

County of San Diego



2014 ANNUAL REPORT

“SERVING THE COMMUNITY AND THE JUSTICE SYSTEM FOR 24 YEARS”

2014 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.

2014 Board Members

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

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 2014**

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.

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.

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.

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.

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.

P. Darrel Harrison

Mr. Harrison, a resident of La Mesa, is Program Director and Tenured Professor for San Diego Community College District's ABA-approved Paralegal Program (at both Miramar and City Colleges). He previously was Director of Administration at the San Diego Paralegal Institute, and Assistant Registrar at National University School of Law. A Marine Corps veteran, his professional and community affiliations have included the San Diego Mediation Center, Neighborhood House, Christmas in April Board of Directors, American Federation of Teachers Grievance Officer, and San Diego Community College District Pre-Law Advisor. He has served on numerous local, statewide, and national task forces and committees representing the San Diego Community College District. Mr. Harrison is a graduate of LEAD San Diego. He has a Bachelor of Business Administration Degree, a Juris Doctor Degree from Western Sierra Law School, and a Masters in Business Administration from National University.

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.

MESSAGE FROM THE CHAIR

In the years I have served on the Citizens' Law Enforcement Review Board for the County of San Diego it has been my pleasure to work with the staff and volunteer board members as they conducted the business of reviewing complaints against Sheriff's Deputies and Probation Officers. Even though some of the situations under review were difficult and disturbing, both the staff and volunteers maintained an attitude of truth and fairness. They continue to investigate, analyze, and reach the appropriate findings on all matters; from the smallest complaint to the most complex death cases.

This report summarizes the hard work that CLERB performed in 2014. CLERB has provided independent oversight of the San Diego Sheriff's Department and County Probation in a dedicated and professional manner. This year, CLERB has ruled on 108 cases and will continue to be a fair and balanced representative of the citizens of San Diego County.

It is the goal of CLERB to make the appropriate recommendations to San Diego Sheriff's Department and County Probation when policy changes or clarifications are necessary. Every case is scrutinized completely and deliberated in closed session. In some cases, the board has queried the departments as to what is the process or policy for a given situation and how is it implemented. Many times, CLERB has made recommendations for policy changes or clarifications. These recommendations, along with this report, are the formal outputs of this body. Also following in this report are some activities myself, the

Executive Officer, and investigative staff have performed throughout the year.

It has been my pleasure and honor to serve with this fine group of people. These heartfelt words come from working closely with the individuals that make up this body and who perform the thankless task of receiving, investigating, discussing, recommending, and finding truthful outcomes for all matters. Although the job is not easy, both staff and volunteers alike work toward the common goal of fair, impartial, and transparent oversight of County Law Enforcement.

George A. DeLaBarre II
Chairperson – 2014

EXECUTIVE OFFICER'S SUMMARY

In 2014, civilian oversight of law enforcement became more focused following the police-related deaths in New York City; Cleveland, Ohio; and Ferguson, Missouri. CLERB experienced a minor increase in complaints over those received in 2013; however, the average number of complaints over the past five years has remained somewhat consistent.

Staff continued its work to ensure the timely completion of citizen complaint investigations, particularly with respect to completion of complaint investigations within one year of the date the signed complaint was received. Of the 94 cases closed during the year, 91 were fully investigated, and 3 were referred to the Review Board for Summary Dismissal because of investigative time constraints.

COMPLAINT DATA REVIEW

Intakes

The Review Board logged **144** complaints in 2014; an 21% increase from the **119** complaints received in 2013.¹ Allegations totaled **524** in 2014; less than a 1% decrease from the **528** allegations in 2013. Death cases increased in 2014, with **18** reported in 2014; a 29% increase from the **14** in 2013.

Sheriff's facilities or units with double digit complaint totals remained the same, with **5** in 2013 and 2014, (**2** 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 **28** complaints (up from **16** in 2013), followed by the George Bailey Detention Facility with **17** complaints (up from **13** in 2013), Vista Station with **11** complaints (up from **10** in 2013), and San Marcos Station with **11** complaints (up from **2** in 2013). The Probation Department received **18** complaints in 2014; a 20% increase from the **15** complaints in 2013. (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 low of 5 in 2012, and a high of 15 in 2013.

Total complaints traditionally are broken into three segments by count and percentage: Sheriff's law enforcement, which includes Court Services and units

¹ The average number of complaints over the last 5 years is 138. The highs and lows in the past ten years were 182 in 2005 and 105 in 2008. See Graph 1, Page 9.

that could not be identified from the complaint; Sheriff's jails; and the Probation Department. In 2014, Sheriff's law enforcement had **68** complaints or 47% of the total (compared to **62** or 52% in 2013); Sheriff's jails had **58** complaints or 40% (compared to **43** or 36% in 2013); and the Probation Department had **18** complaints or 12% of total (which was the same as **15** or 12% in 2013).

Closures

The Review Board met **9** times and closed **142** cases during the year, compared to closing **122** cases in 2013; a 16% increase in case closures. Of the **142** cases closed, **34** were *Procedurally Closed* by staff because a signed complaint was not returned by the complainant. This was a 17% increase from the **29** cases that were Procedurally Closed "PC" in 2013. Overall however, PC cases accounted for 24% of the year's complaint total (144), which was the same as the 24% (119) in 2013. 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 consistent with the **14** Summary Dismissal cases submitted to and approved by the Board in 2013.

There were **3** cases submitted to the Review Board for One-Year Summary Dismissal because the investigations had not been completed within legislated timelines.

The remaining **94** closed cases were fully investigated and submitted to the Review Board, compared to **79**

fully investigated cases submitted in 2013; a 22% increase. Included in the number of fully investigated cases were 7 death cases.

Of the 94 fully investigated cases, 14 cases, or 15%, included Sustained allegations, compared to 10 cases in 2013, or 13%, with Sustained allegations of the 79 fully investigated cases in 2013.

In 2014, the number of sustained findings was 29, representing 6% of the 457 findings in fully investigated cases. The 29 sustained findings, involved allegations of Misconduct/Procedure (23), Illegal Search or Seizure (2), False Arrest (1), and Death Case (3). (See Table 7, Page 16.)

At year's end there were 106 open cases, an 8% increase from the 98 open cases at the end of 2013.

BOARD MEMBER, STAFF CHANGES

The Board elected George DeLaBarre II as Chairperson, Loren Vinson Vice Chairperson, and Debra DePratti Gardner Secretary at the January 2014 meeting.

In July, Board Members Gary Brown and Clifford O. Myers, III were reappointed to their first full terms.

In December, P. Darrel Harrison was appointed to the seat vacated by James Achenbach. Board Member James Achenbach completed his full term allowed under the Administrative Code.

