

ANNUAL REPORT 2021



County of San Diego

CITIZENS' LAW ENFORCEMENT REVIEW BOARD

SERVING THE COMMUNITY AND JUSTICE SYSTEM FOR 31 YEARS



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Introduction

About the Citizens' Law Enforcement Review Board

San Diego County citizens voted to establish the Citizens' Law Enforcement Review Board (CLERB) 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, without a complaint (1) any death arising out of, or in connection with, actions of deputies or probation officers, (2) incidents involving the discharge of a firearm by deputies or probation officers, (3) the use of force by deputies or probation officers resulting in great bodily injury, and (4) the use of force by deputies or probation officers at protests of other events protected by the First Amendment. The Review Board is made up of 11 citizens who are appointed by the Board of Supervisors.

Mission Statement

To increase public confidence in and accountability of peace officers employed by the Sheriff's Department or the Probation Department by conducting independent, thorough, timely, and impartial reviews of complaints of misconduct and deaths and other specified incidents arising out of or in connection with actions of peace officers.

Board Members at Years' End

Susan Youngflesh, Chairperson
Eileen J. Delaney, Vice Chairperson
Robert Spriggs, Secretary
Buki Domingos
Nadia Kean-Ayub
Bonnie Kenk
MaryAnne Pintar
Tim Ware
Gary I. Wilson
Vacant – District 1
Vacant – District 3

Staff at Years' End

Paul R. Parker III, Executive Officer
Lynn Setzler, Supervising Special Investigator
Lenore Aldridge, Special Investigator
Ellen Bohan, Special Investigator
Briana Chiesa, Special Investigator
Claudia Wigfall, Special Investigator
Tamicha Husband, Administrative Secretary III
Eliza Hugee, Temporary Administrative Secretary*

**Ms. Hugee provided administrative services from January 1 thru March 5 and December 27 thru 31, 2021.*



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Resumés of Review Board Members

Susan Youngflesh, Chairperson

Ms. Youngflesh is the Associate General Counsel and Privacy Officer for the San Diego City Employees' Retirement System. As an attorney over the last fourteen years she has worked as a Deputy District Attorney for the Washoe County District Attorney's Office, Staff Counsel at the Hartford, Judicial Law Clerk, and as an undergraduate criminal justice instructor. She holds a Bachelor of Science in Business Administration from the University of Nevada, Las Vegas, and a Juris Doctorate from Santa Clara University.

Eileen J. Delaney, Vice Chairperson

Mrs. Delaney is President of DAC1 Companies. Along with a business background, she also has extensive knowledge in planning, development, and land use. She has served as an elected member of the Fallbrook Planning Group since 1999 and has chaired the Fallbrook Design Review Board since 2000. She was a member of the first San Diego County District Attorney's Citizens Academy in 2006, in partnership with the San Diego County Sheriff's Department. Mrs. Delaney has been appointed to numerous County Boards and Committees and has also served on the Board of Directors of many non-profit organizations. She has been the recipient of honors and awards including California State Senate Woman of the Year, Boys & Girls Club Champion of Youth, Chamber of Commerce Community Champion, Fallbrook Citizen of the Year and has had the distinct honor of being an Olympic Torch Bearer for the 2002 Olympics. Mrs. Delaney is dedicated to helping improve the lives of others and to make San Diego County a better and safer place to live and visit.

Robert Spriggs, Secretary

Pastor Spriggs, a resident of San Diego, founded and served as the Senior Pastor of the Temple of Praise and Deliverance Center. He currently serves as a Staff Pastor and Servant Leader over the Safety & Security Team at the Greater Life Church in Emerald Hills. He is also a Campus Security Assistant at the San Diego Unified School District. Pastor Spriggs has a Bachelor of Arts in Human Development and is finishing a master's degree in Organizational Leadership at San Diego Christian College.

Buki Domingos

Ms. Domingos was born in Nigeria, West Africa, and worked as a registered geriatric nurse and an alternative singer/songwriter in Germany for 13 years. She is currently a hospice nurse in San Diego County. She is fluent in five languages and draws upon her experience of being born and raised in Nigeria and life in Europe as a student and professional singer to bond with everyone with whom she comes into contact. Ms. Domingos is Board Chair of Activist San Diego (ASD), a social justice non-profit organization associated with radio station KNSJ. Ms. Domingos is co-founder of the Racial Justice Coalition of San Diego and co-hosts the KNSJ radio show, "Alafia: Voice of the African Diaspora."

Nadia Kean-Ayub

Ms. Kean-Ayub is a resident of the city of Chula Vista where she commits to bettering the community



through her activism. She is the Executive Director of Rainbow Spaces, a non-profit geared towards creating inclusive spaces for LGBTQ+ youth. She serves on the City of Chula Vista Human Relations Commissioner as Vice Chair and serves in various leadership roles in community groups.

Bonnie Kenk

Ms. Kenk, a native of Pennsylvania, has been a resident of San Diego since 1981. She served on the 2007-2008 San Diego County Grand Jury and spent over a decade volunteering with the state and local Grand Jury alumni organizations. She served a three-year term as the public member of the San Diego County Parole Board and a two-year term on the Community Review Board for Police Practices. Ms. Kenk works as a Tax Associate for TurboTax during the tax season. She, her husband Bill, their three dogs and six parrots reside in the Del Cerro area of the City of San Diego.

MaryAnne Pintar

Ms. Pintar has more than 20 years of experience in San Diego government and politics. She began her political career in San Diego serving as then-San Diego Mayor Susan Golding's press secretary in the 1990s, eventually serving as her communications director and chief of staff. More recently, she has served for 9 years as Congressman Scott Peters' chief of staff. In the early 2000s, Pintar had her own public affairs and communications sole proprietorship and was frequently hired by organizations in need of her crisis communications skills. Prior to this, she worked at two of San Diego's leading public affairs firms. She is a former City of San Diego Library Commissioner, formerly served on the La Jolla YMCA Board of Directors, and was Parent-Teacher President Group President at All Hallows Academy. In 2018, San Diego Moxie Theater named her one of their Moxie Awards given to Women of San Diego with Grit and Determination, and in 2004 she was named one of *San Diego Business Journal's* 40 Under 40 to watch. She has a bachelor's degree and master's degree from San Diego State University, and she and her husband have three children.

Tim Ware

After a successful Collegiate Career and Rose Bowl Championship at the University of Southern California (USC), Mr. Ware played professionally for the San Diego Chargers, Los Angeles Raiders and a brief stint with the Kansas City Chiefs. Since retiring from the National Football League, Tim has diversified his skills by developing creative systems as a School District Administrator, Youth Prevention and Intervention Systems Designer, Co-founder and coordinator of the *Ballerz 4 Christ* youth organization and a Deputy Probation Officer. In his current role as Coordinator of School Safety & Security for the San Diego County Office of Education, Tim leads the challenge of building safe and orderly schools for all forty-two school districts in the county. Born and raised in Compton, California, Tim brings a unique perspective as a motivational speaker. Tim specializes in the topics of leadership, Coaching with Integrity, the Role of Men in the Home and in the Community and a variety of topics from a Christian and Secular prospective.

Gary I. Wilson

Mr. Wilson, a resident of Carlsbad, is a retired United States Marine Corps combat veteran. He is an Adjunct Professor at Palomar College and a Board-Certified Protection Professional (CPP), Certified Threat Manager (CTM), DHS-certified Master Trainer in the instruction of Behavioral Threat Assessment and Management (BTAM), and a forensic consultant. He has a Force Science Institute Certification in Force Science Analysis. He has a Bachelor of Arts in Psychology and Biology, a Master of Arts in Security Management, and a Master of Arts in Forensic Psychology.



Executive Officer's Summary

Historically, civilian oversight of law enforcement is reactive, created in response to a situation between law enforcement and the community, and centered upon the investigation of complaints or reviewing incidents that have already occurred. This year CLERB demonstrated the benefit of proactivity to foster and strengthen relationships between the San Diego Sheriff's Department (SDSD) and Probation Department (Probation) and the communities they serve. This proactivity can assist the Departments with providing the highest level of service, to educate the community, and to bridge the gap between the two, especially if the proactivity is focused on systemic changes.

CLERB's investigation of in-custody deaths and those deaths arising out of, or in connection with, the actions of deputies and probation officers has been a much analyzed and discussed topic over the past few years. There is no more important issue facing the SDSD than the reduction of deaths occurring in the detention facilities it operates. As such, CLERB's top priorities in 2021 included the investigation of in-custody deaths and the recommendation of policy and procedure creation or changes to reduce the number of in-custody deaths and assist the SDSD and Probation in providing the best possible care to those persons in their custody.

