

# *County of San Diego*



## **2016 ANNUAL REPORT**

*“SERVING THE COMMUNITY AND THE JUSTICE SYSTEM FOR 26 YEARS”*

## ***2016 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 is also 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.

***2016 Board Members***

Loren Vinson, Chairperson  
Sandra I. Arkin, Vice Chairperson  
Gary R. Brown, Secretary  
Courtney Chase  
Delores Chavez-Harmes  
Debra DePratti Gardner  
P. Darrel Harrison  
Kim-Thoa Hoang  
James B. Lasswell  
Clifford O. Myers, III  
Lourdes Silva

***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 2016**

**Loren Vinson**  
*Chairperson*

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 Arkin**  
*Vice Chair*

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, one grandson and one granddaughter. 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**  
*Secretary*

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.

**Courtney M. Chase**

Mrs. Chase is the Director of Human Resources for the City of Chula Vista. In her 13 year career, she has also served in Human Resources and Labor Relations assignments with the Cities of Coronado and Encinitas, and the County of San Diego. She has participated in a variety of organizations related to her profession, including City/County Personnel Administrators Association of San Diego Past President, San Diego Labor Relations Association Board Member, and International Public Management Association (IPMA). Mrs. Chase has the following certifications: IPMA-HR Certified Professional, and Society for Human Resources Management (SHRM)-Senior Certified Professional. Mrs. Chase graduated from University of California San Diego with a Bachelor's of Science degree in Political Science, and holds a Master of Business Administration degree with an emphasis in Finance/Management from San Diego State University. Mrs. Chase lives in Encinitas with her family.

**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.

#### **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 Master in Business Administration from National University.

#### **Kim-Thoa Hoang**

After 25 years of service in the public sector, Kim-Thoa Hoang joined the management team as Director of the Union of Pan Asian Communities (UPAC), Economic Development and Housing Counseling Division. She began her new position with UP AC after her retirement from the San Diego County District Attorney's Office in late December 2012.

A graduate from California Western School of Law, she started her law career as a deputy city attorney at the San Diego City Attorney's Office then became a research attorney with the San Diego Superior Court, before joining the San Diego County District Attorney's Office as a deputy district attorney in 1991. In 2003, she was selected to join the District Attorney's Management Team and served as division chief for over seven years, overseeing, respectively, the Appellate Division and the Restitution Enforcement & Victim Services Division.

During her tenure at the District Attorney's Office, she was committed to student outreach programs to inspire youths to pursue higher education and learn about law careers and the justice system. She served as Chair of the District Attorney's Diversity Pipeline Committee and coordinated numerous student outreach activities. She also co-chaired the San Diego County High School Mock Trial Competition program for 5 years.

In May 2012, she was honored by the San Diego County Bar Association with their Diversity Service Award. In October 2012, she was a feature speaker at

*Leading the West: The 2012 Southern California Leadership Symposium and Career Exhibit* organized by the National Association of Asian American Professionals in San Diego. Her community involvement includes her prior five-year service as a board member of the Pan Asian Lawyers of San Diego; serving on the Registrar of Voter's Advisory Board and helping the ROV develop and implement the Language Assistance Program; serving on the San Diego Police Department Chiefs Community Advisory Board. She regularly serves as Mistress of Ceremonies for cultural and civic events in the Vietnamese community including the yearly Tet (New Year) festivals.

### **James B. Lasswell**

Following twenty years of service in the U.S. Navy, Mr. Lasswell began his second career as a Defense Contractor providing professional services to the Federal Government and other Defense Contractors. After ten years of contracting work in the Washington DC area, he returned to his childhood home of San Diego, eventually co-founding INDUS Technology, a Service-Disabled Veteran-Owned Small Business (SDVOSB) that provides engineering, technical, financial, and program management services for government and industry clients. INDUS has grown from a start-up to over 200 employees. In addition to his job as President and CEO, he currently serves on the National Board of Directors for the National Defense Industrial Association (NDIA) and is the Chairman of the Board of the San Diego Chapter. He previously served 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.

### **Lourdes N. Silva**

Mrs. Silva is Department Human Resources Manager for the San Diego City Employee Retirement System. She has worked for the City of San Diego since 1984. Mrs. Silva is also actively involved in the community and volunteer activities, including: United Way of San Diego, SAY San Diego, Latino City Employees Association, and Mana of San Diego. She has participated in a variety of boards and committees in relation to her profession. Mrs. Silva graduated from San Diego State University with a Bachelor's of Science degree in Public Administration. Mrs. Silva resides in Chula Vista with her family.

**MESSAGE FROM THE CHAIR**

It has been my great honor to serve for the past year as Chairperson of the Citizens' Law Enforcement Review Board. The dedicated members of this Board contribute a great deal of time and energy to ensuring that each complaint receives an objective and serious review, and that both the complainants and law enforcement officers involved are treated with the same sense of fairness and balance. This effort is made possible by an experienced and professional investigative staff who produce thorough and balanced reports that provide a solid factual basis for Board decisions.

In the course of reviewing cases, Board Members often question various procedures of the law enforcement agencies involved as a result of the complaints received, and guest speakers are frequently invited to make presentations and answer questions about significant issues. Individual training is also made available to all Board Members to assist them with this process. The group and individual training provided helps ensure that Board Members have a complete understanding of the issues involved and make decisions based on the facts.

On some occasions, either the Investigative Staff or Board Members have noted that while an officer may have followed the policy of the law enforcement agency he or she works for, the encounter with the complainant could possibly have had a more positive outcome, and either a policy review or specific recommendations for change are presented to the agency. In this way, the Board provides a service to help improve the relationship between the law enforcement agency and the community it serves.

In the past year, as detailed in this report, the Board has worked hard to meet the goal of ensuring that the law enforcement agencies within its purview maintain the highest standards possible and are held to account when they fall short of these standards.

**LOREN VINSON**  
**Chairperson – 2015**

### ***EXECUTIVE OFFICER'S SUMMARY***

In February, the Sheriff's Department commenced a 90-day pilot program to test body worn camera equipment. The Department later reported that it would be necessary to reassess the body-worn camera equipment, and have scheduled to conduct another pilot program in early 2017.

The San Diego County Grand Jury issued a report entitled, "Citizen Oversight Boards of Police Behavior." The report recommended that CLERB review the recruitment and appointment process to encourage broader citizen involvement; and, to provide limited compensation for board members time and involvement. Board Members agreed with the Board of Supervisor's response not to implement the recommendation, because CLERB is already authorized to receive reimbursement for expenses incurred while performing the required job functions, noting that it did not appear additional compensation was needed to increase board diversity and community involvement. CLERB has a diverse membership, comprised of eleven qualified electors of San Diego County, possessing a reputation for integrity and responsibility, and an active interest in public affairs and service. The appointed CLERB members represent all five supervisorial districts, with members currently residing in the cities of Chula Vista, Imperial Beach, La Mesa, San Diego, Valley Center, and Vista. Ten of the eleven appointments were filled at the time of this writing, with five women and five men representing White, African-American, Asian, and Hispanic communities. Membership includes small business owners, human resource professionals, retired military officers, legal professionals, and retired government officials.

The Review Board created a Subcommittee comprised of Loren Vinson, Sandra Arkin, and Gary Brown to review matters related to allegations presented to the public. The Subcommittee met and proposed to amend CLERB Rules and Regulations Section 16(c) to change the finding of "*Action Justified*" to "*Exonerated*," after Board discussion, the Review Board did not approve the recommendation. The Subcommittee also directed that staff frame allegations in a manner so that they will be viewed as allegations, and not statements of fact. This practice has been implemented.

The 2014 Annual Report was presented to Review Board and released for publication at the September 2016 Review Board meeting.

In October, a subject deputy filed Civil Service Commission (CSC) appeals for CLERB Cases 15-051 and 15-053. At the conclusion of 2016, the hearings were scheduled to be conducted in January/February 2017.

In November, the Review Board created a Subcommittee to work with Staff and the Sheriff's Department on matters related to the Sheriff's Department's responses to CLERB Sustained Findings. The Subcommittee work will continue into 2017.

### ***BOARD MEMBER / STAFF CHANGES***

The Review Board elected 2016 officers: Loren Vinson-Chair, Sandra I. Arkin-Vice Chair, and Debra DePratti-Gardner-Secretary.