In September 2014, Sergeant Russell Shimmin was appointed to serve as the Review Board's processor upon the retirement of Sergeant Gary Crowley.

The Review Board experienced no Staff changes in 2014.

TRAINING

The Review Board received a number of training opportunities during monthly Board meetings, including: Jail Grievance Procedures, Detentions Medical Services and Suicide Prevention, AB 109: Re-entry and the Community Transition Center.

Board Members participated in Ride-Alongs with units from Sheriff's and Probation Departments, tours of Sheriff's detention facilities (San Diego Central Jail, Vista Detention Facility, and Las Colinas Detention and Reentry Facility), Sheriff's Use of Force Training, and Sheriff's and Probation New Board Member Orientation sessions. The Executive Officer and Board Chair attended and participated in the 2014 National Association for Civilian Oversight of Law Enforcement Conference in Kansas City, MO.

COMMUNITY OUTREACH

The Executive Officer conducted information presentations about the Review Board and civilian oversight of law enforcement for: San Diego City/County Managers Association (CCMA), Kiwanis of Southeastern San Diego, the Somali Community-Law Enforcement Roundtable, and also contributed to a National University graduate level class on Ethics.

The Executive Officer and Board Vice Chair Loren Vinson met with Los Angeles County Sheriff's Department representatives to discuss the Review Board's operation as Los Angeles County's researched civilian oversight models. The Executive Officer also discussed the Review Board with other Los Angeles County offices as they prepared to select a new civilian oversight model.

In May 2014, the Executive Officer and Board Chair George DeLaBarre briefed international visitors that were guests of the U.S. Department of State International Visitor Leadership Program, and the San Diego Diplomacy Council. Entitled, Transparency and Anti-Corruption in the Public Sector, A Project for Yemen, the delegation's objectives included: identification of practices that enable citizens to foster good governance, and the role of citizens and civil society in fostering transparency and accountability in government.

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.

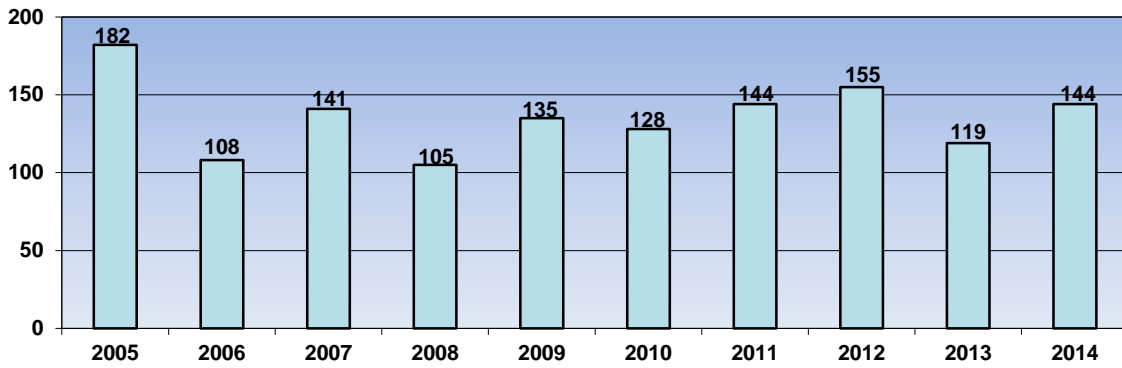
POLICY RECOMMENDATIONS

Two Policy Recommendations were presented to the Sheriff's Department during 2014:

In Case **12-110**, the Review Board recommended to help prevent loss of life, the Sheriff's Department review the detentions policy and protocol on tracking and monitoring inmates who come into county detention facilities with drug overdose and drug-ingestion risk indicators. The Department policy or protocol, if not in effect, should specifically address the monitoring of incoming inmates who have been observed ingesting unidentified substances and/or presenting with symptoms related to drug overdose. The Sheriff's Department reported that they conducted a comprehensive review of the medical protocols at each of the detention facilities. The review resulted in changes to priority treatment schedules and intake medical procedures. Subsequent changes were also made to improve mental health services in our jails. These changes will have an effect on inmates exhibiting symptoms related to drug overdose.

In Case **12-110**, the Review Board recommended, that the San Diego Sheriff's Department ensure compliance with Sheriff's Policy M.7, Inmate Deaths, that explicitly directs the Homicide and Detentions Investigation Units to conduct all interviews of possible witnesses during the investigation of an in-custody death; and that this duty not be circumvented by any other units or agencies. The Sheriff's Department did not agree with the Review Board's assessment that the Department's investigative process prevented a means to conduct all necessary interviews. (See Table 9, Page 20.)