The SDSD and Probation are mandated to report and therefore investigate "in-custody" deaths, defined by the U.S. Department of Justice and adopted as the definition for California law enforcement agencies as "the death of any person who is detained, under arrest, or is in the process of being arrested, is enroute to be incarcerated, or is incarcerated at a municipal or county jail, state prison, state-run boot camp prison, boot camp prison that is contracted out by the state, any state or local contract facility, or other local or state correctional facility (including any juvenile facility)." The SDSD and Probation do not have to report as "in-custody" deaths those persons who had been compassionately released from custody prior to death, however, SDSD did so twice in 2021. CLERB, however, has jurisdiction to investigate "the death of any individual arising out of, or in connection with, the actions of peace officers or correctional officers." These two categories of death are not synonymous. Therefore, a death not recognized as an "in-custody" death by the Departments may be handled as a CLERB death investigation, depending on the circumstances. In cases such as these, CLERB invokes jurisdiction and handles the case as a death investigation, just as it does for any traditional "in-custody" death to determine whether the death arose out of or was in connection with the actions of peace officers or correctional officers.

From 2006 through 2020, 185 people died in San Diego County's jails. The rate of deaths in San Diego County's jails raised concerns about underlying systemic issues within the San Diego Sheriff's Department's (SDSD) policies, procedures, and practices.

The California State Auditor (CSA) conducted an audit of the SDSD to determine the reasons for in-custody deaths; concluded that the SDSD failed to adequately prevent and respond to deaths of individuals in its custody; and made several recommendations pertaining to intake screenings, medical and mental health care, safety checks, and responses to medical emergencies.

CLERB commissioned its own in-custody death data independent study by Analytica Consulting. The results of that study will be published in the 2022 Annual Report.

A breakdown of the 25 death cases opened in 2021 is as follows (see Table 5, pages 19 and 20):

- The following 18 deaths (all males) occurred in SDSD detention facilities:
 - Two homicides: one blunt force trauma to the head and one strangulation, both at San Diego Central Jail (SDCJ),
 - Two suicides: one hanging death and one acute water intoxication, both at SDCJ,
 - Eight natural deaths: four (three COVID-related) at Vista Detention Facility (VDF), two at SDCJ (one COVID-related), one at Las Colinas Detention and Reentry Facility (LCDRF), and one (COVID-related) at George Bailey Detention Facility (GBDF), and



- Six drug-related deaths: three at SDCJ (one fentanyl; one methamphetamine; and one fentanyl and methamphetamine), two at GBDF (both fentanyl), and one at VDF (fentanyl). Five causes in detention facility deaths were related to fentanyl, one was due to methamphetamine, and one was a combination of fentanyl and methamphetamine. In 2020, all five of causes in detention facility deaths were related to fentanyl with one also related to methamphetamine.
- The ethnicity breakdown for the 18 SDCJ detention facility-related deaths were as follows:
 - Black – 1 (6%), County population – 5%
 - Latinx – 8 (44%), County population – 33%
 - Other – 0 (0%), County population – 15%
 - White – 9 (50%), County population – 47%
- Of the 14 SDCJ detention facility deaths closed by CLERB in 2021, the time-period between booking and the incident giving rise to or treatment for the subsequent cause of death were as follows:
 - 0-2 days: 3
 - 3-6 days: 2
 - 7-30 days: 3
 - 31-100 days: 3
 - 101+ days: 3 (114, 115, and 416 days)
- Three barricade situations in SDCJ law enforcement service areas resulted in gunshot wound suicides.
- One traffic-related death stemming from the SDCJ pursuit of the driver of a stolen vehicle who collided with an uninvolved vehicle, killing its driver, in Rancho San Diego.
- One drug-related death (methamphetamine) occurred in Alpine.
- One deputy-involved shooting death occurred in North Coastal Station.
- One as-of-yet undetermined cause and manner of death of a 16-year-old male in the Probation operated Kearny Mesa Juvenile Detention Facility.

When investigating in-custody deaths or allegations of misconduct, oftentimes a question arises as to the standard of care provided by medical and mental health providers practicing in the detention facilities. Unfortunately, CLERB does not have jurisdiction of medical staff, who are non-sworn and sometimes contract personnel. The lack of jurisdiction over SDCJ non-sworn staff, and specifically medical staff, has always been a concern to complainants and CLERB members, as critical allegations pertaining to medical care cannot be investigated by CLERB. For example, in non-death cases closed in 2021, 18.4% (16/87) of the summarily dismissed allegations were against medical personnel. Without jurisdiction over medical staff, CLERB is unable to fully investigate in-custody deaths, great bodily injury cases, and any other allegation against medical personnel, as CLERB is unable to review the totality of circumstances leading to many of the deaths, care provided after uses of force, and the standard of care provided during routine operations. I am in the process of pursuing this jurisdiction and will provide an update in the 2022 Annual Report.

In the last quarter of 2021, CLERB asked for public input into its investigations of racial discrimination allegations. While researching the topic, it was discovered that a Campaign Zero report detailing its investigation into the SDCJ practices from 2016-2108 identified racially disparate policing outcomes. In addition, a report by the Center for Policing Equity (CPE) commissioned by the SDCJ also identified racially disparate policing outcomes. Both reports indicated that persons of color are subjected to enforcement at a greater rate than those who are white. Based upon these reports, CLERB created the “Racial Disparity, Racial Profiling, and Implicit Bias Ad Hoc Committee” for the purpose of identifying opportunities for and making recommendations to the SDCJ to reduce racially disparate policing practices. I will detail the subsequent recommendations in the 2022 Annual Report.

One of CLERB’s most important functions is its ability to make recommendations about policies and procedures (P&P), as doing so emphasizes the partnership and creates a format in which structured dialogue can occur between the departments and the community. These P&P recommendations do not have to pertain to specific cases and can be general in nature.



In calendar year 2021, CLERB made 12 total policy recommendations, 11 to SDSL (five pertaining to deaths) and one pertaining to death to Probation (see Table 7, pages 22 to 24).

- Six recommendations to SDSL (three pertaining to deaths) were implemented,
- Four recommendations to SDSL (two pertaining to deaths) were not accepted, and
- Two recommendations to SDSL (none pertaining to deaths) are still under review by SDSL.
- The one recommendation to Probation (pertaining to deaths) is still under review by Probation.

In mid-2020, CLERB's authority expanded to include investigating, without a signed complaint, uses of force resulting in great bodily injury, uses of force at protests or First Amendment-protected events, and discharges of firearms not resulting in fatalities. During its investigations into these incidents, CLERB has yet to determine that any of them were not justified. I will continue to monitor the outcome of these investigations and report on them in every future Annual and Semi-Annual Report.

A major tenet of civilian oversight is transparency. Unfortunately, California has some of the most restrictive laws pertaining to investigations into allegations of misconduct against peace officers. As such, CLERB continues to conduct case discussions behind closed doors, thus creating a veil of secrecy that erodes public trust in the independent oversight process. In 2021, the County's Legislative Program supported increased transparency in civilian oversight of peace officers. I will provide an update, if applicable, in the 2022 Annual Report.

For the majority of 2021, CLERB had only two investigators and a supervising investigator. Two new investigators completed training and finally inherited a solo caseload in September.

While CLERB took major steps towards relevancy and assisting the Departments to improve the service they provide to their respective communities and customers, due to staffing shortages referenced above, CLERB was unable to start its SDSL Detention Facility Inspection Program. CLERB plans to start this critical program in 2022, but only after we are fully staffed. Until CLERB fills its five budgeted Special Investigator positions, I will be unable to determine whether additional funding or staffing is required. 2021 proved to be a difficult year to hire and train Special Investigators and we ended the year with one Special Investigator vacancy. Upon filling the vacancy in 2022, I will continue to monitor staffing and request additional resources when appropriate.

This is an important time for CLERB as the relationship between SDSL, Probation, and the community is critical. We will strive to do all we can to restore public trust and provide quality, timely, and transparent oversight services within legal parameters. I would like to thank Lieutenant Michelle Craig and Sergeant Kristin Brayman of SDSL and Division Chief Irene Lilly and Supervising Probation Officers Ross Lewin and Brian Barnum of Probation for their assistance and dedication to civilian oversight of their respective Departments. I would also like to thank all personnel of the County's FG3 Executive Office under the direction of Ebony Shelton; each of them provided me assistance, guidance, and support in their respective areas of expertise, and for that I am forever grateful. I would like to acknowledge Shiri Hoffman and Aurelia Razo of County Counsel and Jim Sandler and Jessica Kondrick of Sandler, Lasry, Laube, Byer & Valdez, LLP, for their critical, timely, and professional guidance.