In March 2016, Debra DePratti-Gardner announced her resignation, creating a vacancy in District 2. Gary Brown was nominated and approved by motion to replace Debra DePratti-Gardner as Secretary.

Sergeant Russel Shimmin, Sheriff Department liaison, was promoted to Lieutenant and replaced by Sgt. Dave Perkins. Division of Inspectional Services Executive Manager, Bob Kanaski, retired and is scheduled to be replaced by Lieutenant David Gilmore in January 2017.

In October, Senior Special Investigator Lynn Setzler had completed 20 years with the County of San Diego (more than 18 of those years have been with CLERB).

Executive Officer Patrick Hunter resigned effective December 8, 2016.

### **TRAINING**

The Review Board received a number of training opportunities during monthly Board meetings, including: Stops/Detentions/Arrests/Field Interview Reports/Photographs, Sheriff's Department Disciplinary Procedures, and Inmate Programs in Detention Facilities. Chief Probation Officer Adolfo Gonzales addressed the Review Board. Sheriff's and CLERB orientations were conducted for new Review Board Members, and Board Members toured the Community Transition Center (CTC).

Review Board Members/Staff attended Police Accountability and Oversight Workshop hosted by the Los Angeles Police Department Inspector General. Staff participated in a training session

conducted by the Sheriff's Department Jail Population Management Unit, entitled *Classifications*.

In August, Board Members Kim-Thoa Hoang and James Lasswell, along with Special Investigator Mark Watkins, attended an 8-hour program entitled, *Use-of-Force Liability Training for Public Agencies* hosted by The Regional Training Center in San Diego.

Board Member Lourdes Silva and Executive Officer Patrick Hunter attended the 2016 NACOLE Conference held September 25-29, 2016 in Albuquerque, NM.

Board Members participated in ride-alongs with units from Sheriff's and Probation Departments, and toured Sheriff's detention facilities.

### **COMMUNITY OUTREACH**

The Executive Officer participated in discussions with San Diego City Council members and/or their representatives as the City of San Diego considered community-recommended changes to the Citizens' Review Board on Police Practices.

In April the Executive Officer and Board Chair conducted a presentation for a North African Delegation studying *Transparency in State, Federal, and Local Governments*, during a San Diego visit hosted by the San Diego Diplomacy Council under the International Visitor Leadership Program. The Executive Officer also conducted conversations with the Head of Local Office in Tijuana, Baja California National Commission of Human Rights, regarding civilian oversight of law enforcement. The Chair,

Loren Vinson, and the Executive Officer also made a presentation to the League of Women Voters of San Diego.

The Executive Officer participated in new member orientations conducted by Command Staff from the Sheriff's Departments. The Executive Officer and Review Board Chair briefed the San Diego County Grand Jury on the role and mission of the Review Board, and the Executive Officer continued to provide information presentations for the San Diego Sheriff's Department Supervisors Training Course and the Detentions Academy.

### ***POLICY RECOMMENDATIONS***

In March 2016, the Review Board presented two policy recommendations to the Sheriff's Department related to CLERB Case 14-129; the Sheriff's Department indicated that legal counsel had advised the Department's current Policies and Procedures were in compliance with case law and legislation.

*(See Table 9, Page 23)*

### **PATRICK HUNTER**

**Executive Officer, 2010 -2016**

## COMPLAINT DATA REVIEW

### INTAKES

The Review Board logged **110** complaints in 2016; a 15% decrease from the **129** complaints received in 2015. Allegations totaled **437** in 2016; a 3% decrease from the **451** allegations in 2015. Death cases increased in 2016, with **18** reported; a 13% increase from the **16** in 2015.

Total complaints are broken into three segments by count and percentage: Sheriff's law enforcement, which includes Court Services and units that could not be identified; Sheriff's jails; and the Probation Department. In 2016, Sheriff's law enforcement had **53** complaints or 48% of the total (compared to **60** or 47% in 2015); Sheriff's jails had **49** complaints or 45% (compared to **60** or 46% in 2015); and the Probation Department had **8** complaints or 7% of total (which was the same percentage as in 2015).

San Diego Central Jail had the most complaints with **25** (down from **32** in 2014). The North Coastal Station (formerly the Encinitas Station) had the highest number of patrol station complaints with **9** (up from **8** in 2015). The Probation Department received **8** complaints in 2016; an 11% decrease from the **9** complaints in 2015.

### CLOSURES

The Review Board met **9** times and closed **121** cases during the year, compared to closing **118** cases in 2015; a 3% increase in case closures.

Of the **121** cases closed, **28** were Procedurally Closed (PC) by staff because a signed complaint was not

returned by the complainant. This was a 3% decrease from the **31** cases that were Procedurally Closed (PC) in 2015. Overall, however, PC cases accounted for 23% of the year's complaint total, which was down one percent from 2015.

Another **10** cases were submitted to the Review Board for Summary Dismissal following an abbreviated investigation of a signed complaint. These cases were dismissed for lack of jurisdiction or because further investigation was not possible without the complainant's cooperation. This was a decrease from the **20** cases submitted to the Board in 2015.

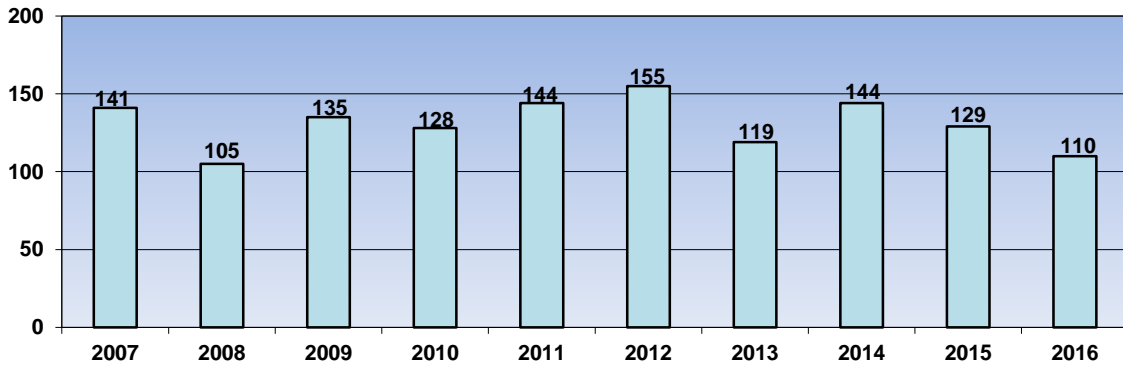
There were **5** cases submitted to the Board for One-Year Summary Dismissal, as they were not completed within statutory timelines. There were no One-Year Summary Dismissals in 2015.

The remaining **78** closed cases were fully investigated and submitted to the Review Board, compared to **67** fully investigated cases submitted in 2015, a 16% increase. Included in the number of fully investigated cases were **6** death cases.

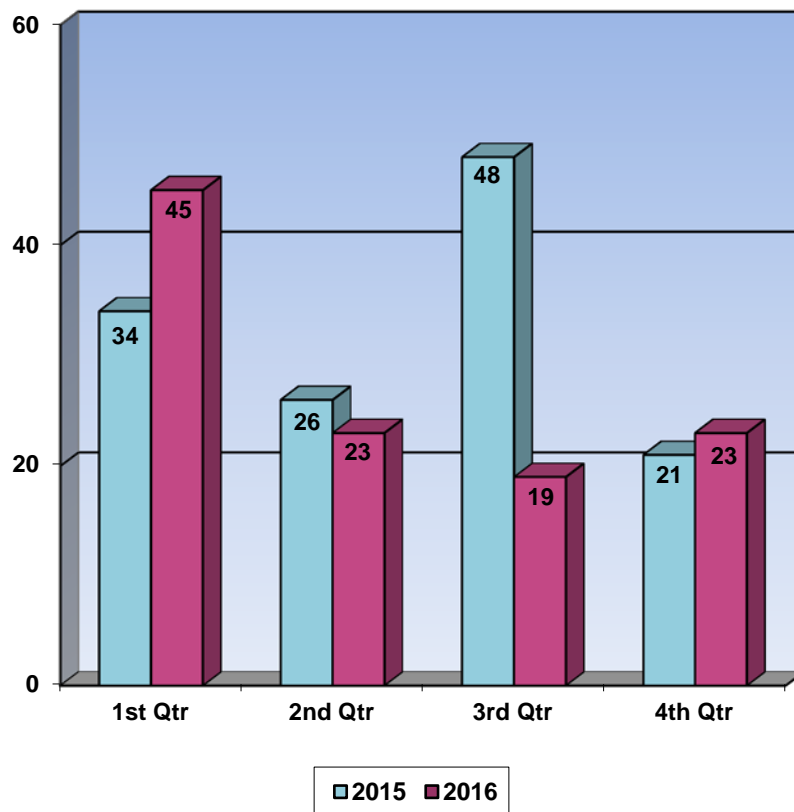
Of the **78** fully investigated cases, **10** cases, or 13%, included Sustained findings, compared to 15% in 2015. Sustained allegations included Criminal Conduct (2), Illegal Search or Seizure (3), and Misconduct (17).

