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County of San Diego

CITIZENS' LAW ENFORCEMENT REVIEW BOARD

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MEETING AGENDA

Tuesday, July 12, 2022, 5:30 p.m.

Remote Meeting Zoom Platform

<https://us06web.zoom.us/j/85498382922?pwd=bFRqb245NGtvN2ZUWkQraUc4YVJidz09>

Phone: +1 669 444 9171

Webinar ID: 854 9838 2922

Passcode: 956031

Pursuant to Government Code Section 54954.2 the Citizens' Law Enforcement Review Board will conduct a meeting at the above time and place for the purpose of transacting or discussing business as identified on this agenda. Complainants, subject officers, representatives, or any member of the public wishing to address the Board should submit a "Request to Speak" form prior to the commencement of the meeting.

DISABLED ACCESS TO MEETING

A request for a disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting. Any such request must be made to CLERB at (619) 238-6776 at least 24 hours before the meeting.

WRITINGS DISTRIBUTED TO THE BOARD

Pursuant to Government Code Section 54957.5, written materials distributed to CLERB in connection with this agenda less than 72 hours before the meeting will be available to the public at the CLERB office located at 555 W Beech Street, Ste. 220, San Diego, CA.

1. ROLL CALL

2. PUBLIC COMMENTS

This is an opportunity for members of the public to address the Board on any subject matter that is within the Board's jurisdiction but not an item on today's open session agenda. **Each speaker shall complete and submit an online "Request to Speak" form.** Each speaker will be limited to three minutes. This meeting will be held remotely via the Zoom Platform. Click the link in the agenda header above to access the meeting using the Google Chrome web browser. Contact CLERB at clerb@sdcounty.ca.gov or 619-238-6776 if you have questions.

3. MINUTES APPROVAL (Attachment A)

4. PRESENTATION/TRAINING

- a) San Diego Sheriff Anthony Ray
- b) San Diego Assistant Sheriff Theresa Adams-Hydar, Detentions Services Bureau
- c) San Diego Chief Probation Officer Tamika Nelson

5. EXECUTIVE OFFICER'S REPORT

- a) Overview of Activities of CLERB Executive Officer and Staff
- b) Workload Report – Open Complaints/Investigations Report (Attachment B)
- c) Case Progress and Status Report (Attachment C)
- d) Executive Officer Correspondence to Full CLERB (Attachment D)
- e) Hearing Notice and Agenda Content (Attachment E)
- f) Policy Recommendation Pending Responses
 - i. 21-004 / Moreno (Death) – SDSD
 - It is recommended that the San Diego Sheriff's Department (SDSD) identify who answers the "Arresting Officer Questions" on the Receiving Screening Questionnaire during the Booking process.
 - ii. 21-060 / Meadows – SDSD
 - It is recommended that the San Diego Sheriff's Department (SDSD) create a policy that mandates conducting all Detentions Investigative Unit (DIU) interviews in a private area, out of view from other inmates.
 - iii. Reduction of Racially Disparate Policing Practices – SDSD
 - Reduce discretionary stops or contacts, traffic or otherwise, pertaining to low-level offenses that do not compromise actual public safety. Many of these stops are pretextual in nature and oftentimes used to make an initial contact with the primary goal of locating weapons, drugs, warrants, suspended licenses, etc.
 - Eliminate stopping or contacting people solely for lower-level traffic offenses, such as:
 - Expired registration,
 - Equipment violations, and
 - No seatbelt in use.
 - Eliminate contacting people solely for quality-of-life issues not jeopardizing public safety, such as loitering or jaywalking.
 - Add to Subsection B of Field Operation Manual Policy 1, "Use of Discretion," that discretionary decisions should be evaluated for whether they will result in racially disparate treatment or outcomes.
 - Provide justification for a stop or contact on body worn camera (BWC).
 - Proactively review BWC footage for the sole purpose of analyzing deputy interactions with people of color in comparison to interactions with white people.
 - Institute pre-employment screening for existing implicit and explicit bias.
 - iv. Create Fentanyl Canine Policy and Procedures – SDSD
 - Update Detentions Services Bureau Policy 1.87, entitled, "Detention Canine Program," and its Detentions Canine Manual to include said P&P. The P&P should indicate that the fentanyl canine will be used for searches of contraband in all areas; to conduct sniffs of all persons entering a facility to include visitors, inmates, and staff; and to conduct sniffs of persons already inside of a facility, to include visitors, inmates, and staff.
 - v. CLERB Staff Response to Death Scenes – Probation
 - 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.

