and business management services for the private sector and other certified public accountants & law firms. CFO services include evaluation, design and operation dependability of client accounting systems and procedures as well as internal accounting controls. She is renowned for investigating misappropriations, fraud, and embezzlement. A committed entrepreneur, Ms. Chavez formed and developed Adelante Construction Corporation, a general engineering construction company. Ms. Chavez's experience also includes developing a migrant health care center in Yakima, WA, the Upper Valley Health Clinic and also established Women's Health Care Exclusively, which was one of the first of its kind in a medi-center approach to specialized health care provided for and by women. She served as President of Zonta International – La Jolla, an organization committed to advancing the status of women worldwide and was honored as "Young Career Woman of the Year" by the Business and Professional Women Foundation. She also serves on the boards of the San Diego League of Women Voters, County Federation of Republican Women, Valley Center Chamber of Commerce, and General Federation of Women's Clubs. She chairs the Latino GOP of San Diego County and CFRW Southern Division Latino Outreach. She also sits on the committee of U-T Latino Advisory Board and NFRW Latino Outreach. She is a member of the Hispanic 100 and is Vice-President of the Latino American Political Association.

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.

James B. Lasswell

A resident of San Diego, Mr. Lasswell is the President and CEO of INDUS Technology, a Service Disabled Veteran Owned Small Business that provides engineering, technical financial, and program management services for government and industry clients. He currently serves on the Board of

Directors for the National Defense Industrial Association (NDIA) San Diego Chapter, and formerly serviced on the Board of Directors for the United Servicemen's Organization (USO) San Diego. He holds a Bachelor of Science Degree in electrical engineering from the United States Naval Academy, a Master of Science, Engineering Acoustics from the U.S. Navy Postgraduate School, a Master of Science Systems Management from the University of Southern California, and a Master in Business Administration from Virginia Polytechnic Institute.

Clifford O. Myers III

Mr. Myers recently retired from government service as the Director of Military and Civilian Manpower and Community Planning and Liaison Officer for the Marine Corps Recruit Depot, San Diego, CA. Prior, he was the Commandant of Cadets for a college preparatory boy's school in south Texas, grades 8-12. He also served in the United States Marine Corps for 33 years as an infantry officer. His tours in the Marine Corps allowed his family to live all over the world. He is very active in the community with Rotary Club 33, North Bay Redevelopment Project Action Committee, President of the FBI Citizen's Academy Alumni Association, Board officer of the Camp Pendleton Armed Services YMCA, past Board member of the American Red Cross, San Diego and Imperial Counties and the San Diego Chamber of Commerce. He holds a Bachelor degree in History and Political Science from Chaminade College of Honolulu and a Master of Public Administration from National University. He resides in Vista with his wife.

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.

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

This report is submitted with great appreciation to the volunteer members of the Citizens' Law Enforcement Review Board for the County of San Diego. In addition, we thank the Review Board staff for their superior performance investigating and presenting cases for the Board's review. Countless hours have been spent ensuring that the citizens of San Diego County have independent oversight of the San Diego Sheriff's Department and County Probation.

We would also like to thank the Sheriff's and Probation Departments for cooperating and supporting the work of the Review Board. Both departments have contributed to a relationship that is more cooperative than adversarial. This fosters a working relationship where sustained findings from complaints leads to action that improves the performance of Sheriff's Deputies and Probation Officers.

Through the hard work of Review Board staff, the Review Board was able to complete another positive year of reviewing and ruling on 93 cases. Each case was considered on an individual basis and decided by a diverse group of community volunteers that make up Review Board. This report will provide a thorough high level overview of the work done by both volunteers and staff. In addition to case review, the Review Board also participated in training that included: Use of Force, jail tours, and ride alongs with both Sheriff's Deputies and Probation Officers. Our Review Board members represent all five of the San Diego County Districts and take considerable time during the month to study and review cases, in

addition to the monthly meetings at the County Administration Center.

The Review Board looks forward to continuing the path in addressing citizen complaints, decreasing complaint back-log, and making policy change recommendations to the Sheriff and Chief Probation Officer when indicated by case findings.

George A. DeLaBarre II
Chairperson – 2013

EXECUTIVE OFFICER'S SUMMARY

The year 2013 reflected a turning point in the completion of complaint investigations within one year of the date the signed complaints were received. Since the Review Board implemented the process of closing cases without investigation, 88 cases have been summarily dismissed; 53 in 2010, 25 in 2011, and 10 in 2012. In 2013, Staff referred no (0) complaint cases to the Review Board for Summary Dismissal because of investigative time constraints.

The Review Board also was presented with two Civil Service Commission (CSC) appeals. San Diego County Civil Service Commission Rule XV permits deputies and probation officers to have a "de novo" or new hearing before the CSC when the Review Board had determined a Sustained Finding. These were the fourth and fifth appeals filed in the Review Board's 23-year history.

In February 2013, the CSC determined that the Review Board had not met its burden and deemed the finding Not Sustained, for an allegation that the

deputy parked an official vehicle in a red zone to conduct personal business in a local establishment.

In April 2013, a deputy appealed the Review Board's sustained finding, which alleged the deputy failed to properly Mirandize a complainant. The deputy withdrew the appeal in May 2013.

In March 2013, *CityBeat San Diego* initiated a series of articles concerning in-custody deaths at San Diego Sheriff's Detention Facilities. The Review Board cooperated with *CityBeat's* investigation by providing case information and policy recommendations, as allowed by law.

COMPLAINT DATA REVIEW

Intakes

The Review Board logged **119**¹ complaints in 2013; an 23% decrease from the **155** complaints received in 2012.² Allegations totaled **528** in 2013; a 20% decrease from the **664** allegations in 2012. Death cases increased in 2013, with **14** reported in 2013; a 40% increase from the **10** in 2012.

Sheriff's facilities or units with double digit complaint totals decreased from **5** in 2012 to **4** in 2013, (**3** 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 **16** complaints (down

¹ One case involved Sheriff and Probation Departments, necessitating a split of the case to ensure Department accountability.

² The average number of complaints over the last 5 years is 136. The highs and lows in the past ten years were 182 in 2005 and 105 in 2008. See Graph 1, Page 9.

from **33** in 2012), followed by the George Bailey Detention Facility with **13** complaints (down from **14** in 2012), Vista Station with **10** complaints (down from **11** in 2012), and Lemon Grove Station with **13** complaints (up from **10** in 2012). The Probation Department received **15** complaints in 2013; a 200% increase from the **5** complaints in 2012. (See Table 1, Page 10.)

A review of Probation cases received in the preceding five years showed an average of 10 cases per year; with a high of 17 in 2011, and a low of 5 in 2012.

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 2013, Sheriff's law enforcement had **62** complaints or 52% of the total (compared to **87** or 56% in 2012); Sheriff's jails had **43** complaints or 36% (compared to **63** or 41% in 2012); and the Probation Department had **15** complaints or 12% of total (compared to **5** or 3% in 2012).