At year's end there were **105** open cases, a 10% decrease from the **117** open cases at the end of 2015.

**TOTAL COMPLAINTS RECEIVED BY YEAR: 2007-2016 (Graph 1)**



**COMPLAINTS RECEIVED BY QUARTER – 2015/2016 (Graph 2)**



COMPLAINTS & ALLEGATIONS RECEIVED BY UNIT OR FACILITY – 2016 (Table 1)

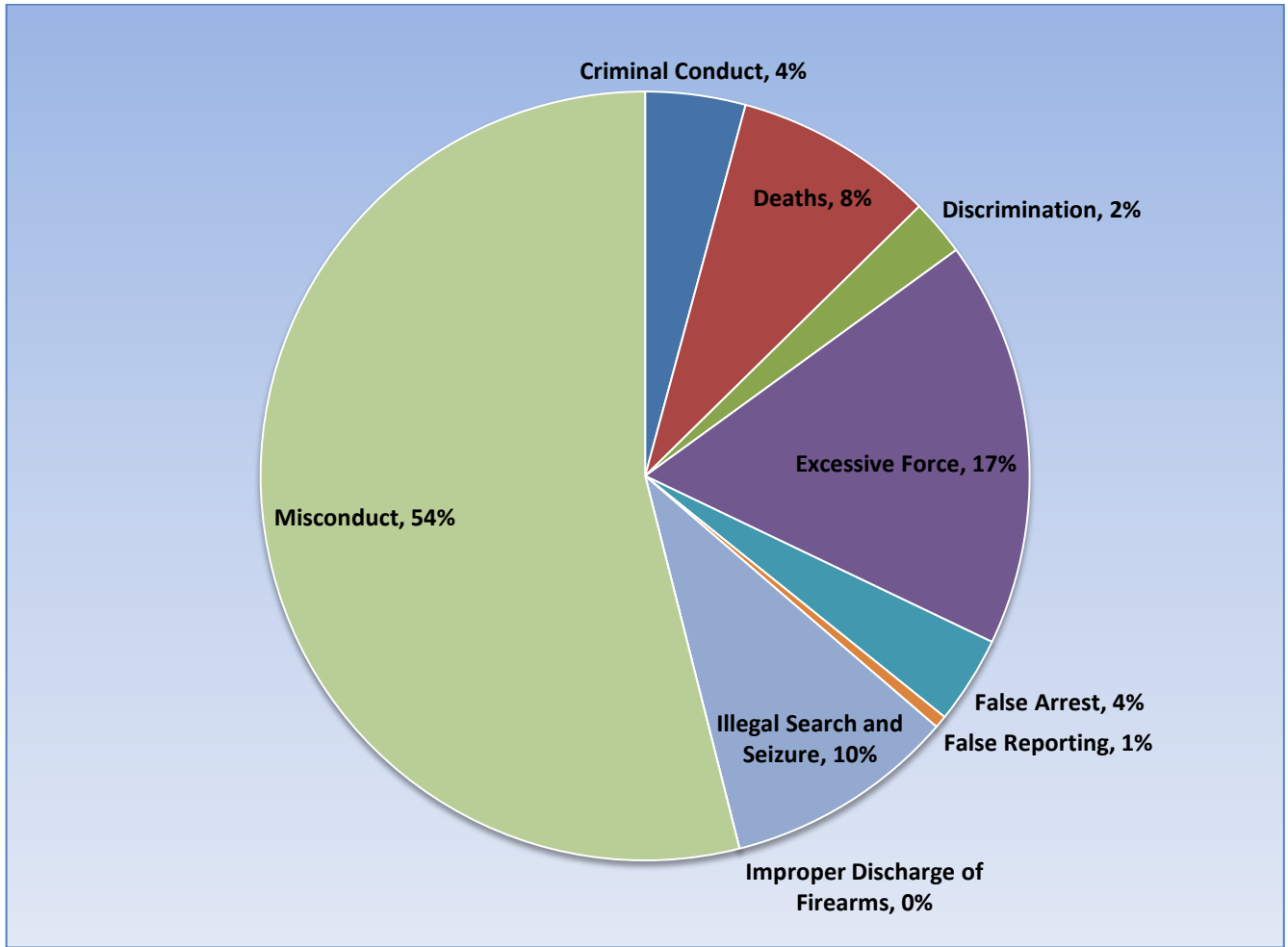
	Complaint Totals	No Data	CC	Deaths	DC	EF	FA	FR	ISS	IDF	Misconduct	Allegation Totals
<b>LAW ENFORCEMENT</b>												
4S Ranch Substation	-	-	-	-	-	-	-	-	-	-	-	-
Alpine Station	1	-	-	-	-	-	-	-	2	-	6	8
Bonsall Office	-	-	-	-	-	-	-	-	-	-	-	-
Borrego Springs Office	-	-	-	-	-	-	-	-	-	-	-	-
Boulevard Office	-	-	-	-	-	-	-	-	-	-	-	-
Campo/Tecate Substation	-	-	-	-	-	-	-	-	-	-	-	-
CID: Child Abuse	-	-	-	-	-	-	-	-	-	-	-	-
CID: Elder Abuse	1	-	1	-	-	-	-	-	-	-	1	2
County Administration Center (CAC)	-	-	-	-	-	-	-	-	-	-	-	-
Fallbrook Substation	3	-	1	-	1	-	1	1	5	-	6	15
Grossmont/Cuyamaca CCD	-	-	-	-	-	-	-	-	-	-	-	-
Imperial Beach Station	3	-	-	-	1	1	-	-	2	-	6	10
Julian Substation	-	-	-	-	-	-	-	-	-	-	-	-
Lakeside Substation	2	-	-	-	-	2	1	-	-	-	5	8
Lemon Grove Station	-	-	-	-	-	-	-	-	-	-	-	-
North Coastal Station	9	-	1	-	1	-	1	-	5	-	20	28
Pine Valley Substation	-	-	-	-	-	-	-	-	-	-	-	-
Poway Station	4	-	-	4	-	2	-	-	4	-	9	19
Ramona Substation	-	-	-	-	-	-	-	-	-	-	-	-
Ranchita Substation	1	-	-	-	-	-	1	-	-	-	2	3
Rancho San Diego	4	-	-	-	-	2	1	-	3	-	9	15
Rural Law Enforcement	5	-	-	-	2	-	2	-	2	-	19	25
San Marcos Station	4	-	-	-	1	3	1	-	2	-	4	11
Santee Station	3	-	2	3	-	-	-	-	-	-	5	10
SED	2	-	-	1	-	-	-	-	-	-	1	2
Spring Valley Storefront	1	-	-	-	1	1	1	-	-	-	1	4
Valley Center Substation	1	-	-	-	-	-	-	-	-	-	4	4
Vista Station	3	-	-	2	-	-	-	-	-	-	7	9
<b>TOTAL</b>	<b>47</b>	<b>-</b>	<b>5</b>	<b>10</b>	<b>7</b>	<b>11</b>	<b>9</b>	<b>1</b>	<b>25</b>	<b>-</b>	<b>105</b>	<b>173</b>
<b>DETENTIONS</b>												
County Parole Alt Custody	-	-	-	-	-	-	-	-	-	-	-	-
DSB: Prisoner Transport	-	-	-	-	-	-	-	-	-	-	-	-
East Mesa Detention Facility	2	-	-	-	-	5	-	-	-	-	1	6
Facility 8 Detention Facility	-	-	-	-	-	-	-	-	-	-	-	-
George F. Bailey DF	13	-	1	3	-	6	-	-	-	-	24	34
Inmate Classification	-	-	-	-	-	-	-	-	-	-	-	-
Las Colinas DF	4	-	-	-	-	2	-	-	-	-	10	12
San Diego Central Jail	25	-	-	17	1	26	-	-	-	-	41	85
South Bay Detention Facility	-	-	-	-	-	-	-	-	-	-	-	-
Vista Detention Facility	5	-	-	2	-	-	-	-	-	-	7	9
<b>TOTAL</b>	<b>49</b>	<b>-</b>	<b>1</b>	<b>22</b>	<b>1</b>	<b>39</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>83</b>	<b>146</b>
<b>COURT SERVICES</b>												
Court Services Bureau	3	-	8	-	-	2	2	-	-	-	1	13
<b>TOTAL</b>	<b>3</b>	<b>-</b>	<b>8</b>	<b>-</b>	<b>-</b>	<b>2</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>13</b>
<b>OTHER SHERIFF UNITS</b>												
Fugitive Task Force	1	-	-	-	-	-	-	-	1	-	3	4
Internal Affairs	1	-	2	-	-	-	-	-	-	-	2	4
Law Enforcement Support	1	-	-	-	-	-	-	-	-	-	1	1
<b>TOTAL</b>	<b>3</b>	<b>-</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>6</b>	<b>9</b>
<b>PROBATION</b>												
Probation: Adult Services	7	-	-	-	1	4	3	1	10	-	15	34
Probation: Inst Services	-	-	-	-	-	-	-	-	-	-	-	-
Probation: Juvenile Services	1	-	-	-	-	-	-	-	-	-	1	1
<b>TOTAL</b>	<b>8</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>4</b>	<b>3</b>	<b>1</b>	<b>10</b>	<b>-</b>	<b>16</b>	<b>35</b>
<b>TOTALS:</b>	<b>110</b>	<b>-</b>	<b>16</b>	<b>32</b>	<b>9</b>	<b>65</b>	<b>14</b>	<b>2</b>	<b>37</b>	<b>-</b>	<b>205</b>	<b>380</b>