I would like to thank the CLERB Board Members; CLERB Special Investigators Lenore Aldridge, Ellen Bohan, Briana Chiesa, and Claudia Wigfall; and CLERB Supervising Special Investigator Lynn Setzler for their support, dedication, and commitment to ensuring we are providing independent, unbiased, timely, and thorough investigations. I am honored to work with them, enjoy learning from them, and am excited about this journey because I am taking it with them.

Thank you to media representatives for helping me to tell CLERB's story and what we do well and what we can improve upon. Thank you for acknowledging the hard work of our Board and staff and telling the stories of those who have died or have concerns about and comments or suggested improvements for law enforcement services. There is no more important time than the present to undertake difficult, yet respectful and informed, conversations about the relationship between law enforcement and the community it serves.



Thank you for starting those conversations and allowing CLERB and the community to participate in and shape the relationship the community envisions and deserves.

Finally, and most importantly, I would like to thank members of the public, especially those folks who have dedicated themselves to learn about CLERB, attend CLERB's meetings, and provide relevant and critical feedback on CLERB's services and the services provided by the SDSA and Probation. Transformational, organizational, and cultural changes take time, energy, commitment, and unwavering resolve. I am uplifted by the resolve exemplified every day by community members who are dedicated to fair, unbiased, and equitable law enforcement treatment and services.

PAUL R. PARKER III
Executive Officer, 2021



Data Overview

2021 was a busy year in many ways for CLERB. 130 new cases were received in 2021, a 12% increase from the 116 received in 2020. There were 25 new death cases, a 56% increase from the 16 in 2020.

Total complaints are broken into four bureaus by count and percentage: Sheriff's Law Enforcement, which includes all non-Detentions units, except courts and other law enforcement entities; Sheriff's Detentions; Sheriff's Courts; and the Probation Department. In 2021:

1. Sheriff's Law Enforcement had 66 complaints or 51% of the total (compared to 47, or 43% in 2020)
2. Sheriff's Detentions had 58 complaints or 45% (compared to 57, or 49%, in 2020)
3. Sheriff's Courts had two complaints, or 1% of the total (compared to three, or 3%, in 2020)
4. Probation Department had four complaints or 3% of total (compared to nine complaints, or 8% in 2020).

The San Diego Central Jail had the most complaints with 33 (compared to 13 in 2020, a 154% increase). The Vista Patrol Station had the highest number of patrol station complaints at eight (compared to six in 2020)¹.

In mid-2020, CLERB's authority was expanded to include, without a signed complaint:

- incidents involving the discharge of a firearm by peace officers or custodial officers employed by SDSO or Probation (DC);
- the use of force by peace officers or custodial officers employed by SDSO or Probation resulting in great bodily injury (UOF GBI); and
- the use of force by peace officers or custodial officers employed by the SDSO or Probation at protests or other events protected by the First Amendment (UOF Protest).

New cases reported in 2021 included 16 UOF GBI, two DC, and one UOF Protest.

The CLERB met **12** times and closed **90** cases during the year, compared to meeting **11** times and closing **91** cases in 2020, a 1% decrease in case closures. Allegations in closed cases totaled **527** in 2021; a 3% increase from the **514** in 2020. Included in the number of fully investigated and closed cases were **17** death cases, as opposed to **23** cases in 2020, a 26% decrease.

An additional **31** cases were Procedurally Closed (PC) by CLERB staff because the complainant did not return a signed complaint. This was 35% decrease compared to the **48** PC cases closed in 2020. The total number of cases closed (fully investigated + PC) was **121** in 2021 and **139** in 2020. In 2021, PC cases accounted for 26% of the year's case closure total (compared to 35% in 2020) and 28% of the new complaints (compared to 36% in 2020).

Of the **90** fully investigated cases, **six** cases, or 7%, included sustained findings, compared to **six** cases, or 7% of the total number of cases in 2020. The total number of sustained findings fell from 12 in 2020 to 10 in 2021, or a 17% decrease. Five sustained procedural misconduct findings were rendered in three death cases: #19-128 (two), #20-012 (one), and #20-113 (two). Three sustained procedural misconduct findings, one sustained discourtesy finding, and one sustained false reporting finding were finalized in three total remaining cases, thus resulting in 10 sustained findings in six total cases.

¹ As of December 31, 2021, four complaints had been made against unknown units. As these cases are investigated, these units will be identified and reflected in the 2022 Annual Report.



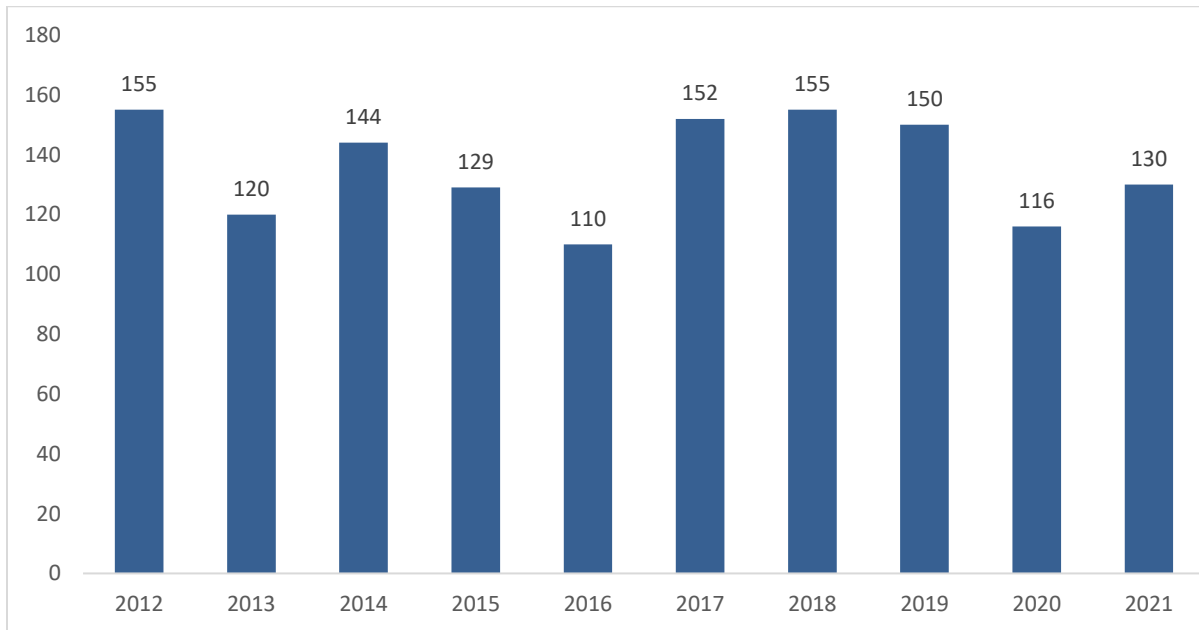
At year end there were **78** open cases, a 13% increase from the **69** open cases at the end of 2020.

There were no cases submitted to the CLERB for One-Year Summary Dismissal, as all cases were completed within statutory timelines.

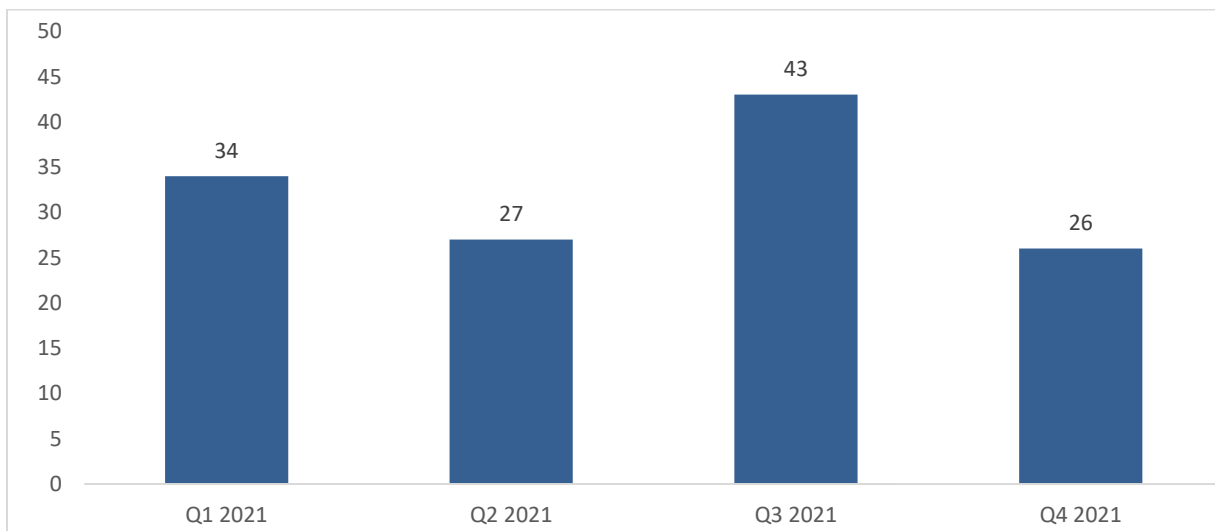
Staff determined the CLERB had no jurisdiction and referred **91** callers to other departments/agencies/entities.