Graph 1: TOTAL COMPLAINTS RECEIVED BY YEAR: 2005-2014



Graph 2: COMPLAINTS RECEIVED BY QUARTER – 2013/2014

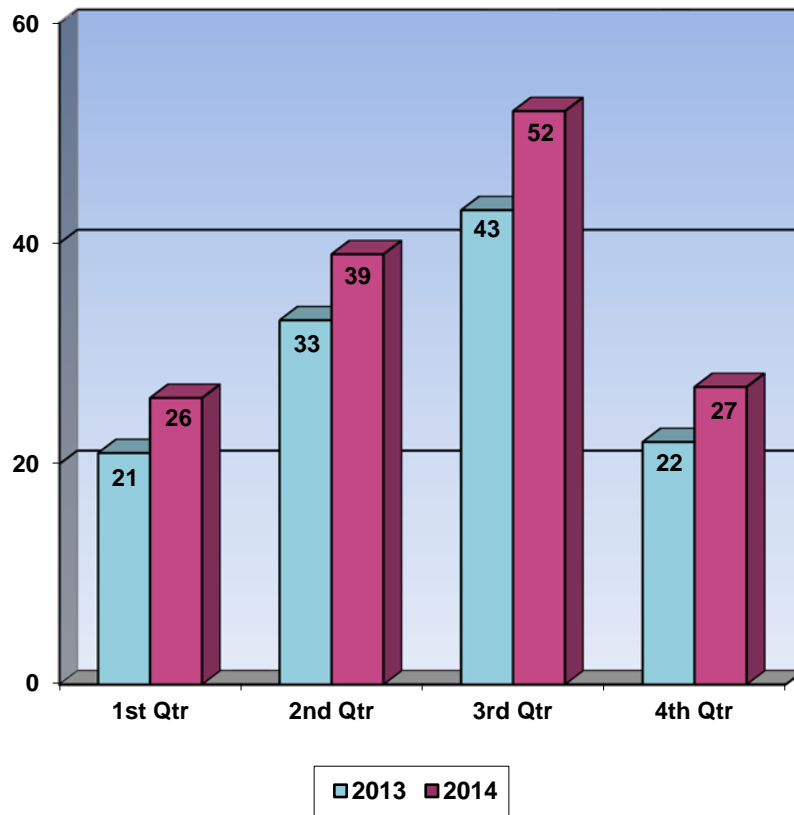


TABLE 1: COMPLAINTS & ALLEGATIONS RECEIVED BY UNIT OR FACILITY IN 2014

STATIONS/UNITS:	Complaint Totals	No Data	CC	Deaths	Discr.	EF	FA	FR	ISS	IDF	Misconduct	Allegation Totals
LAW ENFORCEMENT												
4S Ranch Substation	3	-	-	-	-	2	1	-	2	-	7	12
Alpine Station	2	-	-	-	-	-	-	-	12	-	16	28
Bonsall Office	-	-	-	-	-	-	-	-	-	-	-	-
Borrego Springs Office	-	-	-	-	-	-	-	-	-	-	-	-
Boulevard Office	-	-	-	-	-	-	-	-	-	-	-	-
Campo/Tecate Substation	1	-	-	-	-	-	2	-	-	-	-	2
CID: Child Abuse	1	-	-	-	-	-	-	-	-	-	7	7
County Administration Center (CAC)	1	-	-	-	-	-	1	-	-	-	-	1
Encinitas Station	7	-	-	-	-	2	3	-	1	-	9	15
Fallbrook Substation	-	-	-	-	-	-	-	-	-	-	-	-
Grossmont/Cuyamaca CCD	-	-	-	-	-	-	-	-	-	-	-	-
Imperial Beach Station	2	-	-	-	-	-	-	-	-	-	4	4
Julian Substation	2	-	-	-	-	-	-	1	-	-	7	8
Lakeside Substation	-	-	-	-	-	-	-	-	-	-	-	-
Lemon Grove Station	5	-	-	-	1	2	3	-	3	-	4	13
Pine Valley Substation	-	-	-	-	-	-	-	-	-	-	-	-
Poway Station	1	-	-	-	-	-	1	-	-	-	2	3
Ramona Substation	3	-	-	-	4	-	1	-	1	-	5	11
Ranchita Substation	1	-	-	-	-	-	-	-	2	-	3	5
Rural Law Enforcement	-	-	-	-	-	-	-	-	-	-	-	-
San Marcos Station	11	-	-	-	-	6	6	1	7	-	36	56
Santee Station	6	-	-	-	1	2	4	-	5	-	34	46
SED	2	-	-	1	-	-	-	-	-	-	1	2
Valley Center Substation	1	-	-	-	-	1	-	-	-	-	2	3
Vista Station	11	-	-	2	2	7	2	-	4	-	27	44
TOTAL	60	-	-	3	8	22	24	2	37	0	164	260
DETENTIONS												
DSB: Prisoner Transport	-	-	-	-	-	-	-	-	-	-	-	-
East Mesa Detention Facility	1	-	-	-	-	-	-	-	2	-	5	7
Facility 8 Detention Facility	1	-	-	-	-	-	-	1	-	-	-	1
George F. Bailey Detention Facility	17	-	1	-	2	17	1	2	-	-	35	58
JAIL PMD Inmate Classification	-	-	-	-	-	-	-	-	-	-	-	-
Las Colinas Detention Facility	2	-	-	-	-	9	-	-	-	-	12	21
San Diego Central Jail	28	1	-	11	3	32	-	-	-	-	27	74
South Bay Detention Facility	-	-	-	-	-	-	-	-	-	-	-	-
Vista Detention Facility	9	-	-	4	1	4	-	1	-	-	14	24
TOTAL	58	1	1	15	6	62	1	4	2	-	93	185
COURT SERVICES												
Court Services Bureau	7	-	-	-	-	2	1	-	2	-	9	14
TOTAL	7	-	-	-	-	2	1	-	2	1	9	14
OTHER SHERIFF UNITS												
Office of the Sheriff	-	-	-	-	-	-	-	-	-	-	-	-
Unknown Sheriff Unit	1	-	-	-	-	-	-	-	-	-	1	1
TOTAL	1	-	-	-	-	-	-	-	-	-	1	1
PROBATION												
Probation: Adult Services	15	-	3	-	-	1	4	2	3	-	31	44
Probation: Inst Services	-	-	-	-	-	-	-	-	-	-	-	-
Probation: Juvenile Services	3	-	-	-	-	6	1	-	-	-	13	20
TOTAL	18	-	3	-	-	7	5	2	3	-	44	64
TOTALS:	144	1	4	18	14	93	31	8	44	0	311	524