**NOTES:**

1) CC= Criminal Conduct; DC= 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 because cases frequently include more than one sworn officer and/or numerous allegations.

**ALLEGATION PERCENTAGES FOR COMPLAINTS RECEIVED – 2016 (Graph 3)**



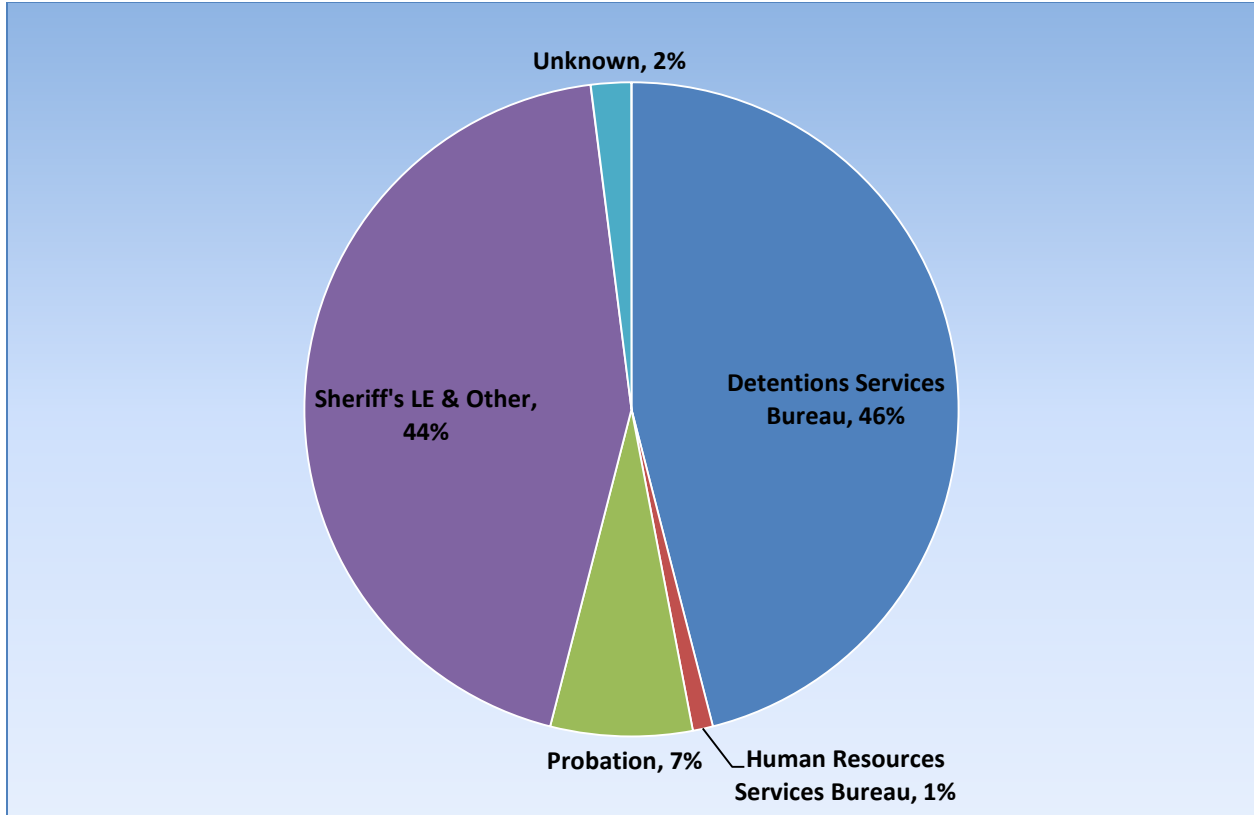
<b>TOTAL COMPLAINTS BY MAJOR ORG / BUREAU (Table 2)</b>		
<b>Organization/Bureau</b>	<b>2015</b>	<b>2016</b>
Human Resource Services Bureau	1	0
Sheriff's Detention Facilities	60	49
Sheriff's Law Enforcement Services & Other	57	51
Probation Department-All	9	8
Unknown Sheriff's Unit	2	2
<b>TOTAL</b>	<b>129</b>	<b>110</b>

<b>BREAKDOWN OF DISCRIMINATION ALLEGATIONS (Table 3)</b>		
<b>Description</b>	<b>2015</b>	<b>2016</b>
National Origin	0	0
Other	0	4
Racial	3	5
Religious	0	0
Sexual/Gender	3	0
<b>TOTAL</b>	<b>6</b>	<b>9</b>