Total Complaints Received by Year, 2012 – 2021 (Graph 1)



Total Complaints Received by Quarter, 2021 (Graph 2)





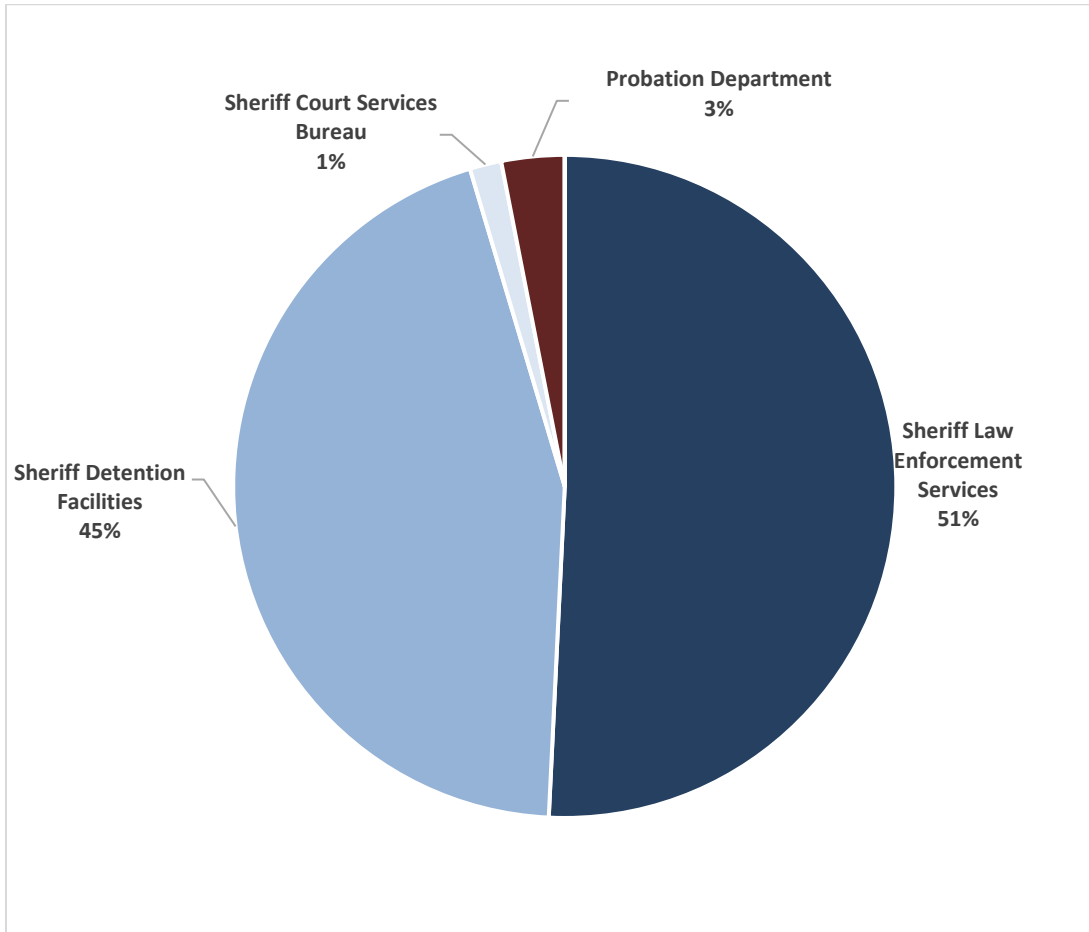
Cases, Deaths, & Specified Incidents Received by Unit, 2021 (Table 1)

Unit/Facility	Case Totals	Death	UOF GBI	UOF Protest	DC Firearm
LAW ENFORCEMENT					
4S RANCH SUBSTATION	0	0	0	0	0
ALPINE STATION	4	1	1	0	0
BORDER CRIME SUPPRESSION TEAM	0	0	0	0	0
BORREGO SPRINGS	0	0	0	0	0
BOULEVARD/JACUMBA OFFICE	0	0	0	0	0
CAMPO/TECATE SUB	0	0	0	0	0
FALLBROOK SUB	4	0	2	0	0
IMPERIAL BEACH SUBSTN	5	0	0	1	0
JULIAN SUB	3	0	0	0	0
LAKESIDE SUB	5	1	1	0	0
LEMON GROVE SUBSTN	2	0	1	0	0
NORTH COASTAL SHERIFF'S STATION	7	1	0	0	0
OFFICE OF THE SHERIFF	1	0	0	0	0
PINE VALLEY SUB	0	0	0	0	0
POWAY STN	2	0	0	0	0
RAMONA SUB	2	0	1	0	1
RANCHITA/WARNER SPR SUB	1	0	0	0	0
RANCHO SAN DIEGO STATION	5	1	2	0	0
RURAL LAW ENFORCEMENT	4	1	0	0	0
SAN MARCOS STN	3	0	1	0	0
SANTEE STN	1	0	0	0	0
SPRING VALLEY STOREFRONT	2	0	0	0	0
UNKNOWN UNIT	4	1	0	0	0
VALLEY CTR/PAUMA SUB	0	0	0	0	0
VISTA STN	8	0	1	0	1
LAW ENFORCEMENT TOTAL	63	6	10	1	2
DETENTIONS					
EAST MESA DF	0	0	0	0	0
FACILITY EIGHT DF	0	0	0	0	0
GEORGE BAILEY DF	14	3	2	0	0
LAS COLINAS DF	4	1	0	0	0
SD CENTRAL JAIL	33	9	4	0	0
SOUTH BAY DF	1	0	0	0	0
UNKNOWN UNIT	0	0	0	0	0
VISTA DF	6	5	0	0	0
DETENTIONS TOTAL	58	18	6	0	0
COURT SERVICES					
COURT SVCS	2	0	0	0	0
SAN DIEGO COURT	0	0	0	0	0
EL CAJON COURT	0	0	0	0	0
VISTA COURT	0	0	0	0	0
COURT SERVICES TOTAL	2	0	0	0	0
OTHER					
OTHER L.E.	3	0	0	0	0
OTHER TOTAL	3	0	0	0	0
PROBATION					
XPROB: ADULT SVCS.	3	0	0	0	0
XPROB: INST. SVCS.	0	0	0	0	0
XPROB: JUV. SVCS	1	1	0	0	0
PROBATION TOTAL	4	1	0	0	0
GRAND TOTAL	130	25	16	1	2

UOF GBI = Use of Force Resulting in Great Bodily Injury; UOF Protest = Use of Force at a Protest or First Amendment Protected Event; DC Firearm = Discharge of Firearm.