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 2014

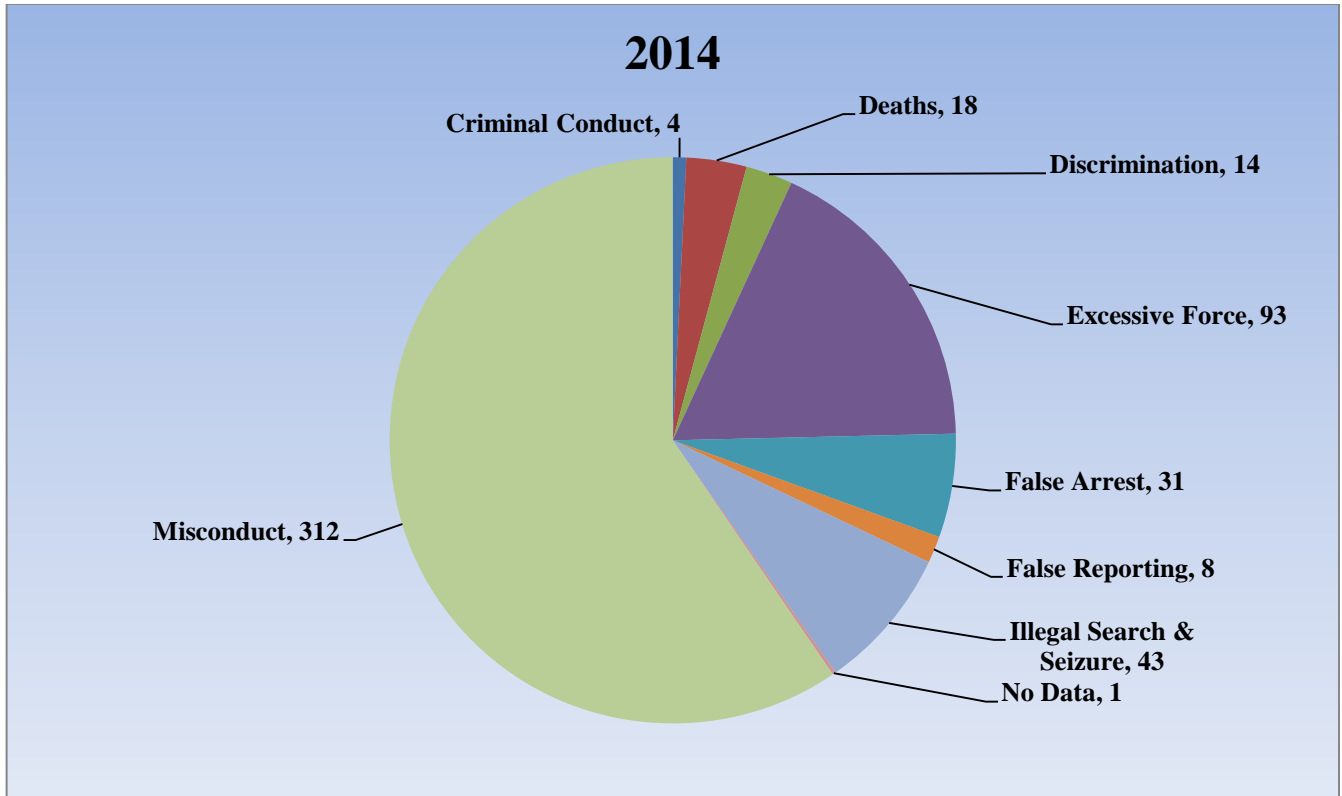


Table 2: TOTAL COMPLAINTS BY MAJOR ORG / BUREAU		
Organization/Bureau	2013	2014
Sheriff's Detention Facilities	43	58
Sheriff's Law Enforcement Services & Other	59*	66
Probation Department-All	15*	18
Unknown Sheriff's Unit	3	2
TOTAL	119*	144

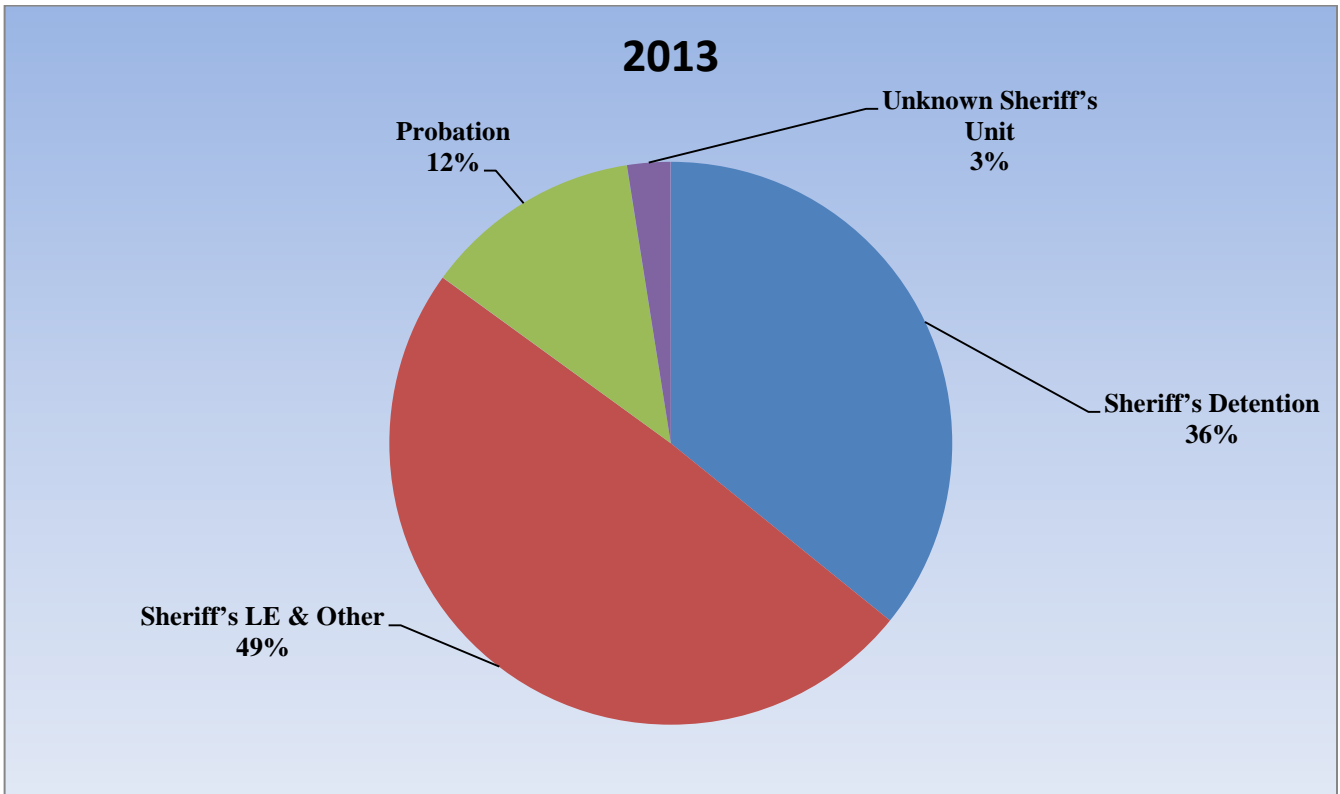
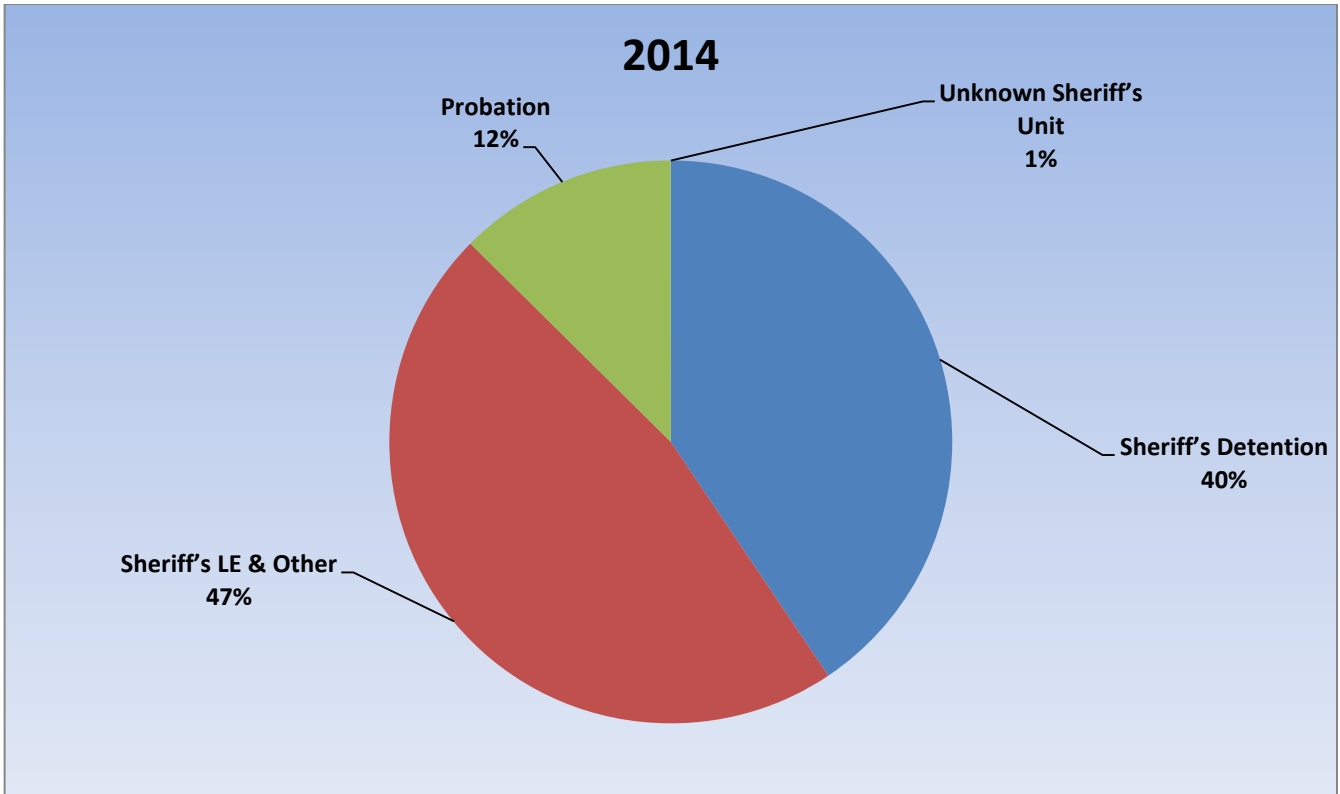
*One case included both Sheriff Law Enforcement and Probation Personnel