- vi. Use of Technology to Monitor Health and Safety of Inmates – Probation
 - Research, and publicly report the results of its research efforts, i.e., associated costs, technology considered, reasons for not implementing, if applicable, etc., the use of technological devices to identify and subsequently aid inmates who may be in medical distress.
 - Incorporate into policy the use of technological devices to identify and subsequently aid inmates who may be in medical distress.

g) Policy Recommendation Responses

- i. None

h) Sustained Finding Pending Responses

- i. None

i) Sustained Finding Response

- i. None

6. BOARD CHAIR’S REPORT

7. NEW BUSINESS

- a) Continuance of Teleconferencing Meeting Option Pursuant to Government Code Section 54953(e)
- b) Amendment to CLERB Regular Meeting Schedule

8. UNFINISHED BUSINESS

- a) Update: Report Back on Feasibility of Third-Party Jail Administration
- b) Update: Authority for the Executive Officer to Work with County Staff to Pursue Legislation and/or to Add a Policy to the County Legislative Program in Support of Increased Transparency in Civilian Oversight of Peace Officers and Custodial Officers
- c) Update: Authority for the Executive Officer to Work with County Staff to Request that the County Board of Supervisors Expand CLERB’s Jurisdiction to Include Personnel Involved in Providing Medical Care in County Detention Facilities

9. BOARD MEMBER COMMENTS

10. SHERIFF/PROBATION LIAISON QUERY

11. CLOSED SESSION

- a) PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Discussion & Consideration of Complaints & Reports: Pursuant to Government Code Section 54957 to hear complaints or charges brought against Sheriff or Probation employees by a citizen (unless the employee requests a public session). Notice pursuant to Government Code Section 54957 for deliberations regarding consideration of subject officer discipline recommendation (if applicable).
- b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Notice pursuant to Government Code section 54957
Title: Executive Officer, CLERB

CASES FOR SUMMARY HEARING (12)

21-055/FROST

1. Misconduct/Procedure – Deputy 4 questioned the complainant.
2. Misconduct/Procedure – Deputy 5 changed the complainant's gender on her Booking/Intake form.
3. Discrimination/Gender – Deputy 2 failed to alert intake deputies of the complainant's transgender identity.
4. Misconduct/Procedure – Deputy 1 failed to notate the complainant's Booking Intake (J-15) form.
5. Misconduct/Procedure – Deputy 3 placed the complainant in a cell with three "cisgender" men.
6. Misconduct/Procedure – Deputy 6 placed the complainant in a cell with three "cisgender" men.
7. Misconduct/Intimidation – Deputy 6 was "mean and stern" with the complainant.
8. Misconduct/Discourtesy – Deputy 3 was discourteous to the complainant.
9. Misconduct/Medical (I/O) – SDSD medical staff failed to summon paramedics and/or take the complainant to the hospital.
10. Misconduct/Procedure – Deputy 3 failed to release the complainant.
11. Discrimination/Gender – Deputy 3 used masculine pronouns to identify and/or address the transgender complainant.
12. Discrimination/Gender – Deputy 6 used masculine pronouns to identify and/or address the transgender complainant.

POLICY RECOMMENDATION

It is recommended that the San Diego Sheriff Department (SDSD) revise Patrol Procedures Manual Policy 25 Prisoner Transportation (and any other associated policies), as it pertains to Subsection C, Deputy's Responsibilities at Detention Facility to mandate that an arrestee **shall** be taken to a facility that coincides with the arrestee's gender identity. As such, an arrestee who identifies as being female **shall** be taken to Las Colinas Detention Re-Entry Facility or Vista Detention Facility, and an arrestee who identifies as being male **shall** be taken to San Diego Central Jail, or Vista Detention Facility. If the arrestee identifies as non-binary, the arresting officer **shall** inquire as to whether the arrestee would prefer to be booked into a male or female facility and transport accordingly.

21-070/MITTEN

1. Misconduct/Procedure – An unidentified employee failed to assist the complainant.
2. Misconduct/Procedure – Deputy 1 frequented the mobile home park where the complainant resided.
3. Misconduct/Intimidation – Deputy 1 threatened the complainant's life and her dog's life.
4. Excessive Force – Deputy 1 used force when he arrested the complainant.
5. False Arrest – Deputy 1 arrested the complainant

6. Misconduct/Procedure – Deputy 1 did not give the complainant her purse and he failed to secure and/or protect the complainant’s property.
 7. Misconduct/Procedure – Deputy 1 failed to make arrangements for the complainant’s dog upon her arrest.
 8. Misconduct/Procedure – Deputy 1 did not don a Body Worn Camera while on-duty.
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21-071/PICKETT

1. Illegal Search & Seizure – Deputy 2 detained the complainant.
 2. Excessive Force – Deputies 1-4 used force to arrest the complainant.
 3. Illegal Search & Seizure – Deputies 2 and 5 towed the complainant’s vehicle.
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21-076/PADILLA