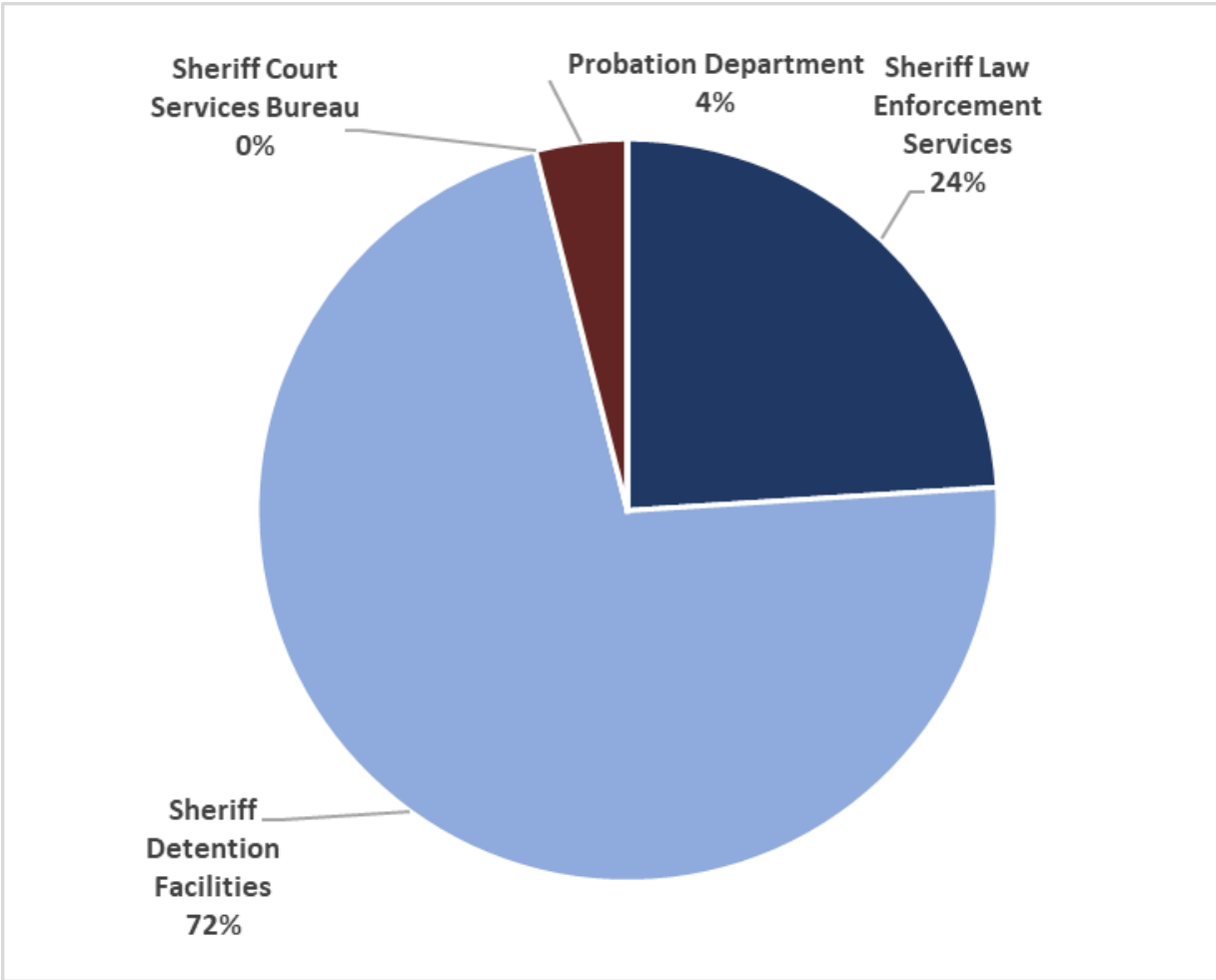


Case Percentages by Organization/Bureau Received, 2021 (Graph 3)



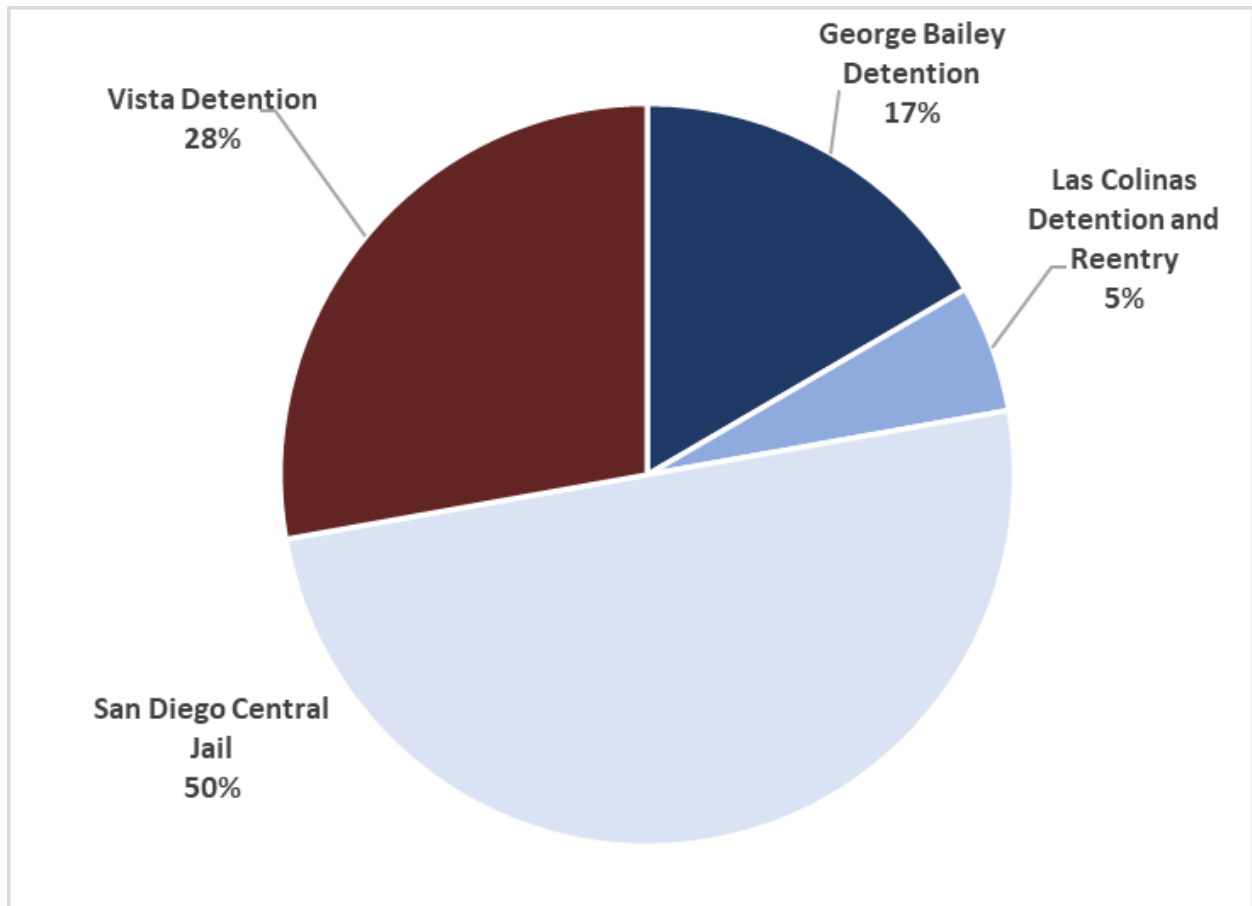


Death Case Percentages by Organization/Bureau, 2021 (Graph 4)



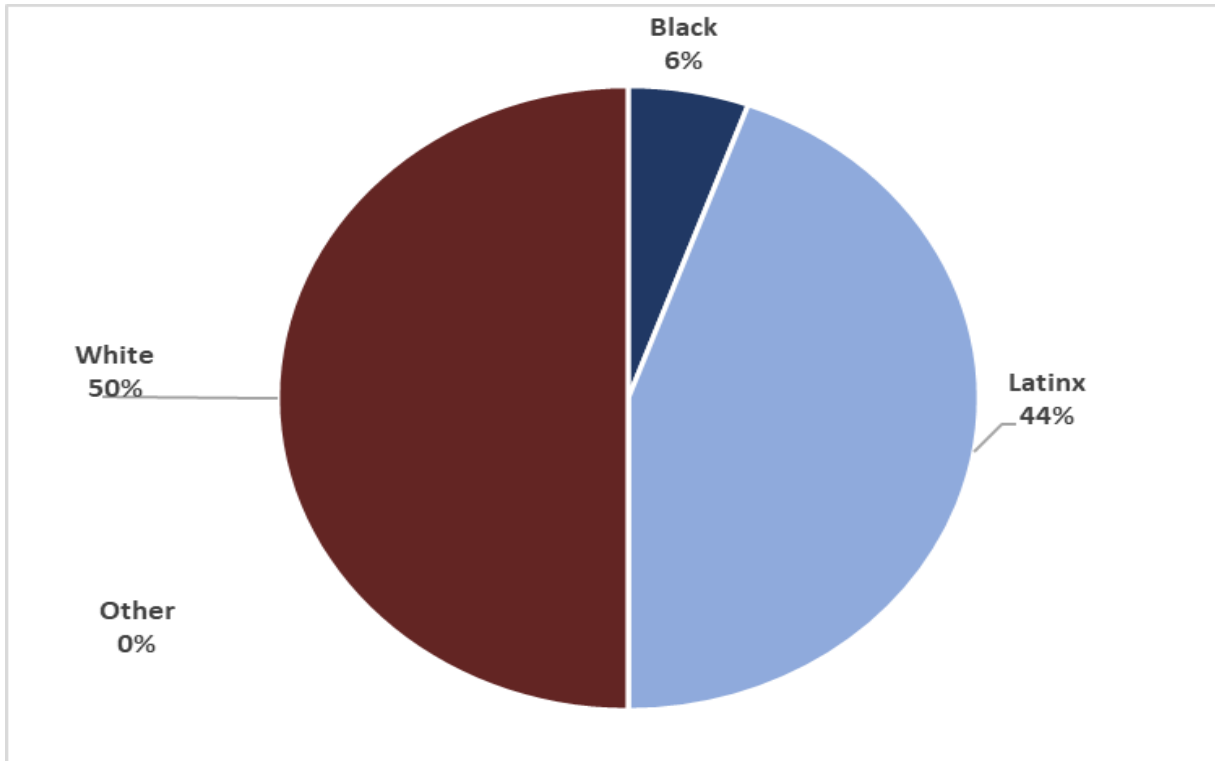


In-Custody Deaths by Facility, 2021 (Graph 5)