Closures

The Review Board met **9** times and closed **122** cases during the year, compared to closing **138** cases in 2012; a 12% decrease in case closures. Of the **122** cases closed, **29** were *Procedurally Closed* by staff because a signed complaint was not returned by the complainant. This was a 12% decrease from the **33** cases that were Procedurally Closed "PC" in 2012. Overall however, PC cases accounted for 24% of the year's complaint total (119), which was a slight increase from the 21% (155) in 2012. Another **14**

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 was a 22% decrease over the **18** Summary Dismissal cases submitted to and approved by the Board in 2012.

There were **no** cases submitted to the Review Board for One-Year Summary Dismissal because the investigations had not been completed within legislated timelines (down from the **10** One-Year Summary Dismissals in 2012).

The remaining **79** closed cases were fully investigated and submitted to the Review Board, compared to **77** fully investigated cases submitted in 2012; a 3% increase. Included in the number of fully investigated cases were **9** death cases.

Of the **79** fully investigated cases, **10** cases, or 13%, included *Sustained* allegations, compared to **8** cases in 2012, or 10%, with *Sustained* allegations of the **77** fully investigated cases in 2012.

In 2013, the number of sustained findings was **15**, representing 4% of the **407** findings in fully investigated cases. The **15** sustained findings, involved allegations of Misconduct/Procedure (10), Illegal Search or Seizure (4), and False Arrest (1). (See Table 7, Page 16.)

At year's end there were **98** open cases, a 7% decrease from the **105** open cases at the end of 2012.

BOARD MEMBER, STAFF CHANGES

The Board elected George DeLaBarre II as Chairperson, James Achenbach Vice Chairperson, and Loren Vinson Secretary at the December 2012 meeting.

In July, Sandra I. Arkin was appointed to the seat vacated by Louis Wolfsheimer, and Delores Chavez-Harmes was appointed to the seat vacated by Sheryl Bennett. Board Members Sheryl Bennett and Louis Wolfsheimer completed their full terms allowed under the Administrative Code. In September, Gary R. Brown was appointed to the seat previously vacated by Israel Garza.

Also in July, Debra DePratti-Gardner was reappointed to her second full term, and Clifford Myers was reappointed to his first full term.

In January 2013, Sergeant Dave Schaller was appointed to serve as the Review Board's processor upon the promotion to Lieutenant of Sergeant Kevin Menzies. In September, Sergeant Gary Crowley replaced Sergeant Dave Schaller upon his promotion to Lieutenant.

TRAINING

The Review Board received a number of training opportunities during monthly Board meetings, including: the Role of the District Attorney's Office in Officer-Involved Shooting Investigations, Fourth Amendment Waiver Searches, Detention Services Bureau Public Safety Realignment, Video Capabilities in Sheriff's Detention Facilities, and a Debriefing of the 2013 NACOLE Conference.

Board Members participated in Ride-Alongs with units from Sheriff's and Probation Departments, tours of Sheriff's detention facilities, tours of the Kearny Mesa Juvenile Detention Facility, Sheriff's Use of Force Training, and Sheriff's and Probation New Board Member Orientation sessions.

The Review Board experienced no Staff changes in 2013.

COMMUNITY OUTREACH

In February 2013, the Executive Officer conducted an information presentation for international visitors that were guests of the U.S. Department of State International Visitor Leadership Program, and the San Diego Diplomacy Council. Middle East Countries participating included: Algeria, Iraq, Jordan, Qatar, Tunisia, and Yemen.

The Executive Officer participated in orientations with Command Staff from the Sheriff's and Probation Departments. The Executive Officer and Review Board Chair, briefed the San Diego County Grand Jury on the role and mission of the Review Board. The Executive Officer also provided information presentations for the San Diego Sheriff's Department Supervisors Training Course, the Use of Force Training, and the Detentions Academy.

POLICY RECOMMENDATIONS

Three Policy Recommendations were presented to the Sheriff's Department during 2013:

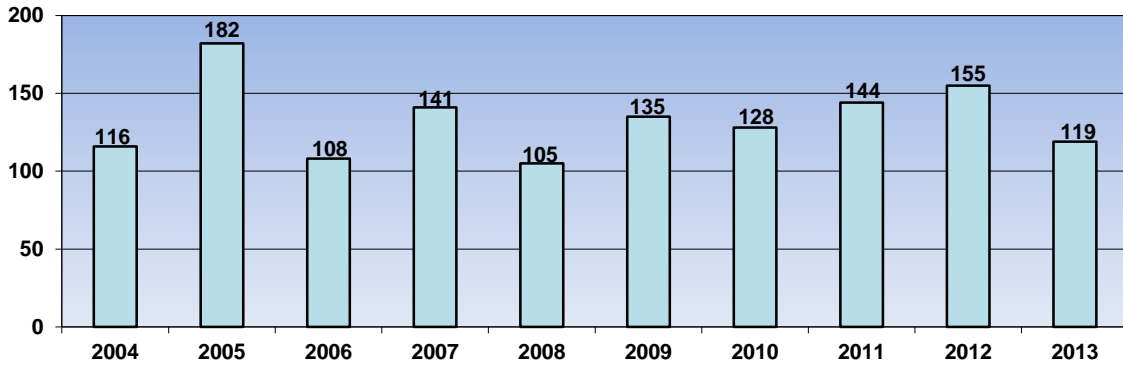
In Case **12-030**, the Review Board recommended the Sheriff's Department issue a Training Bulletin to all Detentions sworn personnel, which directed that cell inspections and searches were to be conducted

consistent with an inmate's right to maintain privileged communications. In February 2013, the Sheriff's Department issued a Training Bulletin, entitled "Legal Correspondence for Inmates," addressing the Review Board's concerns.

In Case **12-084**, the Review Board identified conflicting language in two Detentions Bureau Policies and Procedures as they related to an inmate's excess property. The Sheriff's Department updated Detentions Policy O.3, Inmate Rules and Regulations, and Detentions Facility Policy P.3, Inmate Mail to eliminate the conflicting language.

At the conclusion of Case **13-032**, the Review Board recommended that the Sheriff's Department review and modify Detentions Services Bureau Manual of Policies, Facility Green Sheets, and Post Orders to identify positions responsible for the performance and documentation of security checks. The Sheriff's Department notified the Review Board in November 2013, that completion of the draft revision to Detentions Bureau Manual of Policies and Procedures, I.64, Security Checks of Housing Units and Holding Cells had been accomplished, and once approved, all Facility Green Sheets would be reviewed and changed accordingly. (See Table 9, Page 20.)