Table 3: BREAKDOWN OF DISCRIMINATION ALLEGATIONS		
Description	2013	2014
National Origin	0	0
Other	0	1
Racial	0	5
Religious	1	0
Sexual/Gender	3	8
TOTAL	4	14

Table 4: BREAKDOWN OF MISCONDUCT ALLEGATIONS		
Description	2013	2014
Discourtesy	42	59
Harassment	2	3
Intimidation	14	15
Medical (info only)	7	6
Person	0	1
Procedure	214	219
Retaliation	17	2
Truthfulness	7	7
TOTAL	303	312

Table 5: BREAKDOWN OF EXCESSIVE FORCE ALLEGATIONS		
Description	2013	2014
Baton/Impact Weapon	1	3
Carotid Restraint	1	3
Drawn Firearm	1	6
Fists	14	8
K-9 Bites	0	1
Kicks	3	3
Less Lethal Munitions	0	3
OC Spray	0	1
Other	58	52
Pepperball Launcher	0	1
Poss Restraint (EF)	0	0
Taser	7	3
Tight Handcuffs	3	2
Unspecified	1	7
TOTAL	89	93

GRAPHS 4 & 5: COMPLAINT PERCENTAGES BY MAJOR ORG / BUREAU – 2013/2014



GRAPHS 6 & 7: ALLEGATIONS BY PERCENTAGE – 2013/2014

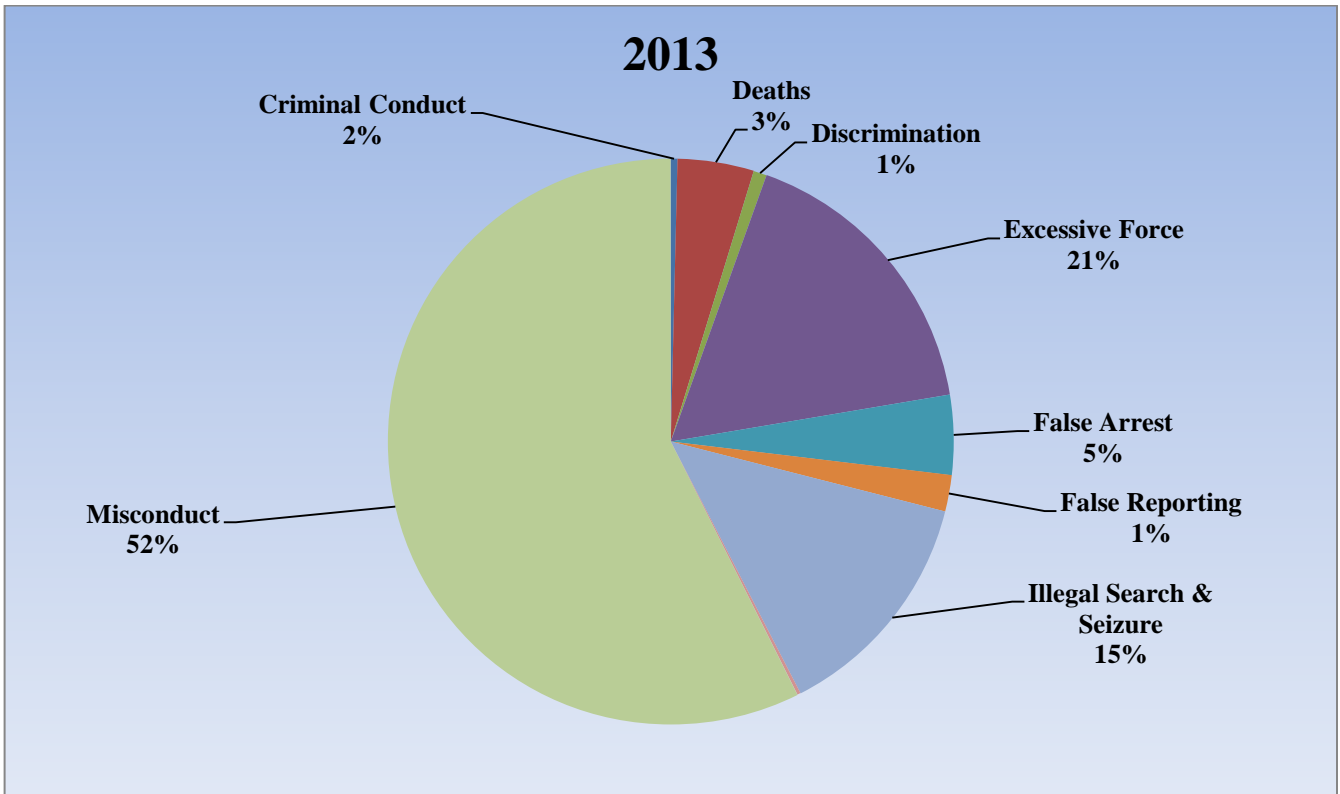
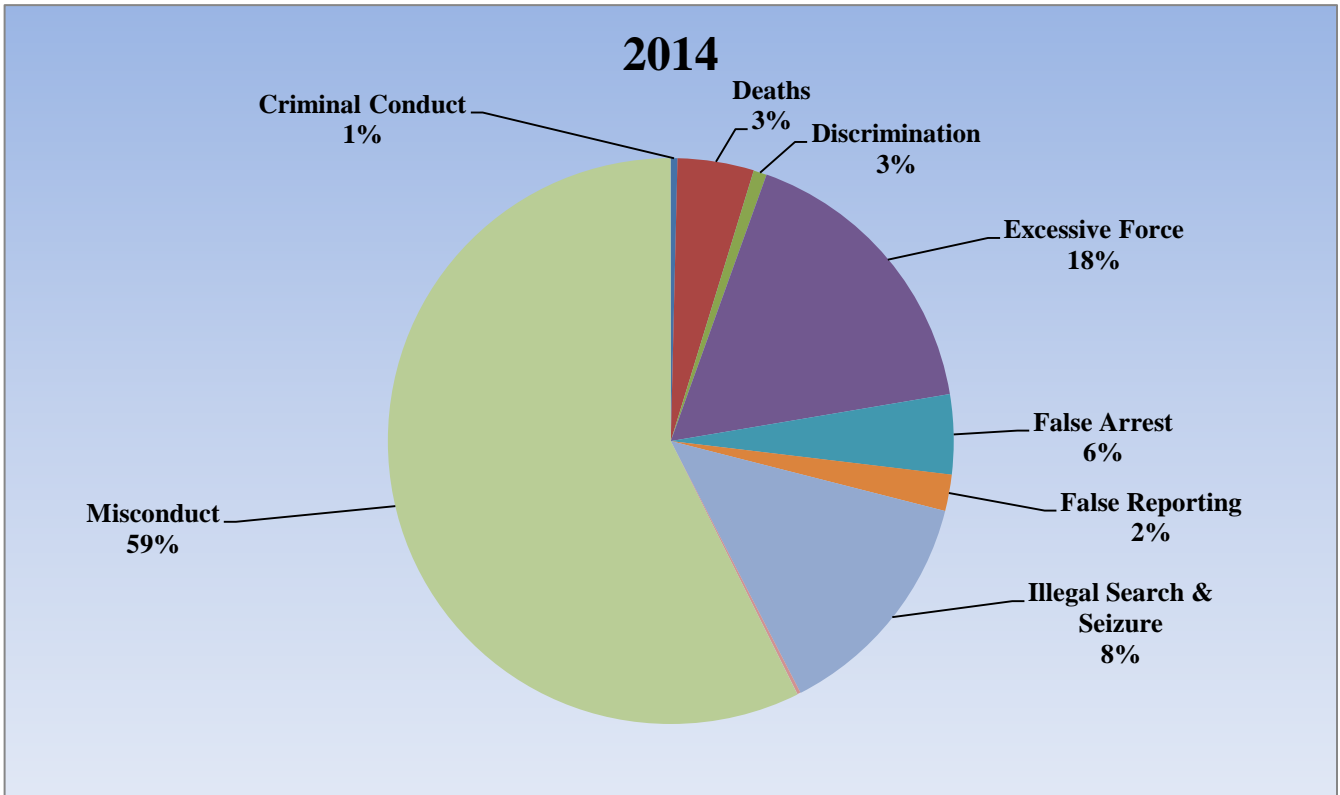


TABLE 6: COMPLAINTS & ALLEGATIONS CLOSED BY UNIT OR FACILITY IN 2014

STATIONS/UNITS	Complaint										Allegation Totals
	Totals	CC	Deaths	Discr.	EF	FA	FR	ISS	IDF	Misconduct	
LAW ENFORCEMENT											
4S Ranch Substation	0	-	-	-	-	-	-	-	-	-	-
Alpine Station	1	-	-	-	-	-	-	-	-	2	2
Bonsall Office	0	-	-	-	-	-	-	-	-	-	-
Borrego Springs Office	0	-	-	-	-	-	-	-	-	-	-
Boulevard Office	0	-	-	-	-	-	-	-	-	-	-
Campo/Tecate Substation	1	-	-	-	-	2	-	-	-	-	2
Encinitas Station	4	-	-	-	-	2	-	1	-	5	8
Fallbrook Substation	1	-	-	-	1	-	-	-	-	1	2
Grossmont/Cuyamaca CCD	0	-	-	-	-	-	-	-	-	-	-
Imperial Beach Station	6	-	-	-	8	1	1	6	-	27	43
Julian Substation	1	-	-	-	-	-	1	-	-	2	3
Lakeside Substation	0	-	-	-	-	-	-	-	-	-	-
Lemon Grove Station	14	-	-	1	15	6	5	14	-	19	60