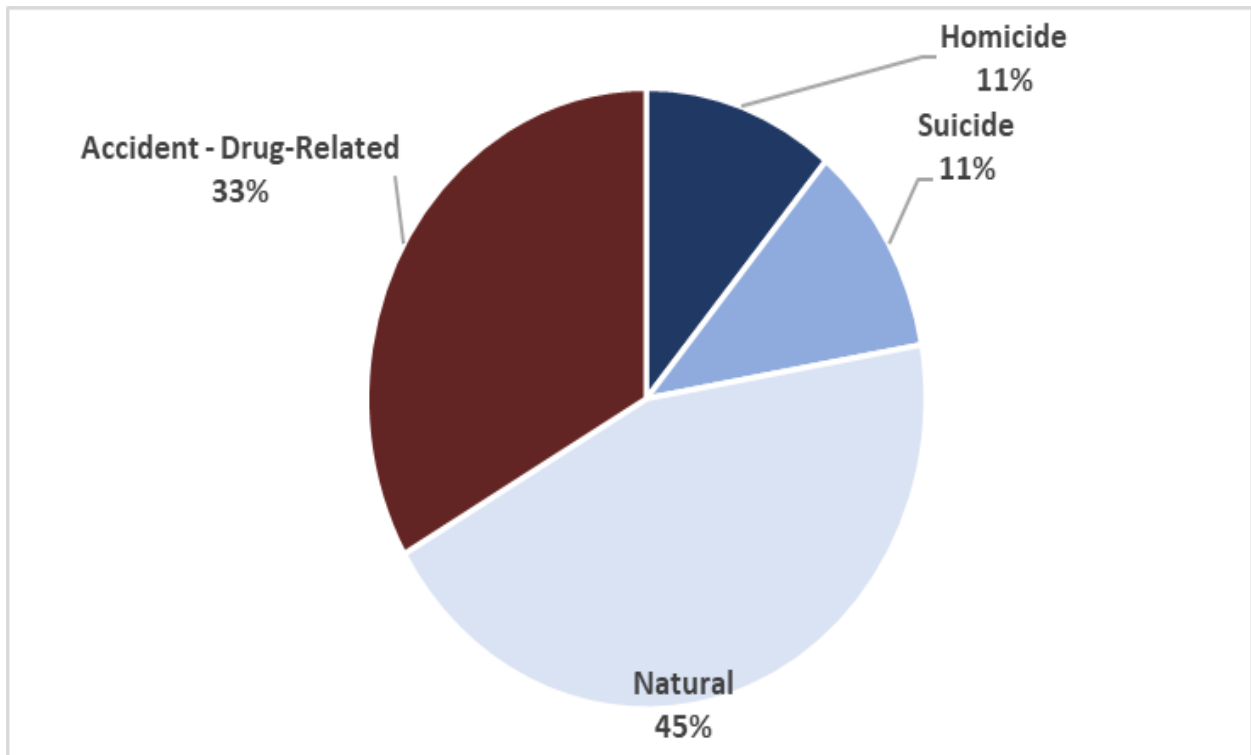




In-Custody Deaths by Ethnicity, 2021 (Graph 6)



In-Custody Deaths by Manner, 2021 (Graph 7)





Board Action by Date Closed, Case Number, & Findings, 2021 (Table 2)

Note: Procedurally Closed Cases are listed separately in Table 3

CASE #	FINDINGS					One-Year Summary Dismissal *	DATE CLOSED
	Action Justified	Not Sustained	Sustained	Unfounded	Summary Dismissal		
19-100	1						01-19-21
19-110	5	9		8	1		01-19-21
19-125	1			1			01-19-21
20-032	1						01-19-21
20-034		2			1		01-19-21
19-104	1						02-09-21
19-128		1	2				02-09-21
19-135	3	1			5		02-09-21
19-138		1		1			02-09-21
20-004	4	2			2		02-09-21
20-023	4				1		02-09-21
20-071	1						02-09-21
20-115					2		02-09-21
19-137	9	3			1		03-09-21
19-141	10						03-09-21
20-045	2	4			3		03-09-21
20-046	2			1			03-09-21
20-096	1				2		03-09-21
21-005					3		03-09-21
19-126	1						04-13-21
20-010	1			3	1		04-13-21
20-014	37	3			2		04-13-21
20-015		6					04-13-21
20-016					4		04-13-21
20-017	1	4					04-13-21
20-025		1		1			04-13-21
20-035	2						04-13-21
21-006	1						04-13-21
21-029					1		04-13-21
20-026		4		4			05-11-21
20-036	1	3		6	6		05-11-21
20-047	3	10		1	1		05-11-21
20-066	6			5			05-11-21
21-011	1	3	1	1			05-11-21
21-021					3		05-11-21
21-036					2		05-11-21
19-143	1						06-08-21
20-018	10	3					06-08-21
20-038	21			6			06-08-21



CASE #	FINDINGS						DATE CLOSED
	Action Justified	Not Sustained	Sustained	Unfounded	Summary Dismissal	One-Year Summary Dismissal *	
20-043	3	2					06-08-21
20-053					2		06-08-21
21-045					2		06-08-21
20-012		1	1				07-13-21
20-040	9			1	3		07-13-21
20-041	7	6		2			07-13-21
20-054	1			1			07-13-21
20-056	2			1			07-13-21
20-073	7			1			07-13-21
20-076	8	3		2			07-13-21
20-093		1					07-13-21
20-074	11	2		1			08-10-21
20-075	3				2		08-10-21
20-081	3			2			08-10-21
20-057	1			1			09-14-21
20-063		1					09-14-21
20-065	2	1		2			09-14-21
20-070		6		1			09-14-21
20-072	7			3			09-14-21
20-080	4	1		3			09-14-21
20-087	1			1			09-14-21
20-089	1	2		2			09-14-21
20-097	6			1			09-14-21
20-105	1						09-14-21
20-112	1						09-14-21
21-015	1						09-14-21
21-024	1		2	1			09-14-21
21-080					1		09-14-21
20-094	12			3	1		10-21-22
20-101					3		10-21-22
20-102	1						10-21-22
20-103	2			1			10-21-22
20-106				2			10-21-22
21-001	1			3	2		10-21-22
20-114	1						11-09-21
21-013		1			2		11-09-21
21-023	2	1		4	1		11-09-21
21-025	6						11-09-21
21-068	1						11-09-21
21-090					1		11-09-21
21-091					3		11-09-21
21-109					8		11-09-21



CASE #	FINDINGS						DATE CLOSED
	Action Justified	Not Sustained	Sustained	Unfounded	Summary Dismissal	One-Year Summary Dismissal *	
20-113		1	2				12-07-21
20-116		5					12-07-21
21-003	2	5			7		12-07-21
21-033	1			2	1		12-07-21
21-046					7		12-07-21
21-060				1			12-07-21
21-066	1						12-07-21
21-067	8						12-07-21
21-087	1		2	1			12-07-21
90	250	99	10	81	87		12 Meetings 90 Cases 527 Findings