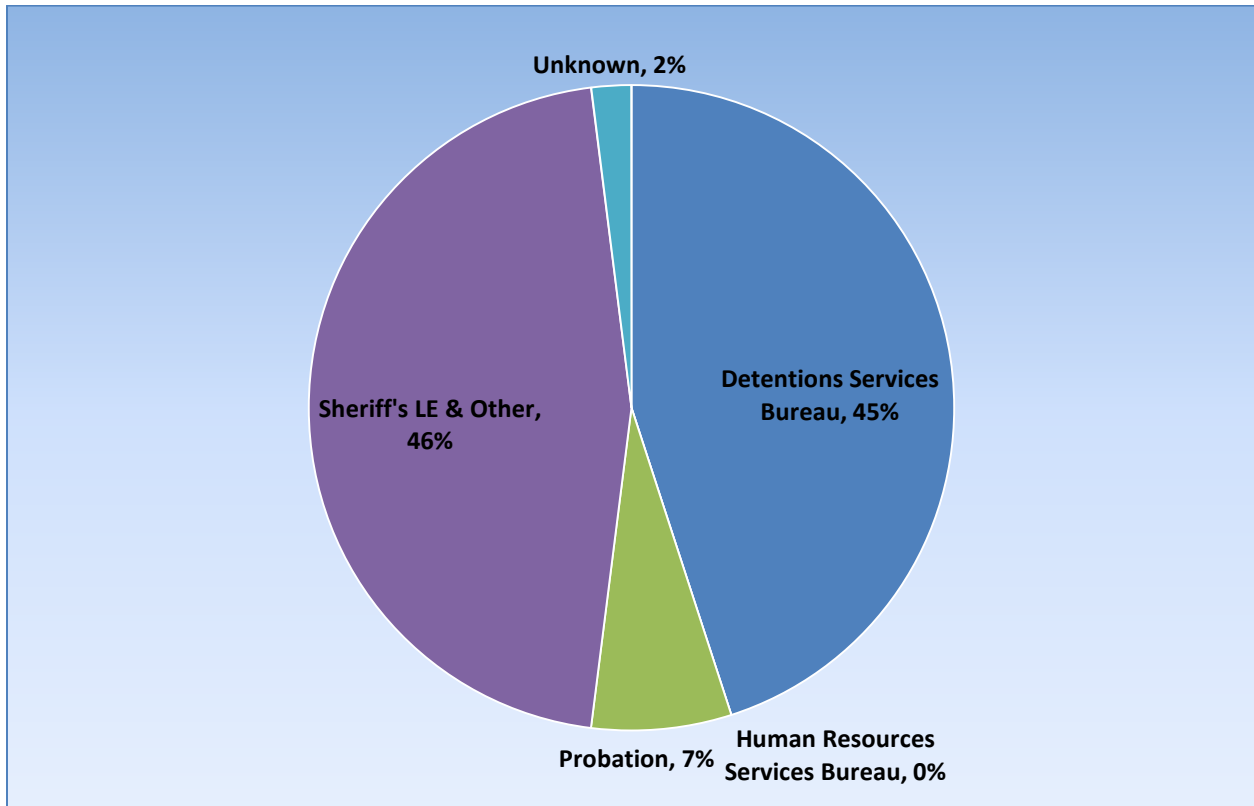
<b>BREAKDOWN OF MISCONDUCT ALLEGATIONS (Table 4)</b>		
<b>Description</b>	<b>2015</b>	<b>2016</b>
Discourtesy	40	25
Harassment	2	1
Intimidation	4	8
Medical (info only)	6	8
Procedure	155	153
Retaliation	2	4
Truthfulness	2	6
<b>TOTAL</b>	<b>211</b>	<b>205</b>

<b>BREAKDOWN OF EXCESSIVE FORCE ALLEGATIONS (Table 5)</b>		
<b>Description</b>	<b>2015</b>	<b>2016</b>
Baton/Impact Weapon	0	0
Carotid Restraint	0	3
Drawn Firearm	11	1
Fists	20	8
K-9 Bites	1	1
Kicks	3	0
Less Lethal Munitions	1	0
OC Spray	3	0
Other	68	36
Pepperball Launcher	1	0
Poss. Restraint (EF)	1	0
Taser	10	2
Tight Handcuffs	10	6
Unspecified	0	8
<b>TOTAL</b>	<b>129</b>	<b>65</b>

COMPLAINT PERCENTAGES BY MAJOR ORG / BUREAU – 2015 (Graph 4)

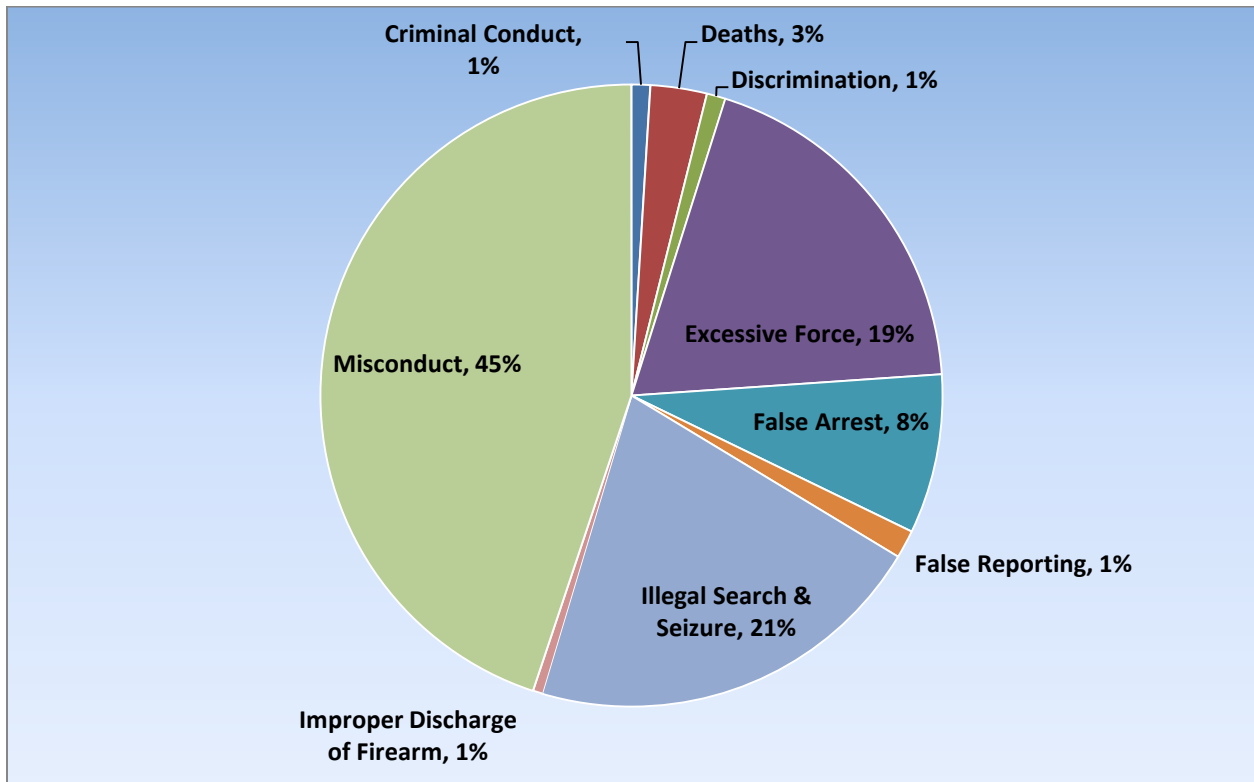


COMPLAINT PERCENTAGES BY MAJOR ORG / BUREAU – 2016 (Graph 5)