Graph 1: TOTAL COMPLAINTS RECEIVED BY YEAR: 2004-2013



Graph 2: COMPLAINTS RECEIVED BY QUARTER – 2012/2013

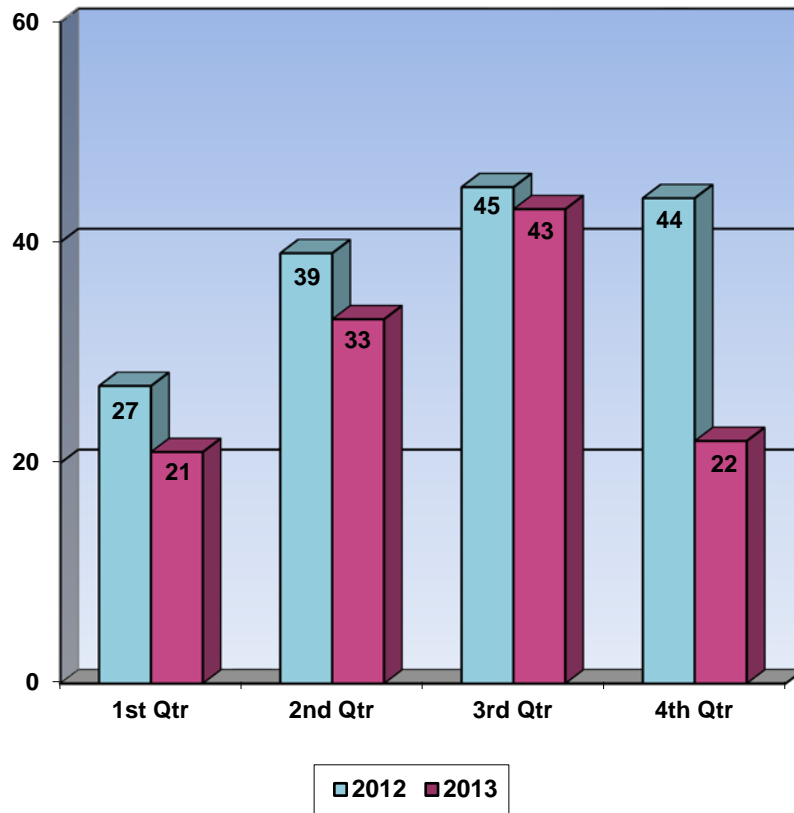


TABLE 1: COMPLAINTS & ALLEGATIONS RECEIVED BY UNIT OR FACILITY IN 2013

STATIONS/UNITS:	Complaint Totals	CC	Deaths	Discr.	EF	FA	FR	ISS	IDF	Misconduct	Allegation Totals
LAW ENFORCEMENT											
4S Ranch Substation	-	-	-	-	-	-	-	-	-	-	-
Alpine Station	1	-	-	-	-	-	-	1	-	-	1
Bonsall Office	-	-	-	-	-	-	-	-	-	-	-
Borrego Springs Office	-	-	-	-	-	-	-	-	-	-	-
Boulevard Office	-	-	-	-	-	-	-	-	-	-	-
Campo/Tecate Substation	-	-	-	-	-	-	-	-	-	-	-
Encinitas Station	4	-	1	-	1	1	1	-	-	5	9
Fallbrook Substation	4	-	4	-	2	-	-	1	-	7	14
Grossmont/Cuyamaca CCD	1	-	-	-	-	-	-	2	-	7	9
Imperial Beach Station	3	-	-	-	5	-	1	5	-	22	33
Julian Substation	-	-	-	-	-	-	-	-	-	-	-
Lakeside Substation	-	-	-	-	-	-	-	-	-	-	-
Lemon Grove Station	13	-	-	-	11	3	3	12	-	23	52
Pine Valley Substation	-	-	-	-	-	-	-	-	-	-	-
Poway Station	4	-	-	-	-	5	-	5	-	12	22
Ramona Substation	3	-	-	-	-	4	-	2	-	4	10
Ranchita Substation	-	-	-	-	-	-	-	-	-	-	-
Rural Law Enforcement	-	-	-	-	-	-	-	-	-	-	-
San Marcos Station	2	-	1	-	-	-	-	-	-	4	5
Santee Station	7	1	-	-	7	2	-	11	-	17	38
SED	2	-	2	-	-	-	-	-	-	-	2
Sheriff Analysis Unit (SADLE)	1	-	-	-	-	-	-	-	-	2	2
SID: Drug / Tactical Narc Team	-	-	-	-	-	-	-	-	-	-	-
SID:N Regional Fugitive TF	-	-	-	-	-	-	-	-	-	-	-
SID: Street Narc & Gang Det	-	-	-	-	-	-	-	-	-	-	-
Traffic Services Coordinator	1	-	-	-	-	-	-	-	-	5	5
Valley Center Substation	-	-	-	-	-	-	-	-	-	-	-
Vista Station	10	-	-	-	14	4	1	15	-	16	51
TOTAL	56	1	8	-	41	19	6	54	-	117	246
DETENTIONS											
DSB: Prisoner Transport	1	-	-	-	-	-	-	-	-	2	2
East Mesa Detention Facility	1	-	1	-	-	-	-	-	-	-	1
Facility 8 Detention Facility	-	-	-	-	-	-	-	-	-	-	-
George F. Bailey Detention Facility	13	-	2	3	9	-	-	-	-	33	47
JAIL PMD Inmate Classification	-	-	-	-	-	-	-	-	-	-	-
Las Colinas Detention Facility	5	-	5	-	4	-	3	-	-	28	40
San Diego Central Jail	16	-	2	1	15	-	1	-	-	64	83
South Bay Detention Facility	-	-	-	-	-	-	-	-	-	-	-
Vista Detention Facility	7	-	4	-	-	-	-	-	-	17	21
TOTAL	43	-	14	4	28	-	4	-	-	144	194
COURT SERVICES											
Court Services Bureau	3	1	-	-	8	1	-	-	-	3	13
TOTAL	3	1	-	-	8	1	-	-	-	3	13
OTHER SHERIFF UNITS											
Office of the Sheriff	-	-	-	-	-	-	-	-	-	-	-
Unknown Sheriff Unit	3	-	-	-	2	-	-	-	-	7	9
TOTAL	3	-	-	-	2	-	-	-	-	7	9
PROBATION											
Probation: Adult Services	12	-	-	-	-	4	1	9	-	21	35
Probation: Inst Services	1	-	1	-	-	-	-	-	-	-	1
Probation: Juvenile Services	2	-	-	-	10	-	-	8	1	4	23
TOTAL	15	-	1	-	10	4	1	17	1	25	59
TOTALS:	*119	2	23	4	89	24	11	71	1	303	528

NOTES:

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

GRAPH 3: ALLEGATION TOTALS FOR COMPLAINTS RECEIVED IN 2013

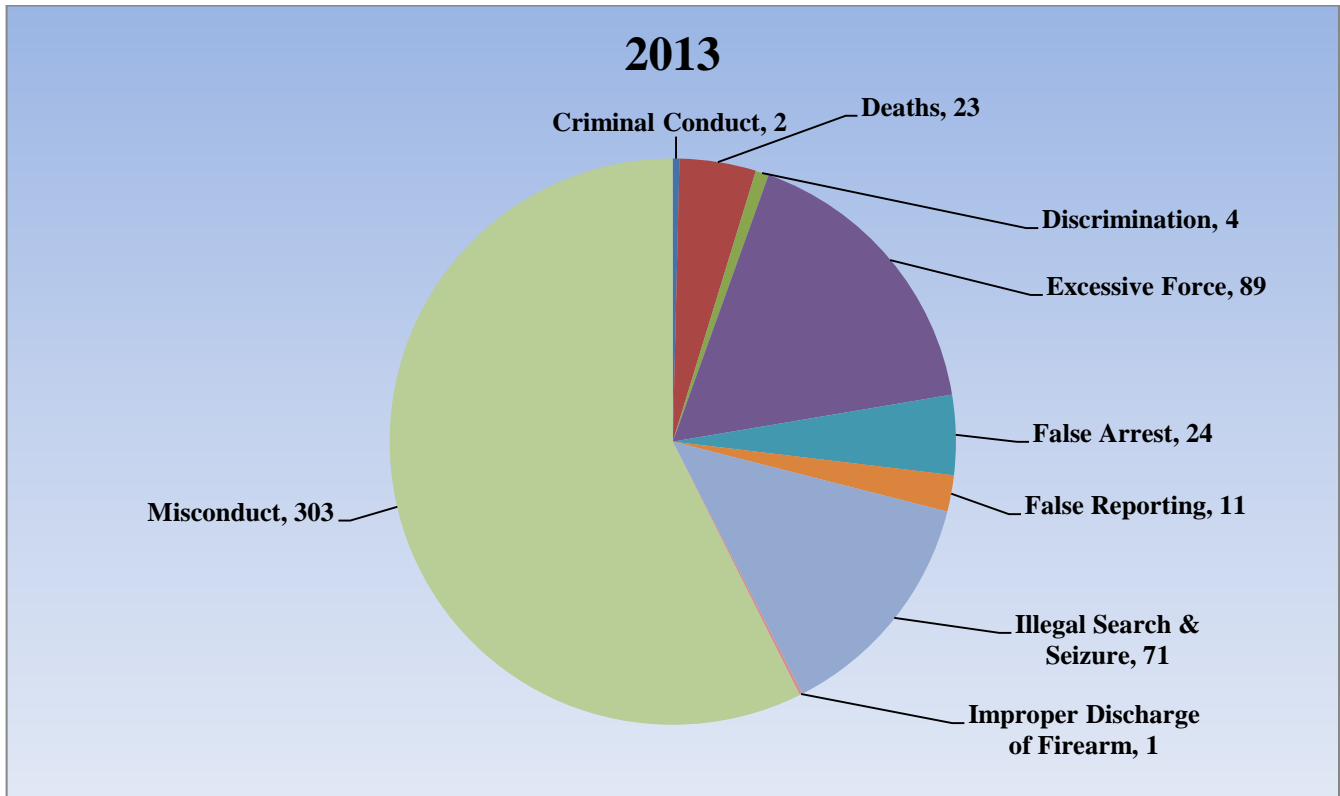


Table 2: TOTAL COMPLAINTS BY MAJOR ORG / BUREAU		
Organization/Bureau	2012	2013
Sheriff's Detention Facilities	63	43
Sheriff's Law Enforcement Services & Other	82	59*
Probation Department-All	5	15*
Unknown Sheriff's Unit	5	3
TOTAL	155	119*