Pine Valley Substation	0	-	-	-	-	-	-	-	-	-	-
Poway Station	3	-	-	-	-	5	-	5	-	11	21
Ramona Substation	4	-	-	4	-	2	-	1	-	6	13
Ranchita Substation	1	-	-	-	-	-	-	2	-	3	5
Rural Law Enforcement	0	-	-	-	-	-	-	-	-	-	-
SADLE	1	-	-	-	-	-	-	-	-	2	2
San Marcos Station	6	-	-	-	2	2	-	5	-	13	22
Santee Station	8	1	-	-	10	5	-	5	-	19	40
SED	1	-	-	-	-	-	-	-	-	1	1
SID: SD Regional Gangs TF	0	-	-	-	-	-	-	-	-	-	-
SID: SD Street Narc & Gang Det	0	-	-	-	-	-	-	-	-	-	-
Traffic Services Coordinator	1	-	-	-	-	-	-	-	-	5	5
Valley Center Substation	0	-	-	-	-	-	-	-	-	-	-
Vista Station	12	-	-	2	18	7	1	19	-	19	66
TOTAL	65	1	0	7	54	32	8	58	0	135	295
DETENTIONS											
DSB: Prisoner Transport	1	-	-	-	-	-	-	-	-	2	2
East Mesa Detention Facility	1	-	-	-	-	-	-	2	-	5	7
Facility 8 Detention Facility	1	-	-	-	-	-	1	-	-	-	1
George F. Bailey Detention Facility	19	-	-	5	10	1	1	-	-	43	60
Jail PMD Inmate Classification	1	-	2	-	2	-	-	-	-	-	4
Las Colinas Detention Facility	4	-	-	-	1	-	-	-	-	17	18
San Diego Central Jail	20	-	3	2	15	-	1	-	-	80	101
South Bay Detention Facility	0	-	-	-	-	-	-	-	-	-	-
Vista Detention Facility	5	-	-	-	1	-	-	-	-	21	22
TOTAL	52	0	5	7	29	1	3	2	0	168	215
COURT SERVICES											
Court Services Bureau	10	1	-	-	10	2	-	2	-	12	27
TOTAL	10	1	0	0	10	2	0	2	0	12	27
OTHER SHERIFF UNITS											
Office of the Sheriff	0	-	-	-	-	-	-	-	-	-	-
Personnel	0	-	-	-	-	-	-	-	-	-	-
Unknown Sheriff Unit	0	-	-	-	-	-	-	-	-	-	-
TOTAL	0	0	0	0	0	0	0	0	0	0	0
PROBATION											
Probation: Adult Services	13	-	2	-	-	4	1	10	-	21	38
Probation: Inst Services	0	-	-	-	-	-	-	-	-	-	-
Probation: Juvenile Services	2	-	-	-	10	-	-	8	1	4	23
TOTAL	15	0	2	0	10	4	1	18	1	25	61
TOTALS:	142	2	7	14	103	39	12	80	1	340	598