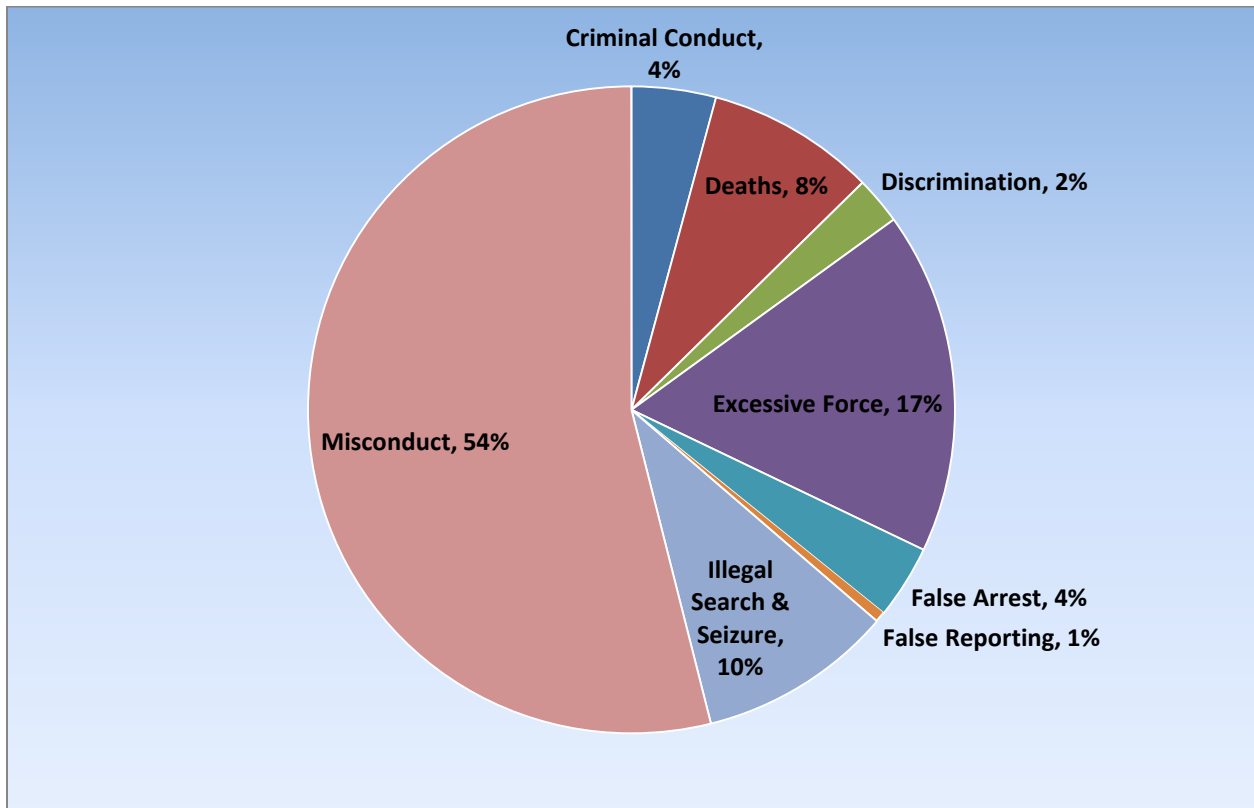




ALLEGATIONS BY PERCENTAGE – 2015 (Graph 6)



ALLEGATIONS BY PERCENTAGE – 2016 (Graph 7)



**COMPLAINTS & ALLEGATIONS CLOSED BY UNIT OR FACILITY – 2016 (Table 6)**

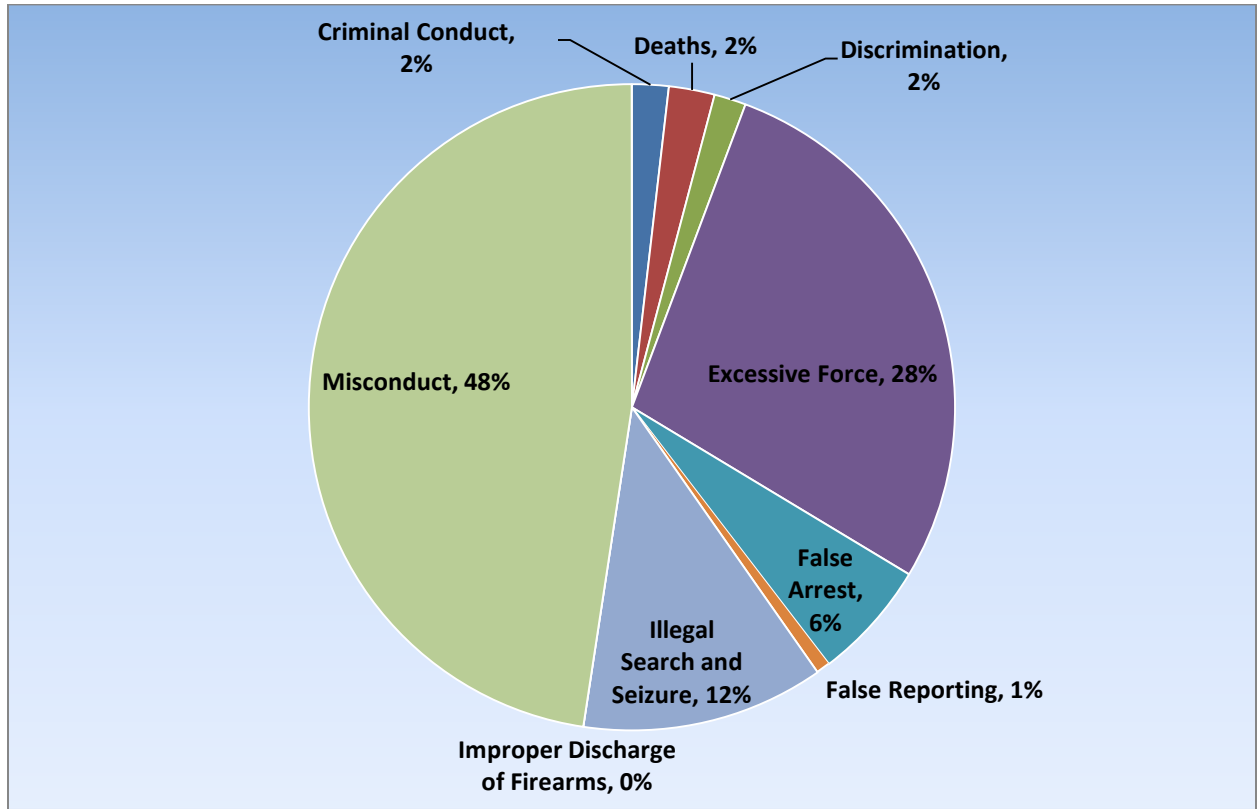
	Complaint Totals	CC	Deaths	DC.	EF	FA	FR	ISS	IDF	Misconduct	Allegation Totals
<b>LAW ENFORCEMENT</b>											
4S Ranch Substation	1	-	-	-	-	-	-	-	-	5	5
Alpine Station	1	-	-	-	-	-	-	2	-	6	8
Bonsall Office	-	-	-	-	-	-	-	-	-	-	-
Borrego Springs Office	-	-	-	-	-	-	-	-	-	-	-
Boulevard Office	-	-	-	-	-	-	-	-	-	-	-
Campo/Tecate Substation	-	-	-	-	-	-	-	-	-	-	-
CID: Child Abuse	-	-	-	-	-	-	-	-	-	-	-
County Administration Center (CAC)	-	-	-	-	-	-	-	-	-	-	-
County Parole Alt Custody	1	-	-	-	-	-	-	-	-	1	1
Fallbrook Substation	4	-	-	-	-	-	-	2	-	11	13
Grossmont/Cuyamaca CCD	-	-	-	-	-	-	-	-	-	-	-
Imperial Beach Station	4	-	-	1	1	-	-	2	-	8	12
Julian Substation	-	-	-	-	-	-	-	-	-	-	-
Lakeside Substation	4	-	-	-	2	1	-	1	-	6	10
Lemon Grove Station	1	-	-	-	-	-	-	-	-	1	1
North Coastal Station	8	1	-	-	3	1	-	5	-	14	24
Pine Valley Substation	-	-	-	-	-	-	-	-	-	-	-
Poway Station	3	-	-	-	-	1	1	3	-	7	12
Ramona Substation	-	-	-	-	-	-	-	-	-	-	-
Ranchita Substation	1	-	-	-	-	1	-	-	-	2	3
Rancho San Diego	3	-	-	-	7	1	-	1	-	4	13
Rural Law Enforcement	1	-	-	-	3	4	-	-	-	1	8
San Marcos Station	5	-	-	1	16	1	-	19	-	3	40
Santee Station	6	2	-	-	4	6	-	6	-	8	26
SED	1	-	-	-	-	-	-	-	-	1	1
Valley Center/Pauma Substation	2	-	-	-	1	-	-	-	-	5	6
Vista Station	7	-	-	-	6	3	-	6	-	23	38
4S Ranch Substation	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL</b>	<b>53</b>	<b>3</b>	<b>-</b>	<b>2</b>	<b>43</b>	<b>19</b>	<b>1</b>	<b>47</b>	<b>-</b>	<b>106</b>	<b>221</b>
<b>DETENTIONS</b>											
DSB: Prisoner Transport	-	-	-	-	-	-	-	-	-	-	-
East Mesa Detention Facility	1	-	-	-	1	-	-	-	-	1	2
Facility 8 Detention Facility	-	-	-	-	-	-	-	-	-	-	-
George F. Bailey Detention Facility	11	1	-	3	14	-	-	-	-	26	44
JAIL PMD Inmate Classification	-	-	-	-	-	-	-	-	-	-	-
Las Colinas Detention Facility	5	-	-	-	3	-	-	-	-	6	9
San Diego Central Jail	30	-	7	1	37	1	2	5	-	46	99
South Bay Detention Facility	-	-	-	-	-	-	-	-	-	-	-
Vista Detention Facility	5	2	3	-	3	-	-	-	-	7	15
<b>TOTAL</b>	<b>52</b>	<b>3</b>	<b>10</b>	<b>4</b>	<b>58</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>-</b>	<b>86</b>	<b>169</b>
<b>COURT SERVICES</b>											
Court Services Bureau	3	-	-	-	19	1	-	-	-	2	22
<b>TOTAL</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>19</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2</b>	<b>22</b>
<b>OTHER SHERIFF UNITS</b>											
Internal Affairs	1	2	-	-	-	-	-	-	-	2	4
Law Enforcement Support	1	-	-	-	-	-	-	-	-	1	1
Unknown Sheriff Unit	2	-	-	-	1	-	-	-	-	2	3
<b>TOTAL</b>	<b>4</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>5</b>	<b>8</b>
<b>PROBATION</b>											
Probation: Adult Services	8	-	-	1	1	5	-	1	-	8	16
Probation: Juvenile Services	1	-	-	-	-	-	-	-	-	1	1
<b>TOTAL</b>	<b>9</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>9</b>	<b>17</b>
<b>TOTALS:</b>	<b>121</b>	<b>8</b>	<b>10</b>	<b>7</b>	<b>122</b>	<b>26</b>	<b>3</b>	<b>53</b>	<b>-</b>	<b>208</b>	<b>437</b>