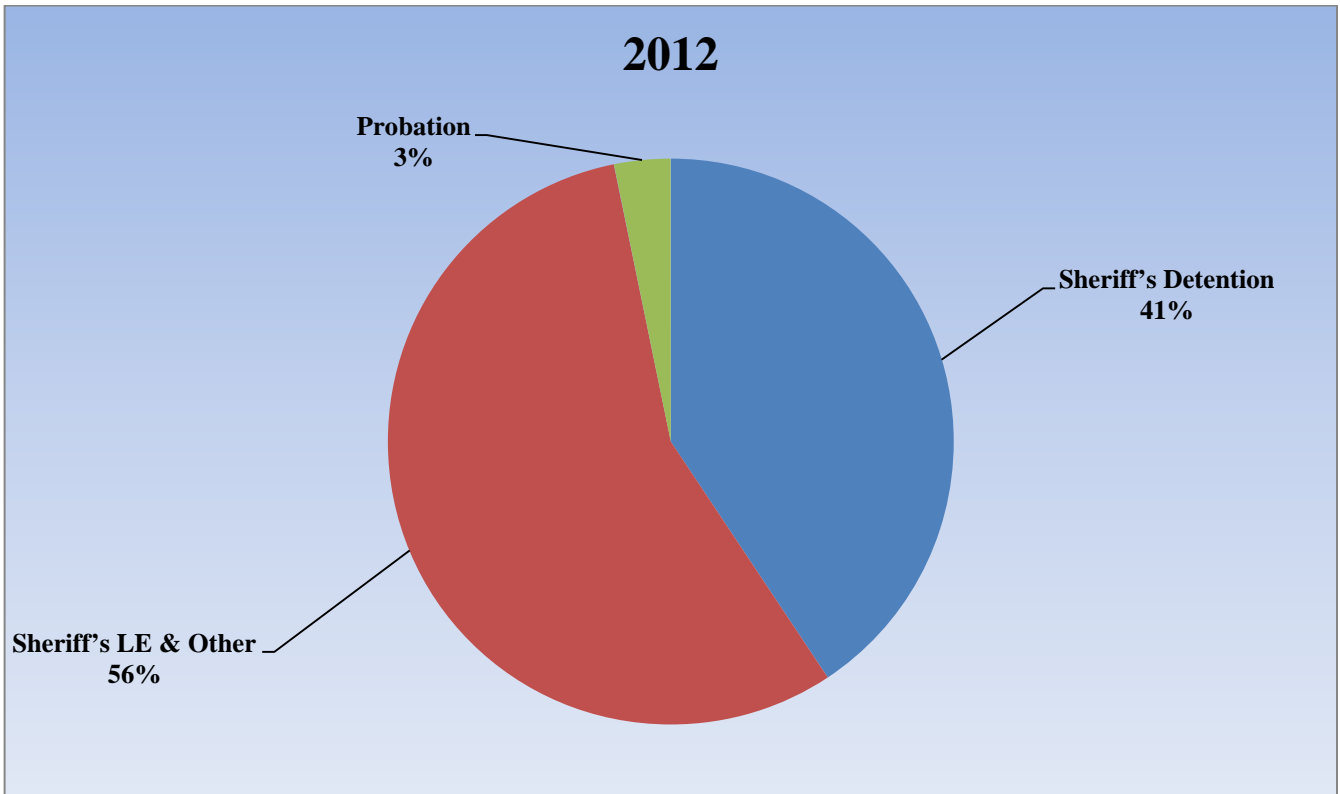
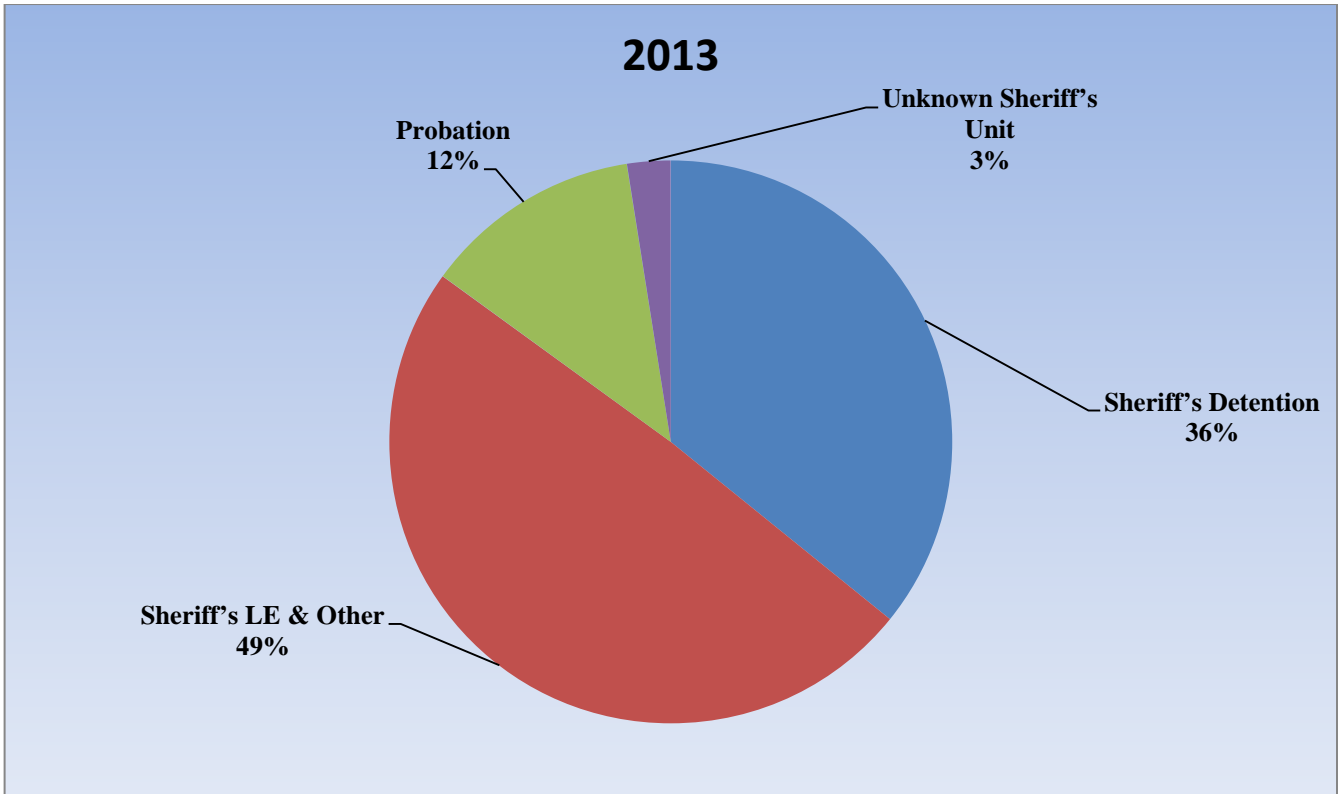
*One case included both Sheriff Law Enforcement and Probation Personnel

Table 3: BREAKDOWN OF DISCRIMINATION ALLEGATIONS		
Description	2012	2013
National Origin	1	0
Other	3	0
Racial	2	0
Religious	2	1
Sexual/Gender	6	3
TOTAL	14	4

Table 4: BREAKDOWN OF MISCONDUCT ALLEGATIONS		
Description	2012	2013
Discourtesy	47	42
Harassment	8	2
Intimidation	15	14
Medical (info only)	5	7
Procedure	245	214
Retaliation	9	17
Truthfulness	6	7
TOTAL	335	303

Table 5: BREAKDOWN OF EXCESSIVE FORCE ALLEGATIONS		
Description	2012	2013
Baton/Impact Weapon	7	1
Carotid Restraint	5	1
Drawn Firearm	4	1
Fists	15	14
Kicks	4	3
K-9 Bites	0	0
Less Lethal Munitions	0	0
OC Spray	2	0
Other	59	58
Pepperball Launcher	0	0
Poss Restraint (EF)	3	0
Taser	5	7
Tight Handcuffs	9	3
Unspecified	28	1
TOTAL	141	89