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) On signed complaint was filed with multiple units identified; however, there were no allegations of misconduct.

GRAPH 8: ALLEGATION TOTALS FOR COMPLAINTS CLOSED IN 2014

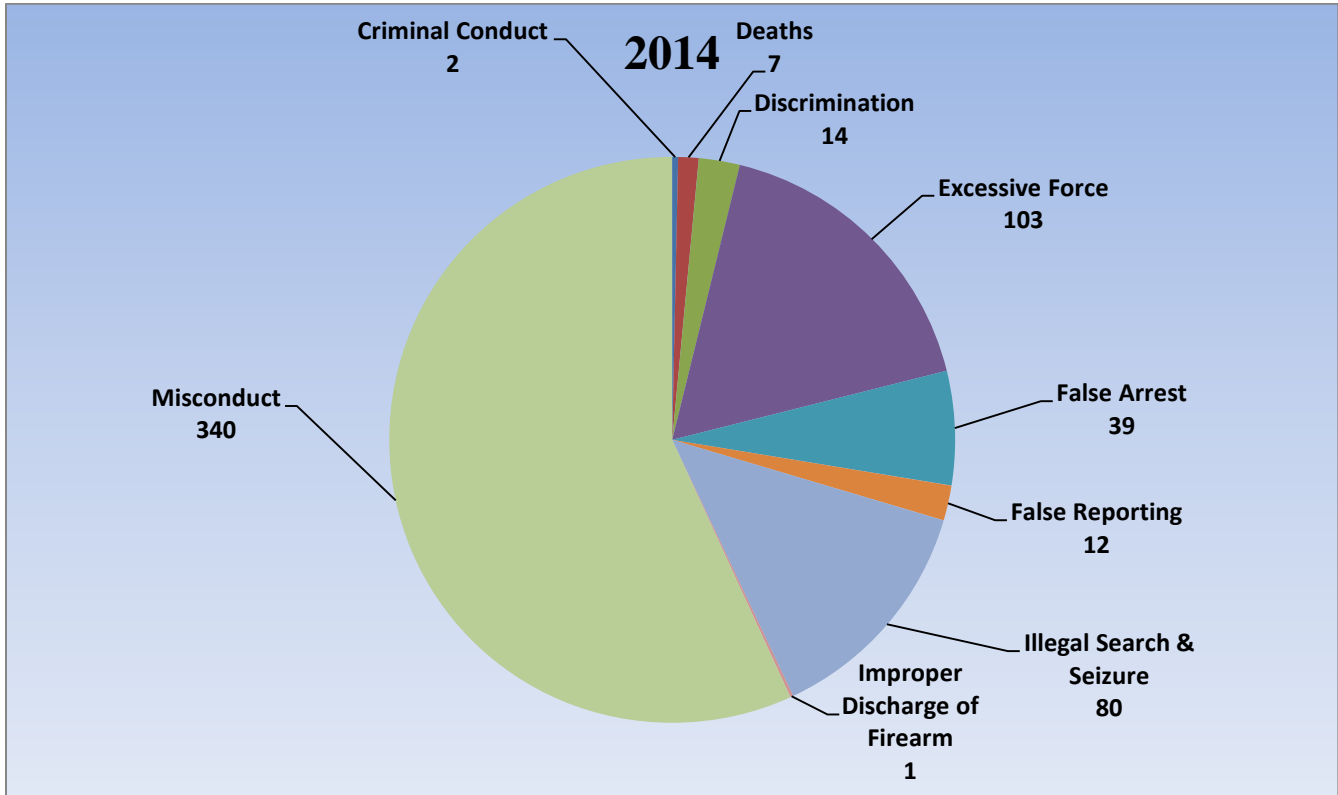


TABLE 7: FULLY INVESTIGATED CASES / FINDINGS BY DATE CLOSED - 2014
(Procedurally Closed & Summary Dismissal Cases are listed separately in Table 8, below.)

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
12-123	Townsend	3	7	1			01-14-14
12-124	Pennington		1	5			01-14-14
12-125	Pennington		1	2			01-14-14
12-129	Olvera	2	4	1			01-14-14
12-136	Piquette			5	3		01-14-14
12-140	Ramer		3	3			01-14-14
12-144	Lemler			2			01-14-14
12-151	Martinez		4				01-14-14
12-155	Witezak	1	4				01-14-14
13-004	Larson		4	2	2	1	01-14-14
13-009	Arnett		5	14			01-14-14
13-010	Denny		3	5			01-14-14
13-022	Hubbard		12				01-14-14
13-024	Warinner		13	3			01-14-14
13-046	Pennington		1	1			01-14-14
13-062	Clark			2		2	01-14-14
13-086	Henderson		1				01-14-14
12-142	Woods	1	1			2	02-11-14