1. Misconduct/Procedure – Deputy 4 questioned the complainant.
 2. Misconduct/Procedure – Deputy 1 transported the complainant to a hospital in a patrol vehicle.
 3. Misconduct/Discourtesy – Deputy 1 ignored the complainant’s health conditions.
 4. Misconduct/Discourtesy – Deputy 1 “ran a speed bump with deliberate intent.”
 5. Misconduct/Discourtesy – Deputy 1 treated the complainant like a “suspect,” and “threatened” to handcuff him.
 6. Misconduct/Discourtesy – Deputy 1 “argued with and provoked” the complainant.
 7. Misconduct/Discourtesy – Deputies 1, 2 and 3 “mocked and/or laughed at” the complainant.
 8. Misconduct/Procedure – Deputy 1 denied the complainant use of his cell phone.
 9. Misconduct/Procedure – SDSO failed to “acknowledge/confirm receipt” of correspondence submitted by the complainant.
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21-094/WRIGHT

1. Death Investigation/In-Custody Medical – John Edward Wright, while an inmate at the Vista Detention Facility, was found unresponsive in his cell on 09-16-21. Despite aggressive resuscitative efforts, he was pronounced dead at the scene.
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21-100/RICHARDSON

1. Misconduct/Discourtesy – Deputy 1 refused to acknowledge the complainant.
2. Misconduct/Procedure – Deputy 1 exhibited “extremely dangerous and reckless” behavior.
3. Discrimination/Other – Deputy 1 discriminated against the complainant.

POLICY RECOMMENDATION

This is the third incident over the past two years in which CLERB received complaints alleging that deputies assigned to the Imperial Beach Substation either failed to respond to community members while being videorecorded or attempted to interfere with a community member's right to videorecord law enforcement activity. In CLERB Case #20-025, there was insufficient evidence to determine whether, during nighttime hours, a deputy shined a flashlight toward the complainant for the purpose of interfering with his recording of the deputy's activities. In CLERB #21-024, CLERB sustained findings of a deputy refusing to acknowledge a complainant and provide identification upon request while being videorecorded. During that time, CLERB did not receive similar allegations about deputies assigned to any other station. As such, CLERB makes the following recommendation:

1. The San Diego Sheriff's Department (SDSD) update the Legal Affairs Update entitled "The Public Can Record the Police" dated 11-14-14, and document its review with all deputies, specifically those assigned to the Imperial Beach Substation.
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21-119/MITTEN

1. Misconduct/Procedure – Deputy 1 failed to provide medical aid to the complainant on 04-27-20.
 2. Misconduct/Procedure – Deputy 1 failed to act on a report of animal abuse on 09-04-20.
 3. False Reporting – Deputy 1 filed false reports.
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21-127/PLASCENCIA

1. Use of Force Resulting in Great Bodily Injury – Deputies 1 and 2 utilized force during the booking process with Armando Plascencia.
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22-035/ABNER

1. False Arrest – San Diego Police Officers arrested the complainant.
 2. Criminal Conduct – Unidentified personnel did not read the complainant his rights.
 3. Excessive Force – An unidentified person "punched" the complainant in the face.
 4. Misconduct/Intimidation – Unidentified personnel threatened to kill the complainant.
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22-058/BLUE

1. Misconduct/Procedure – Deputy 1 "invaded" the complainant's privacy.
2. Misconduct/Discourtesy – Deputy 1 was "dismissive" toward the complainant.
3. Misconduct/Procedure – Deputy 1 "advised" the complainant to move his vehicle.
4. Misconduct/Procedure – Deputy 1 "showed a complete dereliction of duty".
5. Misconduct/Discourtesy – Deputy 2 was "dismissive" toward the complainant.

6. Misconduct/Intimidation – Deputy 2 directed the complainant to move his vehicle.
7. Misconduct/Discourtesy – Deputy 2 told the complainant, “we don’t want you here in this city”.
8. Misconduct/Harassment – Deputy 1 and Deputy 2 harassed the complainant.
9. Discrimination/Racial – Deputy 1 and Deputy 2 discriminated against the complainant.
10. Misconduct/Harassment – Unidentified San Marcos, Encinitas, and Vista deputies “targeted” the complainant.
11. Misconduct/Harassment – Unidentified Carlsbad Police Officers “targeted” the complainant.

POLICY RECOMMENDATION

CLERB recommends the San Diego Sheriff’s Department (SDSD) create a Training Bulletin on the subject of handicap parking law enforcement, to include but not limited to temporary and permanent handicap placards and parking restrictions, for distribution to all patrol deputies.

22-059/BOJINOFF

1. Criminal Conduct – Unidentified “officers” “violated/raped” the complainant.
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22-066/GATLIN

1. Misconduct/Procedure – A Parole Officer “dismissed” evidence presented by the complainant.
 2. Misconduct/Discourtesy – A Parole Officer was “rude, dismissive, and insensitive” to the complainant.
 3. Misconduct/Procedure – A Parole Officer failed to provide a supervisor’s name upon request.
 4. Misconduct/Procedure – A Parole Officer failed to provide an email address upon request.
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End of Report