GRAPHS 4 & 5: COMPLAINT PERCENTAGES BY MAJOR ORG / BUREAU – 2012/2013



GRAPHS 6 & 7: ALLEGATIONS BY PERCENTAGE – 2012/2013

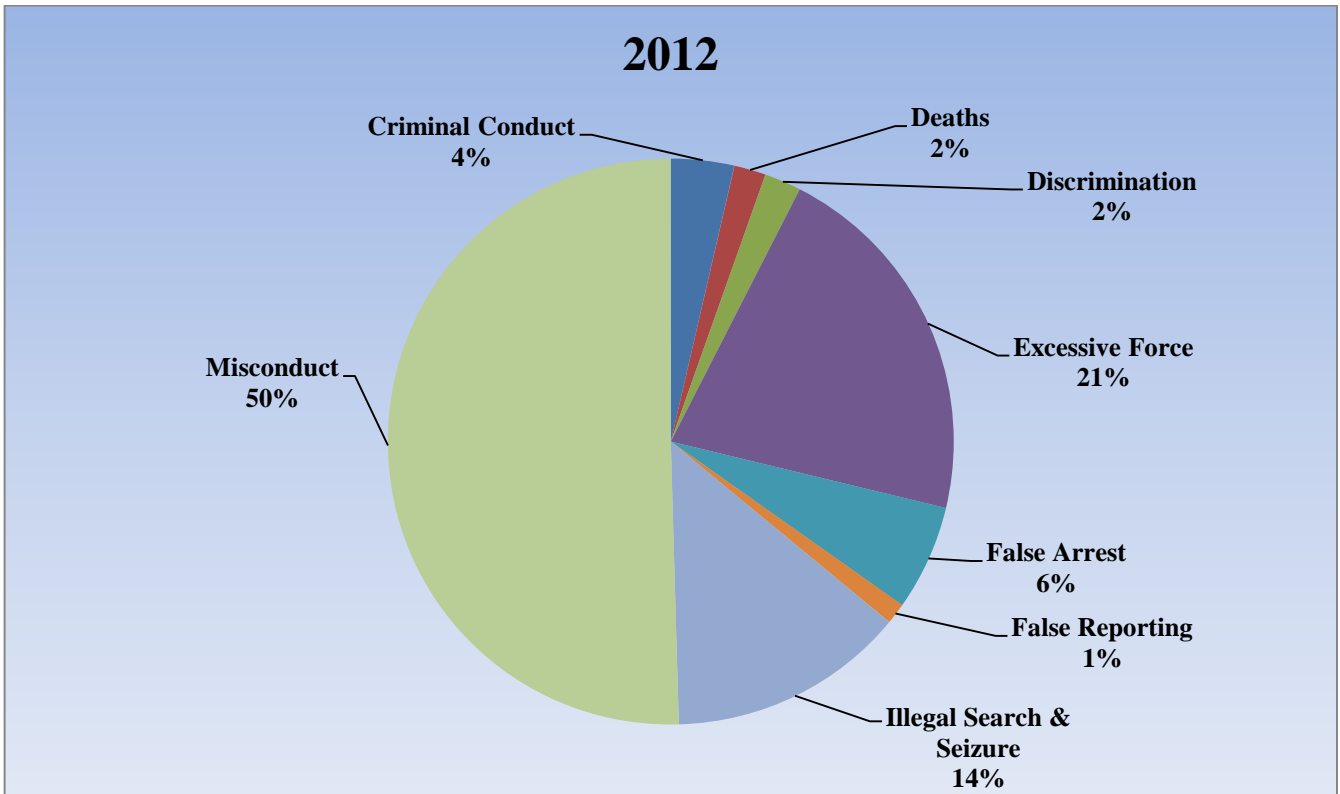
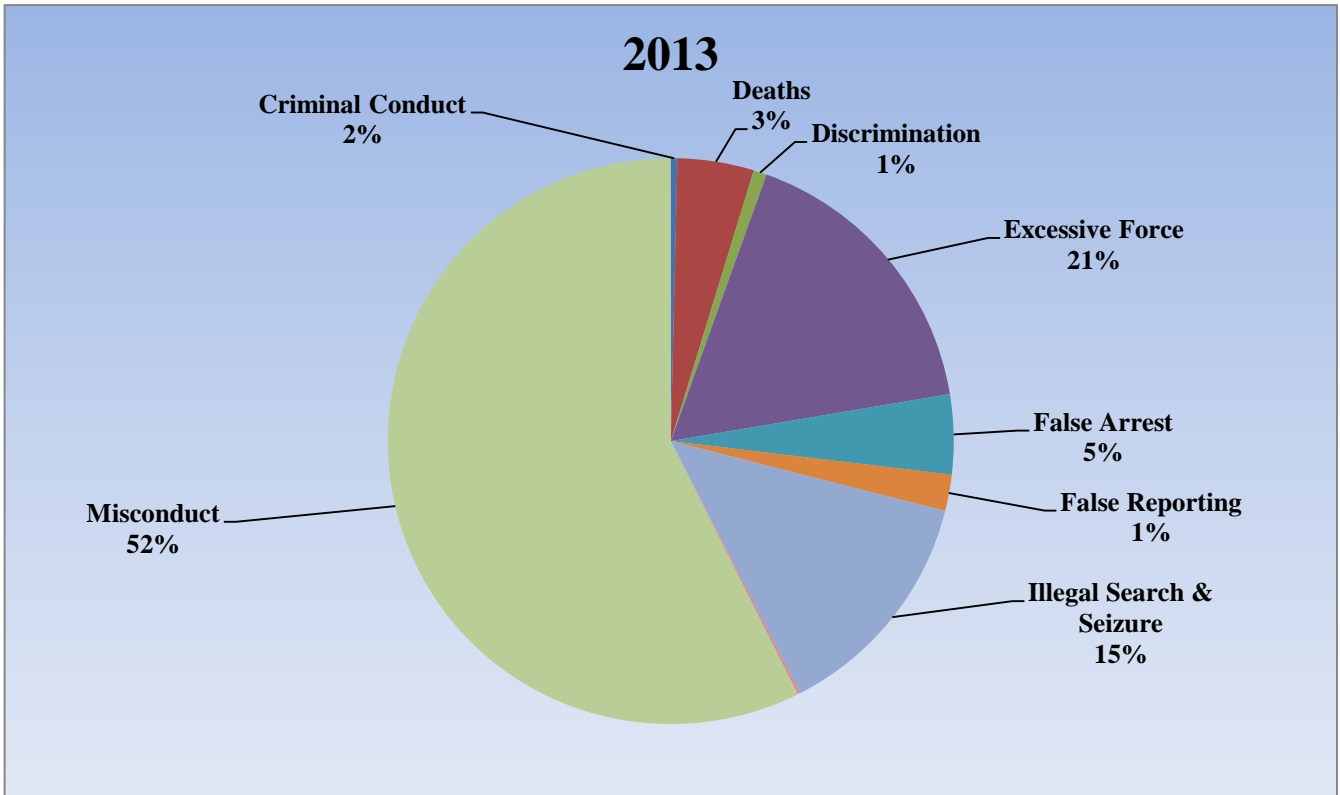