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
13-003	Vasquez		3			1	02-11-14
13-006	Davis	1	2	1			02-11-14
13-013	Moore			2			02-11-14
13-015	Mallory		1	2	1		02-11-14
13-019	Figueroa			1			02-11-14
13-026	Vasquez			4			02-11-14
13-078	Mancha		1				02-11-14
12-067	Jewell (death)			4			03-11-14
13-016	Scata		1	4	3	1	03-11-14
13-028	White		4	7			03-11-14
13-041	Delaney		2	2			03-11-14
13-053	Ballard			2			03-11-14
13-055	Galbraith		1	3			03-11-14
13-089	Bookhart		1				03-11-14
10-110	Wilson (death)			1			04-08-14
13-021	Campbell		7	1			04-08-14
13-042	Schaff			2			04-08-14
13-044	Portilla		1	1			04-08-14
13-080	McCord	2		1			04-08-14
14-007	Padilla		2	3			04-08-14
14-009	Mann		2	6	1		04-08-14
11-101	White (death)			1			06-10-14
13-027	Sierra (death)	2					06-10-14
13-029	Inga	2	1				06-10-14
13-030	Ingram		6	4			06-10-14
13-030.1	Ingram			3			06-10-14
13-031	Portilla	1	1				06-10-14
13-035	McCray			4		1	06-10-14
13-059	Otero			2	1		06-10-14
13-060	Otero			3		1	06-10-14
13-077	Maltese			5	1		06-10-14
13-083	Eddy		2	1			06-10-14
14-008	Cass			1	1		06-10-14
14-019	Parda			1			06-10-14
13-049	McHugh		2	1			07-08-14
13-050	Ward		4	19	1		07-08-14
13-064	Collins			3			07-08-14
12-110	Victorianne (death)	9				1	09-09-14
13-063	Barrera	1	1				09-09-14
13-066	Cruz-Otero		1	6		1	09-09-14
13-067	Woodall	1	2			1	09-09-14
13-069	Clark	1	1				09-09-14
13-070	Woodall			2			09-09-14
13-071	Griffin	2					09-09-14
13-073	Gonzalez			3			09-09-14

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
13-074	Haeussinger			12			09-09-14
13-076	Gilchrist		1	1			09-09-14
13-099	Entsminger		4	1			09-09-14
14-020	Shin		1			1	09-09-14
14-035	Halpern			1			09-09-14
14-051	Gilchrist		1				09-09-14
14-054	Jaynes			1			09-09-14
14-058	Carr			1			09-09-14
13-087	Miller		1	3			10-14-14
13-090	Gray		3		4		10-14-14
13-092	McCanse			4	1		10-14-14
13-095	Thornton			2			10-14-14
13-096	Davis			2	3	1	10-14-14
13-103	Kidd			2			10-14-14
13-104	Martinez			2		3	10-14-14
13-105	Meza		2	15	2		12-09-14
13-106	Miller		2	4			12-09-14
13-107	Duclos			12			12-09-14
13-111	Green		1	5			12-09-14
13-115	Brown			4			12-09-14
13-116	Pekar		7	5			12-09-14
13-118	Wakefield			2			12-09-14
14-003	Hickey			4	2		12-09-14
14-014	Mangels			1			12-09-14
14-028	Frey		2	3	1		12-09-14
14-101	Copeland		3				12-09-14
14-112	Miller			2		1	12-09-14
14-123	Smith			1			12-09-14
TOTALS	91	29	141	242	27	18	457 findings/ 9 meetings

TABLE 8: ONE YEAR SUMMARY DISMISSAL / SUMMARY DISMISSAL / PROCEDURALLY CLOSED CASES BY DATE – 2014

CASE #	COMPLAINANT	FINDINGS			DATE CLOSED
		ONE YEAR SUMMARY DISMISSAL *	SUMMARY DISMISSAL	PROCEDURALLY CLOSED	
12-137	Pennington		X		01-14-14
12-152	Omar		X		01-14-14
13-113	Brown			X	01-06-14
13-114	Hoyt			X	01-06-14
13-119	Anderson			X	01-06-14
13-117	White			X	01-08-14
12-143	James	X			02-11-14
13-112	Valencia		X		02-11-14

CASE #	COMPLAINANT	FINDINGS			DATE CLOSED
		ONE YEAR SUMMARY DISMISSAL *	SUMMARY DISMISSAL	PROCEDURALLY CLOSED	
14-001	Slaughter			X	02-04-14
14-002	Chittenden			X	02-04-14
13-094	Smith		X		03-11-14
14-011	Stern			X	03-18-14
14-018	Ritman			X	03-27-14
14-012	Frost		X		04-08-14
14-024	Townsend			X	04-16-14
14-034	Falconer			X	05-02-14
13-056	Metcalf		X		06-10-14
14-029	Janecek		X		06-10-14
14-030	Bezzo		X		06-10-14
14-049	Gerner			X	06-18-14
14-050	Worthen			X	06-18-14
14-055	Parda			X	06-24-14
14-056	Alix			X	07-16-14
14-066	Tudela			X	07-16-14
14-063	Kilgore			X	07-25-14
14-064	Taylor			X	07-25-14
14-065	Pulido-Vargas			X	07-25-14
14-032	Sanfilippo		X		09-09-14
14-062	Chaker		X		09-09-14
14-080	Thomas		X		09-09-14
14-093	Wellenstein		X		09-09-14
14-090	Hall			X	09-08-14
14-092	Ward			X	09-10-14
14-094	Brooking			X	09-16-14
14-096	Lang			X	09-16-14
14-097	Lewis			X	09-16-14
14-102	Miller			X	10-01-14
14-106	Barbee			X	10-09-14
14-108	Tierney			X	10-09-14
14-110	Greenfield			X	10-16-14
13-045	Padilla	X			12-09-14
13-088	Woodall	X			12-09-14
14-103	Kunkel		X		12-09-14
14-116	Phillip		X		12-09-14
14-122	Murray			X	11-24-14
14-128	Jones			X	12-02-14
14-126	Kempston			X	12-04-14
14-131	Cifuentes			X	12-10-14
14-133	Gonzales			X	12-10-14
14-134	Fatchett			X	12-11-14
14-135	Moreno			X	12-22-14

CASE #	COMPLAINANT	FINDINGS			DATE CLOSED
		ONE YEAR SUMMARY DISMISSAL *	SUMMARY DISMISSAL	PROCEDURALLY CLOSED	
TOTALS	51	3	14	34	

* 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 - 2014

CASE #	NAME	SUMMARY OF POLICY RECOMMENDATIONS	DATE TO BOARD	DEPT. RESPONSE
12-110	Victorianne	To help prevent further loss of life, we recommend that the Sheriff's Department reviews the detentions policy and protocol on tracking and monitoring inmates who come into county detention facilities with drug overdose and drug-ingestion risk indicators. The Department policy or protocol, if not in effect, should specifically address the monitoring of incoming inmates who have been observed ingesting unidentified substances and/or presenting with symptoms related to drug overdose.	09-09-14	10-23-14
12-110	Victorianne	It is recommended, that the San Diego Sheriff's Department ensure compliance with Sheriff's Policy M.7, Inmate Deaths, that explicitly directs the Homicide and Detentions Investigation Units to conduct all interviews of possible witnesses during the investigation of an in-custody death; and that this duty not be circumvented by any other units or agencies.	09-09-14	10-23-14

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

LINE ITEM CATEGORY	2014-2015	2015-2016
Salaries & Fringe Benefits	\$526,597	\$519,035
Services & Supplies	\$104,642	\$106,697
Total Expense	\$631,239	\$625,732
General Revenue	\$631,239	\$625,732
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)