**NOTES:**

1) CC= Criminal Conduct; DC= 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 because cases frequently include more than one sworn officer and/or numerous allegations.

ALLEGATION PERCENTAGES FOR COMPLAINTS CLOSED – 2016 (Graph 8)



**BOARD ACTION BY DATE CLOSED – 2016 (Table 7)**  
*(Procedurally Closed Cases are listed separately in Table 8)*

CASE #	COMPLAINANT	FINDINGS						DATE CLOSED
		Action Justified	Not Sustained	Sustained	Unfounded	Summary Dismissal	One-Year Summary Dismissal *	
14-005	Lane (Death)	1						01-12-16
14-121	Korsch	3	3	1				01-12-16
14-141	Hyde	2	1					01-12-16
15-017	Howard	3	2					01-12-16
15-021	Burks	1						01-12-16
15-062	Spitz					1		01-12-16
15-105	Leaf			2				01-12-16
14-015	Sandoval (Death)	1						02-09-16
14-129	Natisin		4	1				02-09-16
15-001	Patton/Weedman		2			1		02-09-16
15-003	Nevarez	2						02-09-16
15-004	Kenyon	2						02-09-16
15-016	Reichel/Martinez	3						02-09-16
15-026	Paz	3	5					02-09-16
15-027	Hamidi	1		3				02-09-16
15-040	Taylor	5						02-09-16
15-041	Lucas					2		02-09-16
15-077	Venegas	1						02-09-16
15-115	Gonzalez	3						02-09-16
15-028	Dowding			4				03-08-16
15-032	Gallegos	2						03-08-16
15-037	Franklin					1		03-08-16
15-044	Bhakta	1	1					03-08-16
15-059	Gray		2					03-08-16
15-071	Farrow	2						03-08-16
16-022	McNulty		1			1		03-08-16
14-041	Mason (Death)	2						04-12-16
15-008	Aubry	1	2		2			04-12-16
15-030	Johnson	2						04-12-16
15-035	Hamilton			2				04-12-16
15-050	Webb	9	18					04-12-16
15-058	Healton	3	5					04-12-16
15-069	Lesser	2			1			04-12-16
16-024	Hinton					1		04-12-16
15-036	Mosby	1						05-10-16
15-038	Carroll	2	9					05-10-16
15-039	Tobias	3	3					05-10-16
15-060	Ward	7	1					05-10-16
15-073	Williams	1						05-10-16
15-075	Foster		2					05-10-16
15-086	Gutierrez	1			1			05-10-16
15-087	Salisbury	2				1		05-10-16

CASE #	COMPLAINANT	FINDINGS						DATE CLOSED
		Action Justified	Not Sustained	Sustained	Unfounded	Summary Dismissal	One-Year Summary Dismissal *	
16-013	Oliver			4				05-10-16
16-023	Spicer	2	1					05-10-16
14-144	Webb (Death)					1		06-14-16
15-047	Cruz	2	4					06-14-16
15-048	Coset		4			6		06-14-16
15-049	Gates	2						06-14-16
15-055	Maraglino	2						06-14-16
15-063	Giffin	1	3					06-14-16
15-065	Schubert					1		06-14-16
15-078	Finley	1						06-14-16
15-104	Sanchez	13						06-14-16
16-021	Schubert		1					06-14-16
16-035	Church	1			1	2		06-14-16
16-043	Prado					1		06-14-16
14-061	Carroll (Death)	2						09-13-16
15-002	Stey (Death)	3						09-13-16
15-051	Andrade	2	1	2				09-13-16
15-053	McElrath	1	4	2				09-13-16
15-057	Canela						5	09-13-16
15-061	Williams		5					09-13-16
15-066	Myers		3					09-13-16
15-067	Numerous complainants	2	3	1				09-13-16
15-070	Cates						7	09-13-16
15-072	Robbins		1		2			09-13-16
15-076	Brown	2						09-13-16
15-081	Gachett	5						09-13-16
15-082	Eckstein	5	1					09-13-16
15-083	Crockett	2						09-13-16
15-084	Wilford	3	6					09-13-16
15-091	Duda		1					09-13-16
15-093	Boxx	1	4			1		09-13-16
15-095	Chism					2		09-13-16
15-109	Carter					3		09-13-16
15-111	James					4		09-13-16
15-127	Davis, Jr.	7				1		09-13-16
16-045	Pass	1	1					09-13-16
16-055	Winkler	8						09-13-16
15-054	Gage	3	3					10-11-16
15-088	James						3	10-11-16
15-090	De La Rosa	1	1					10-11-16
15-097	Serrato						2	10-11-16
15-100	Lockett						21	10-11-16
15-114	Banks					2		10-11-16
16-026	James	2						10-11-16
15-107	Johnson	1	1		1	1		11-08-16

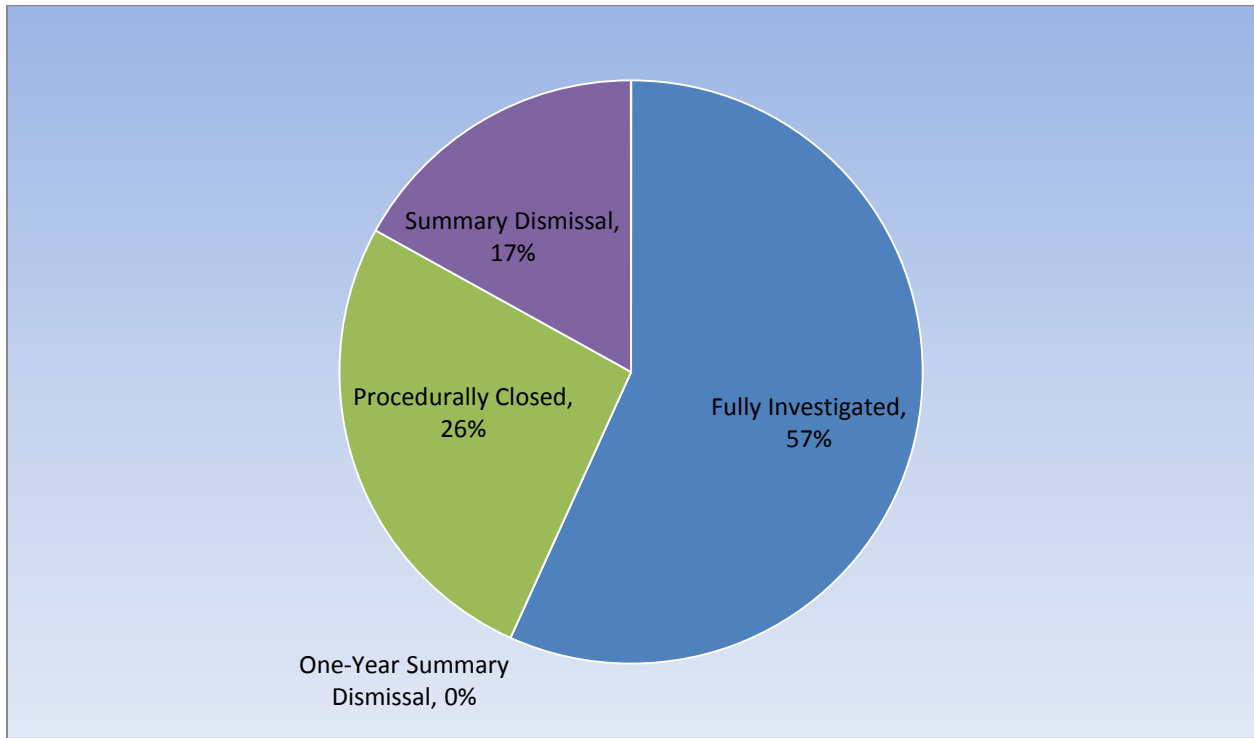
CASE #	COMPLAINANT	FINDINGS						DATE CLOSED
		Action Justified	Not Sustained	Sustained	Unfounded	Summary Dismissal	One-Year Summary Dismissal *	
15-116	Rodgers	1	1					11-08-16
15-117	Huber	1	1					11-08-16
15-120	Berumen	4						11-08-16
16-010	Laroashun-Roberts	1						11-08-16
16-017	McFalls	1	3					11-08-16
16-081	Hogg					1		11-08-16
<b>TOTALS</b>	<b>93</b>	<b>155</b>	<b>114</b>	<b>22</b>	<b>8</b>	<b>34</b>	<b>38</b>	<b>371 findings 9 meetings</b>