TABLE 6: COMPLAINTS & ALLEGATIONS CLOSED BY UNIT OR FACILITY IN 2013

STATIONS/UNITS	Complaint										Allegation Totals	
	Totals	CC	Deaths	Discr.	EF	FA	FR	ISS	IDF	Misconduct		
LAW ENFORCEMENT												
4S Ranch Substation	-	-	-	-	-	-	-	-	-	-	-	-
Alpine Station	3	-	-	-	-	-	-	2	-	5	7	
Bonsall Office	-	-	-	-	-	-	-	-	-	-	-	
Borrego Springs Office	-	-	-	-	-	-	-	-	-	-	-	
Boulevard Office	-	-	-	-	-	-	-	-	-	-	-	
Campo/Tecate Substation	-	-	-	-	-	-	-	-	-	-	-	
Encinitas Station	7	-	-	1	9	2	4	-	-	19	35	
Fallbrook Substation	4	1	-	-	1	1	-	2	-	9	14	
Grossmont/Cuyamaca CCD	1	-	-	-	-	-	-	2	-	7	9	
Imperial Beach Station	5	5	-	-	17	4	-	12	-	7	45	
Julian Substation	-	-	-	-	-	-	-	-	-	-	-	
Lakeside Substation	-	-	-	-	-	-	-	-	-	-	-	
Lemon Grove Station	9	1	-	-	11	6	-	20	-	17	55	
Pine Valley Substation	1	-	-	-	-	-	-	-	-	1	1	
Poway Station	4	-	-	-	1	2	1	2	-	10	16	
Ramona Substation	3	-	-	-	-	3	-	2	-	5	10	
Ranchita Substation	-	-	-	-	-	-	-	-	-	-	-	
Rural Law Enforcement	1	-	-	-	-	-	-	1	-	3	4	
San Marcos Station	3	-	-	-	-	-	-	-	-	10	10	
Santee Station	7	1	-	-	9	2	1	14	-	16	43	
SID: SD Regional Gangs TF	1	1	-	-	-	-	-	-	-	2	3	
SID: SD Street Narc & Gang Det	1	-	-	-	-	-	-	-	-	4	4	
Valley Center Substation	2	-	1	-	1	1	-	2	-	6	11	
Vista Station	8	1	1	-	7	3	1	16	-	11	40	
TOTAL	60	10	2	1	56	24	7	75	-	132	307	
DETENTIONS												
DSB: Prisoner Transport	-	-	-	-	-	-	-	-	-	-	-	
East Mesa Detention Facility	-	-	-	-	-	-	-	-	-	-	-	
Facility 8 Detention Facility	-	-	-	-	-	-	-	-	-	-	-	
George F. Bailey Detention Facility	11	-	2	-	25	-	-	-	-	29	56	
Jail PMD Inmate Classification	-	-	-	-	-	-	-	-	-	-	-	
Las Colinas Detention Facility	3	-	5	-	2	-	-	-	-	8	15	
San Diego Central Jail	27	-	4	4	27	1	-	4	-	77	117	
South Bay Detention Facility	-	-	-	-	-	-	-	-	-	-	-	
Vista Detention Facility	4	2	2	1	-	-	-	-	-	7	12	
TOTAL	45	2	13	5	54	1	-	4	-	121	200	
COURT SERVICES												
Court Services Bureau	3	-	-	-	1	-	-	-	-	10	11	
TOTAL	3	-	-	-	1	-	-	-	-	10	11	
OTHER SHERIFF UNITS												
Office of the Sheriff	-	-	-	-	-	-	-	-	-	-	-	
Personnel	1	-	-	1	-	-	-	-	-	2	3	
Unknown Sheriff Unit	4	1	-	-	2	-	-	-	-	7	10	
TOTAL	5	1	-	1	2	-	-	-	-	9	13	
PROBATION												
Probation: Adult Services	8	-	-	-	-	2	-	1	-	11	14	
Probation: Inst Services	1	-	-	-	-	-	-	-	-	3	3	
Probation: Juvenile Services	-	-	-	-	-	-	-	-	-	-	-	
TOTAL	9	-	-	-	-	2	-	1	-	14	17	
TOTALS:	122	13	15	7	113	27	7	80	-	286	548	

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 8: ALLEGATION TOTALS FOR COMPLAINTS CLOSED IN 2013

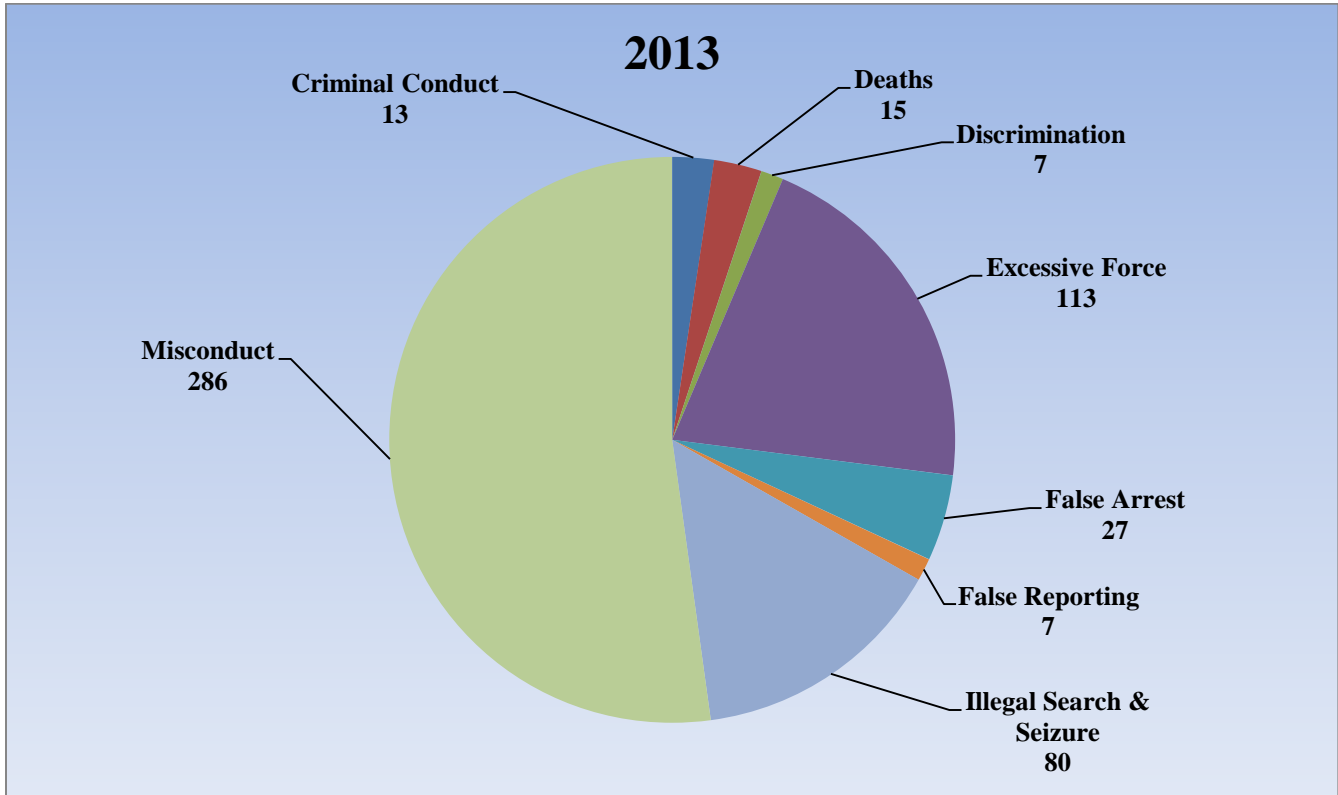


TABLE 7: FULLY INVESTIGATED CASES / FINDINGS BY DATE CLOSED - 2013
(Procedurally Closed & Summary Dismissal Cases are listed separately in Table 8, below.)