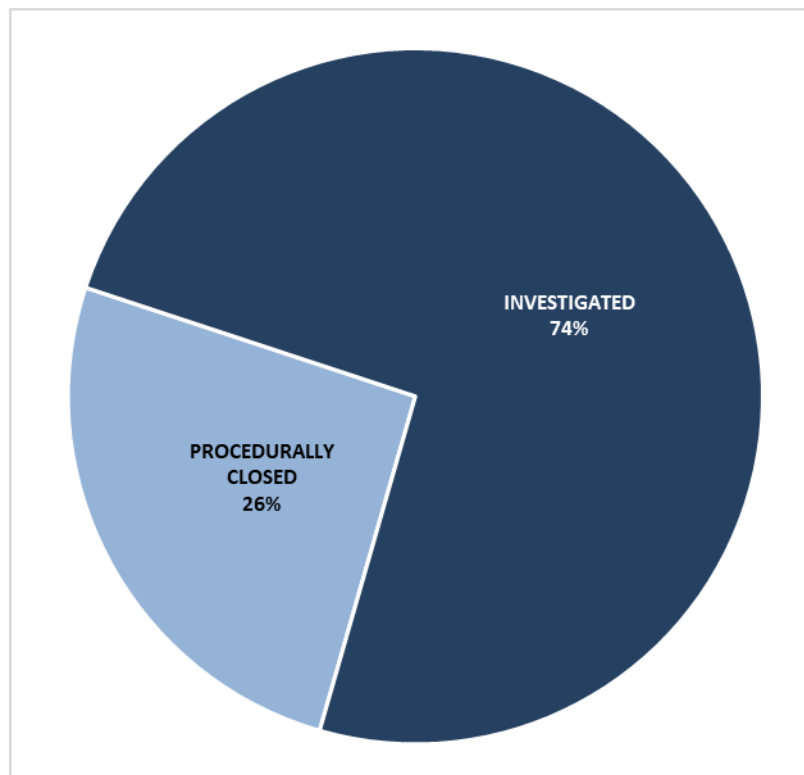
* Court decisions applicable to the Review Board and Government Code Section 3304(d) of the Public Safety Officers' Procedural Bill of Rights require that an investigation of a misconduct that could result in discipline be completed within one year of discovery of the misconduct unless statutory exceptions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



Procedurally Closed Cases by Case Number, 2021 (Table 3)

Procedurally Closed by Staff – 31						
21-002	21-007	21-010	21-012	21-016	21-017	21-018
21-030	21-037	21-039	21-041	21-042	21-043	21-047
21-048	21-049	21-059	21-062	21-064	21-072	21-073
21-074	21-077	21-081	21-085	21-086	21-093	21-095
21-098	21-101	21-103				

Case Closure Type by Percentage, 2021 (Graph 8)





Death Cases Opened in 2020 (SDSD Jail Deaths in Red) (Table 4)

Case #	Decedent	Category	Facility/Area	Cause of Death	Manner of Death
20-012	Wilson, Blake	In-custody drug-related	San Diego Central Jail	Acute fentanyl, acetyl fentanyl, butyryl fentanyl, and heroin intoxication	Accident
20-050	Bils, Nicholas	Deputy-involved shooting	Court Services Bureau	Multiple gunshot wounds	Homicide
20-063	Morton, Joseph	In-custody suicide	Vista Detention Facility	Hanging	Suicide
20-071	Fonseca, Spiros	In-custody suicide	San Diego Central Jail	Asphyxia due to hanging	Suicide
20-072	Jimenez, Joseph	Drug-related	Vista Patrol Station	Anoxic-ischemic encephalopathy due to resuscitated cardiopulmonary arrest due to acute methamphetamine intoxication	Accident
20-092	Flores, Javier	In-custody homicide	South Bay Detention Facility	Blunt force trauma to the head	Homicide
20-096	Armendo, Mark	Out-of-custody drug-related	Vista Detention Facility	Fentanyl toxicity Contributing: COVID-19	Accident
20-102	Rogers, Adam	In-custody drug-related	Vista Detention Facility	Acute fentanyl, alcohol, and citalopram intoxication	Accident
20-104	Chon, Anthony	In-custody natural	San Diego Central Jail	Bilateral pulmonary embolism due to deep vein thrombosis of the leg Contributing: Cardiomegaly and congestive hepatomegaly	Natural
20-105	Brogan, Nathan	In-custody natural	Vista Detention Facility	Acute myocardial infarction	Natural
20-107	Hasenin, Omar	In-custody drug-related	George Bailey Detention Facility	Toxic effects of fentanyl Contributing: Atherosclerotic cardiovascular disease	Accident
20-108	Mills, Kevin	In-custody natural	San Diego Central Jail	Hypertensive cardiovascular disease	Natural
20-112	Loredo, Edel	In-custody natural	George Bailey Detention Facility	Respiratory failure due to COVID-19 Contributing: Asthma, diabetes mellitus, and hypertension	Natural
20-113	Alvarez, Lazaro	In-custody drug-related	San Diego Central Jail	Sudden cardiac arrest due to acute myocardial infarction due to methamphetamine and fentanyl toxicity	Accident
20-114	Gonzaba, Antonio	In-custody drug-related	Vista Detention Facility	Fentanyl, bupropion, gabapentin, and trazodone toxicity	Accident
Total Cases: 15 (13 – SDSD detention facility-related)					

**Death Cases Opened in 2021 (SDSD Jail Deaths in Red) (Table 5)**

Case #	Decedent	Category	Facility/Area	Cause of Death	Manner of Death
21-004	Moreno, Omar	In-custody drug-related	San Diego Central Jail	Choking Contributing: Acute methamphetamine intoxication	Accident
21-006	Bullock, Jeffrey	Barricade	Lakeside Station	Perforating gunshot wound of head	Suicide
21-014	Calhoun, Isabella	Traffic/Pursuit	Rancho San Diego	Blunt force injuries	Accident
21-015	Vallin, Guillermo	Barricade	Rural Law Enforcement	Penetrating gunshot wound of head	Suicide
21-022	Rojas, Anastasio	Barricade	Unknown	Perforating intraoral gunshot wound	Suicide
21-028	Gomez, Luis	In-custody natural	Vista Detention Facility	COVID-19 pneumonia	Natural
21-038	Whitlock, Jonathan	In-custody drug-related	George Bailey Detention	Acute fentanyl intoxication Contributing: Obesity	Accident
21-051	Marroquin, Lester	In-custody suicide	San Diego Central Jail	Acute water intoxication	Suicide
21-053	Aleman, Jerry	In-custody drug-related	George Bailey Detention	Acute fentanyl intoxication	Accident
21-057	Anderson, Eric	Deputy-involved shooting	North Coastal Station	Perforating gunshot wound of torso	Homicide
21-058	Sawyer, David	Drug-related (patrol)	Alpine Station	Toxic effects of methamphetamine Contributing: Hypertensive cardiovascular disease; obesity	Accident
21-063	Estrada, Ronaldino	In-custody drug-related	Vista Detention Facility	Acute fentanyl intoxication Contributing: Hypertensive and atherosclerotic cardiovascular disease	Accident
21-069	Rodriguez, Saxon	In-custody drug-related	San Diego Central Jail	Combined fentanyl and methamphetamine toxicity	Accident
21-082	Salyers, Richard	In-custody homicide	San Diego Central Jail	Strangulation	Homicide
21-084	Davey, Glenn	In-custody natural	San Diego Central Jail	Hypertensive and atherosclerotic cardiovascular disease Contributing: Obesity	Natural
21-088	Alan A.	In-custody poss. drug-related	Kearny Mesa Juvenile Detention Facility	Awaiting records	Pending
21-094	Wright, John	In-custody natural	Vista Detention Facility	Hyperglycemia and ketoacidosis due to diabetes mellitus Contributing: Volvulus with thrombosis of superior mesenteric artery; atherosclerotic cardiovascular disease	Natural
21-104	Tuazon, Teresita	In-custody natural	Las Colinas Detention and Re-Entry Facility	Complications of diabetes mellitus Contributing: Hypertensive and atherosclerotic cardiovascular disease; cirrhosis of liver	Natural
21-113	Hernandez, Rafael	In-custody suicide	San Diego Central Jail	Hanging	Suicide
21-114	Eshback, Richard	In-custody natural	George Bailey Detention Facility	Complications of COVID-19 Contributing: Cirrhosis of liver; pulmonary emphysema	Natural



Case #	Decedent	Category	Facility/Area	Cause of Death	Manner of Death
21-116	Smith, Earl	In-custody natural	Vista Detention Facility	Complications of COVID-19	Natural
21-118	Moniger, Robert	In-custody natural	San Diego Central Jail	COVID-19 viral pneumonia Contributing: Atherosclerotic and hypertensive cardiovascular disease	Natural
21-120	Alamos, Gumercindo	In-custody natural	Vista Detention Facility	Atherosclerotic and hypertensive cardiovascular disease Contributing: Non-small cell lung cancer; COVID-19 viral infection; diabetes mellitus	Natural
21-125	Borunda, Jerry	In-custody drug-related	San Diego Central Jail	Anoxic encephalopathy due to resuscitated cardiorespiratory arrest due to fentanyl toxicity Contributing: Blunt force torso trauma	Accident
21-130	McCoy, Dominique	In-custody homicide	San Diego Central Jail	Blunt force injuries of head	Homicide
Total Cases: 25 (18 – SDSL detention facility-related)					