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

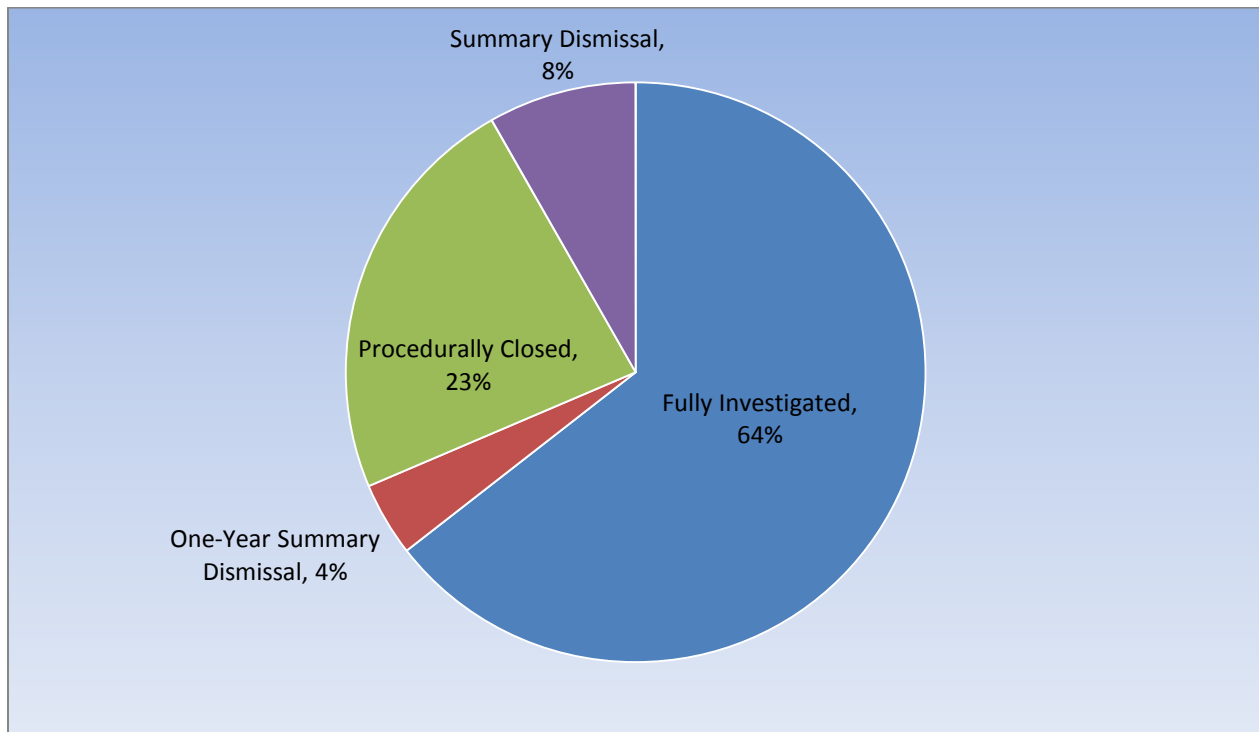
**PROCEDURALLY CLOSED CASES BY DATE – 2016 (Table 8)**

CASE #	COMPLAINANT	DATE CLOSED
15-126	McMillian	01-14-16
15-128	Buell	01-22-16
15-129	Buell	01-22-16
16-001	Casmat	01-27-16
16-005	Bates	01-27-16
16-006	Porter	01-28-16
16-004	Williams	02-25-16
16-034	Schultz	03-23-16
16-038	Howe	04-08-16
16-044	Van Gelder	04-21-16
16-052	Nelson	05-26-16
16-053	Kennedy	05-27-16
16-050	Manatad	06-17-16
16-056	Proulx	06-17-16
16-059	Walter	07-14-16
16-061	Johnson, et al	07-14-16
16-062	Gagne	07-14-16
16-063	Gagne	07-14-16
16-065	Cervantes	07-14-16
16-070	Manos	08-17-16
16-077	Aflague	09-08-16
16-071	Almagro	09-15-16
16-082	Landsberg	09-29-16
16-083	Isom	09-29-16
16-088	Avalos	10-26-16
16-090	Crum	11-08-16
16-095	Just	11-28-16
16-100	Boskovich	12-23-16
<b>TOTAL</b>		<b>28 cases 66 allegations</b>

**CASE CLOSURE TYPE BY PERCENTAGE – 2015 (Graph 9)**



**CASE CLOSURE TYPE BY PERCENTAGE – 2016 (Graph 10)**





**POLICY RECOMMENDATIONS – 2016 (Table 9)**

CASE #	NAME	POLICY RECOMMENDATIONS	OUTCOME
14-129	Natisin	<ol style="list-style-type: none"> <li>1. It is recommended that the San Diego Sheriff's Department revises Sheriff's Policy 6.2, Juvenile Procedures, to align more accurately with WI§ 625, Temporary custody by peace officer; <u>advisement</u> of constitutional rights, by removing language from the policy that allows <u>advisements</u> to be provided "<i>prior to being released from custody,</i>" and incorrectly requires <u>advisements</u> only if "<i>the juvenile is to be questioned about a specific offense.</i>"</li> <li>2. It is also recommended that Sheriff's Policy 6.2, relative to WI§ 627, Parent or guardian notification of custody; minor's right to telephone calls, be further revised by removing from the policy the added stipulation "<i>and transports that juvenile to a place of confinement, such as a substation, station or Juvenile Hall,</i>" as this additional language inaccurately reflects what is stated in the code relative to parent notification, and the minor's rights to telephone calls.</li> </ol>	<ol style="list-style-type: none"> <li>1. The version of Policy 6.2 in effect on the date of the Sheriff's Department response to the recommendation: (a) no longer permitted <u>advisements</u> to be provided "prior to being released from custody" and (b) correctly noted that a <u>waiver</u> of the rights need not be requested until the juvenile is to be questioned about a specific offense.</li> <li>2. As there is no statutory definition of "place of confinement" relating to juveniles, the "place of confinement" examples listed in Policy 6.2 do not conflict with case law or legislation.</li> </ol>

**CLERB TWO-YEAR ADOPTED/APPROVED OPERATIONAL BUDGET (Table 10)**

LINE ITEM CATEGORY	2015-2016	2016-2017
Salaries & Fringe Benefits	\$527,585	\$532,199
Services & Supplies	\$132,097	\$132,109
Total Expense	\$659,682	\$664,308
General Revenue	\$659,682	\$664,308
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 closed by the Executive Officer when it is not returned with a signature under penalty of perjury.

**Summary Dismissal:**

- (a) CLERB had no jurisdiction over the complaint or an allegation; or
- (b) CLERB had 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 investigation supported 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” and given a case number when a person contacts CLERB to complain about an incident but has not sworn to the truth of the statement. The complaint is “filed” when the complainant submits a signed statement attesting or swearing to the truth of the complaint.

**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 CLERB’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)