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
10-114	Dunn			1			01-08-13
11-140	Ragin	3		1			01-08-13
11-142	Ferguson	1	1				01-08-13
12-023	Moreno			2			01-08-13
12-024	Schinelli			3			01-08-13
12-030	Kenniston / Cruz	2	6				01-08-13
12-033	Stirling		4	2			01-08-13
12-131	Hines			1	1		01-08-13
12-009	Mason			1			03-12-13
12-010	Mayfield		1	1	1	2	03-12-13
12-016	Noble		1	2	2	2	03-12-13
12-025	Pitsikos/Morris		3	7			03-12-13
12-028	Talley		4	2	1	1	03-12-13
12-029	Sahib			1		2	03-12-13
12-038	Woelfel		1	4	2		03-12-13
12-040	Fuller			3	1		03-12-13
12-047	Cowan			2		1	03-12-13
12-053	Jefferson		1				03-12-13

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
12-062	Aaron		2		2		03-12-13
12-147	Desbrow			1			03-12-13
13-005	McClelland			1	1		03-12-13
11-059	Gomez		1	9	1		04-09-13
12-021	Hawthorne		2		1		04-09-13
12-031	Finley					5	04-09-13
12-035	Sanchez		1	1			04-09-13
12-037	Ostovar		1	3	1		04-09-13
12-056	Bolden		5	4			04-09-13
12-057	Salazar	1					04-09-13
12-060	Hardwick		2	1	1		04-09-13
12-089	Currier			9			04-09-13
11-051	Wallace			1			05-14-13
12-044	Jones		2	4			05-14-13
12-050	Sumner			4			05-14-13
12-072	Lopez			1		2	05-14-13
12-078	Hartley		2			1	05-14-13
12-098	Dunton			8			05-14-13
12-148	Ojeda			2		2	05-14-13
12-054	McCune			6			06-11-13
12-061	Kenniston			2	1		06-11-13
12-073	Pedrin		2	2	1		06-11-13
12-084	Mullins			1			06-11-13
12-114	Trueax			1			06-11-13
12-139	Simpson			2	3		06-11-13
13-001	Jordan		3	2			06-11-13
11-089	Reese			1			07-09-13
12-049	Smith	3		1			07-09-13
12-065	Logan				2		07-09-13
12-085	Buell	1	2	2			07-09-13
12-069	Amster		2		1		09-10-13
12-079	Delasierra		2	8	1		09-10-13
12-082	Najera		8	18			09-10-13
12-087	Said			6			09-10-13
12-088	Guest		1	3	1		09-10-13
12-094	Tut		1	1		2	09-10-13
12-095	Madrid			1		1	09-10-13
12-101	Blenderman			2			09-10-13
13-052	Moon			3			09-10-13
12-083	Block		2	20			10-08-13
12-086	Coull		2	13			10-08-13
12-099	Parks		6	1			10-08-13
12-100	Vasquez		2	2		1	10-08-13
12-111	Aceves			16			10-08-13
12-118	Carroll			3			10-08-13

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
12-121	Vasquez	1		1			10-08-13
12-135	Battle	1	17	4			10-08-13
13-032	Wade	1	5				10-08-13
13-037	Miller			1			10-08-13
11-131	Moore			1			11-12-13
12-102	Steinmetz	1		2			11-12-13
12-103	Martinez		2	1		1	11-12-13
12-105	Giamanco		2	1			11-12-13
12-109	Hannowsky			1			11-12-13
12-130	Jackson		4	7			11-12-13
12-138	Mallory			1		2	11-12-13
12-146	Phillips		4	4	2		11-12-13
13-008	Robinson			1			11-12-13
13-014	Graves			2			11-12-13
13-034	Sharpe			5			11-12-13
13-093	Dorfman			2			11-12-13
TOTALS	79	15	107	233	27	25	407 findings/ 9 meetings

TABLE 8: ONE YEAR SUMMARY DISMISSAL / SUMMARY DISMISSAL / PROCEDURALLY CLOSED CASES BY DATE – 2013

CASE #	COMPLAINANT	FINDINGS			DATE CLOSED
		ONE YEAR SUMMARY DISMISSAL *	SUMMARY DISMISSAL	PROCEDURALLY CLOSED	
12-132	Grosslight			X	01-02-13
12-145	Camacho			X	01-08-13
12-150	Merritt			X	01-09-13
12-154	Ada			X	01-18-13
13-002	Lopez			X	01-29-13
12-126	Woodall		X		03-12-13
12-141	Woodall		X		03-12-13
12-153	Woodall		X		03-12-13
13-017	Gabela			X	04-09-13
13-020	Morasch			X	04-09-13
13-023	Etter			X	05-07-13
12-104	Simar		X		05-14-13
13-033	Pryor			X	05-23-13
13-036	Simpson			X	05-29-13
13-038	Johnson			X	05-31-13
13-039	Duncan			X	05-31-13
13-040	Roe			X	05-31-13
13-043	Comaduran			X	06-11-13
12-058	Mahdavi		X		06-11-13
12-116	Salzer		X		06-11-13

CASE #	COMPLAINANT	FINDINGS			DATE CLOSED
		ONE YEAR SUMMARY DISMISSAL *	SUMMARY DISMISSAL	PROCEDURALLY CLOSED	
12-122	See		X		06-11-13
12-093	Paul		X		07-09-13
12-120	Vasquez		X		07-09-13
13-047	Rodriguez		X		07-09-13
13-051	Hamilton			X	07-16-13
13-057	Woolston			X	07-30-13
13-058	Shabestari			X	07-31-13
13-061	Gonzalez			X	08-13-13
13-065	Kineshiro			X	08-19-13
13-068	Smith			X	08-26-13
13-072	Tesfa			X	09-05-13
12-112	Phelps		X		09-10-13
12-149	Bowermaster		X		09-10-13
13-018	Neldaughter		X		09-10-13
13-082	Perkins			X	09-24-13
13-084	Riis			X	09-24-13
13-054	Pollack		X		10-08-13
13-097	Bookhart			X	10-29-13
13-102	Calloway			X	11-13-13
13-091	Brown			X	12-17-13
13-108	Shilling			X	12-17-13
13-109	Fry			X	12-17-13
13-110	Sanders			X	12-27-13
TOTALS	43	0	14	29	

* 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 - 2013

CASE #	NAME	SUMMARY OF POLICY RECOMMENDATIONS	DATE TO BOARD	DEPT. RESPONSE
12-030	Kenniston-Cruz	Cell Inspections and Searches: San Diego Sheriff's Department issue a Training Bulletin to all Detentions sworn personnel and direct that cell inspections and searches shall be conducted consistent with an inmate's right to maintain privileged communications.	01-08-13	02-01-13
12-084	Mullins	It is recommended that the San Diego Sheriff's Department direct the review of Detention Facility Services Manual of Policies and Procedures to reconcile conflicting policies O.3 and P.3 related to the disposition of an inmate's excess property, particularly books and other reading material, to ensure the consistency and standardization of rules and regulations that govern this particular area.	06-11-13	09-04-13
13-032	Wade	San Diego Sheriff's Department should review and modify the Detention Services Bureau Manual of Policies and Procedures, Facility Green Sheets, and Post Orders to identify positions responsible for the performance and documentation of security checks. Each position should be provided with sufficient detail and direction to ensure that security checks are conducted in a compliance with existing Policies and Procedures I.64, but specifying responsibility for coordinated manner to maintain safe and secure facilities.	10-08-13	11-15-13

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

LINE ITEM CATEGORY	2013-2014	2014-2015
Salaries & Fringe Benefits	\$492,664	\$500,773
Services & Supplies	\$113,418	\$113,418
Total Expense	\$606,082	\$614,191
General Revenue	\$606,082	\$614,191
Employee positions	4	4

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)