**Death Cases Closed in 2021 (Table 6)**

Case #	Decedent	Category	Facility/Area	Cause of Death	Manner of Death
19-100	Sevilla, Jose	In-custody drug-related	George Bailey Detention Facility	Acute heroin intoxication	Accident
19-104	Pickett, Daniel	In-custody drug-related	San Diego Central Jail	Toxic effects of methamphetamine	Accident
19-126	Ralph, Donald	In-custody suicide	San Diego Central Jail	Asphyxia due to occlusion of airway by sock	Suicide
19-128	Serna, Elisa	In-custody natural	Las Colinas Detention and Reentry Facility	Complications of chronic polysubstance abuse Contributing: Early intrauterine pregnancy	Natural
19-143	Godfrey, Matthew	In-custody natural	San Diego Central Jail	Hypertensive and atherosclerotic cardiovascular disease	Natural
20-012	Wilson, Blake	In-custody drug-related	San Diego Central Jail	Acute fentanyl, acetyl fentanyl, butyryl fentanyl, and heroin intoxication	Accident
20-063	Morton, Joseph	In-custody suicide	Vista Detention Facility	Hanging	Suicide
20-071	Fonseca, Spiros	In-custody suicide	San Diego Central Jail	Asphyxia due to hanging	Suicide
20-072	Jimenez, Joseph	Drug-related	Vista Patrol Station	Anoxic-ischemic encephalopathy due to resuscitated cardiopulmonary arrest due to acute methamphetamine intoxication	Accident
20-096	Armendo, Mark	Out-of-custody drug-related	Vista Detention Facility	Fentanyl toxicity Contributing: COVID-19	Accident
20-102	Rogers, Adam	In-custody drug-related	Vista Detention Facility	Acute fentanyl, alcohol, and citalopram intoxication	Accident
20-105	Brogan, Nathan	In-custody natural	Vista Detention Facility	Acute myocardial infarction	Natural
20-112	Loredo, Edel	In-custody natural	George Bailey Detention Facility	Respiratory failure due to COVID-19 Contributing: Asthma, diabetes mellitus, and hypertension	Natural
20-113	Alvarez, Lazaro	In-custody drug-related	San Diego Central Jail	Sudden cardiac arrest due to acute myocardial infarction due to methamphetamine and fentanyl toxicity	Accident
20-114	Gonzaba, Antonio	In-custody drug-related	Vista Detention Facility	Fentanyl, bupropion, gabapentin, and trazodone toxicity	Accident
21-006	Bullock, Jeffrey	Barricade	Lakeside Station	Perforating gunshot wound of head	Suicide
21-015	Vallin, Guillermo	Barricade	Rural Law Enforcement	Penetrating gunshot wound of head	Suicide
Total Cases: 17					



2021 Policy Recommendations (PRs Related to Deaths in Blue) (Table 7)

POLICY RECOMMENDATIONS - 2021			
#	Case #	Policy Recommendations	Outcome
1	2020-004	<ol style="list-style-type: none"> 1. It is recommended that the SDSD update their DSB P&P Section N.5 to correlate with the wording in SDSD DSB P&P Section J.4, which states that those inmates housed in the jail's high-risk EOH unit will not attend court. 2. Additionally, it is recommended that the SDSD update their DSB P&P Section P.9 to correlate with the wording in SDSD DSB P&P Section J.4, which states that those inmates housed in the jail's high-risk EOH unit are not permitted to have social visits. 	Recommendations #1 and #2 Not Accepted
2	2020-014	<ol style="list-style-type: none"> 1. CLERB recommends that the wording of the Policy Section in SDSD DSB P&P I.83 clearly define a cell extraction as a "planned" event, as without the official planning component, two verbal warnings are not required, a safety deputy tasked solely with monitoring the health and safety of the inmate is not required, and the recording of the event is not required when attempting to "extract" an inmate from a cell or other area of the facility. Without planning, any subsequent use of force is simply a use of force without the extra precautions required for a "cell extraction." 	Recommendation Implemented
3	2020-047	<ol style="list-style-type: none"> 1. It is recommended that the San Diego Sheriff's Department create or amend the appropriate applicable policies and procedures to reflect that sworn members serving food to inmates do so in a professional, courteous, and sanitary manner. 	Recommendation Implemented
4	2020-063 (DEATH)	<ol style="list-style-type: none"> 1. It is recommended that the San Diego Sheriff Department update its Detention Services Bureau (DSB) P&P Section I.19 Security Video Systems, to mandate that sworn staff document and keep a record of video system checks. 	Recommendation implemented



5	2020-097	1. It is recommended that that the San Diego Sheriff's Department (SDSD) revise its Policies and Procedures Manual, Addendum F, entitled, "Use of Force Guidelines," to mandate the use of de-escalation techniques ("shall") when it is safe and reasonable to do so.	Recommendation Implemented
6	N/A (DEATH)	<u>To SDSD:</u> 1. Allow a CLERB staff member with extensive death investigation experience to be present at the initial death scene and any related incident scene and, without compromising or obstructing the law enforcement investigation, receive a briefing, participate in a scene walk-thru, and have any questions about the circumstances surrounding the events leading up to, and including the death, answered.	Recommendation Implemented
7	N/A (DEATH)	<u>To Probation:</u> 1. Allow a CLERB staff member with extensive death investigation experience to be present at the initial death scene and any related incident scene and, without compromising or obstructing the law enforcement investigation, receive a briefing, participate in a scene walk-thru, and have any questions about the circumstances surrounding the events leading up to, and including the death, answered.	Awaiting Response
8	N/A (DEATH)	1. Revise the Homicide Unit Policy and Procedures to discontinue the "standard procedure" for "sealing" of in-custody death cases in which there are no indications or suspicions of foul play, and the prospect of criminal law enforcement proceedings is not concrete and definite.	Recommendation Implemented
9	2020-113 (DEATH)	1. It is recommended that the San Diego Sheriff's Department (SDSD) revise its Detention Policies and Procedures Section I. 64, entitled, "Safety Checks: Inmates, Housing, and Holding Areas," to mandate proof of life verification through visual checks every 60 minutes during the booking process.	Recommendations #1 and #2 Not Accepted



		<p>2. It is recommended that the San Diego Central Jail (SDCJ) only utilize cells with operable cameras unless all cells with operable cameras are in use.</p>	
10	2021-060	<p>1. It is recommended that the SDCJ create a policy that mandates conducting all Detentions Investigations Unit interviews in a private area, out of view of other inmates.</p>	<p>Awaiting Response</p>



Budget

CLERB Two-Year Adopted Operational Plan Budget

The County of San Diego Adopted Operational Plan is the Board of Supervisors' two-year financial plan that allocates resources to specific programs and services that support the County's long-term goals; it includes the adopted budget for the first year and a tentative budget that is approved in principle for the second year.

Line Item Category	FY 2020-21	FY 2021-22
Total Expenses	\$1,501,491	\$1,559,269
Salaries & Benefits	\$1,237,779	\$1,296,351
Services & Supplies	\$263,712	\$262,918
General Revenue	\$1,501,491	\$1,559,269
Employee Positions	8	8

Source: https://www.sandiegocounty.gov/content/dam/sdc/auditor/pdf/adoptedplan_21-23_fgg.pdf



Glossary of Terms & Definitions

Action Justified:

A finding that indicates CLERB's investigation showed the alleged act did occur, and was lawful, justified and proper.

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.

Not Sustained (Insufficient Evidence):

A finding that indicates CLERB's investigation produced insufficient evidence to either prove or disprove the allegation.

Preponderance of the Evidence:

Evidence that has more convincing force than that opposed to it. This is the standard of proof used in CLERB's investigations.

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.

Note: A **One-Year Summary Dismissal** occurs when a case is summarily dismissed as it was not completed within the year stated by CLERB's Rules & Regulations, Section 15.d: *Case investigation is not completed within one year, not including applicable tolling exemptions; Staff shall submit the case to CLERB for Summary Dismissal.*

Sustained:

A finding that indicates CLERB's investigation supported the allegation and the act or conduct was not justified.

Tolling:

The pausing or delaying of the running or period of time set forth by a statute of limitations.

Unfounded:

A finding that indicates CLERB's investigation showed the alleged act or conduct did not occur.