

SEMI- ANNUAL REPORT 2022



County of San Diego

CITIZENS' LAW ENFORCEMENT REVIEW BOARD

SERVING THE COMMUNITY AND JUSTICE SYSTEM FOR 32 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 as of June 30, 2022

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

Staff as of June 30, 2022

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
Valeria Zagal-Garcia, Administrative Secretary III

Office Information

555 W. Beech Street, Suite 220
San Diego, CA 92101-2940
Phone: 619.238.6776; Fax: 619.238.6775
Email: clerbcomplaints@sdcounty.ca.gov
Internet: www.sdcounty.ca.gov/clerb



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 a Commissioner with the North County Gang Commission and Adjunct Administration of Justice Faculty Member at Palomar College. He is a Board-Certified Protection Professional (CPP), Certified Threat Manager (CTM), 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

This is the first-ever CLERB semi-annual report. Due to the concerns about the rate of deaths in San Diego County jails, this semi-annual report will primarily focus on in-custody deaths and CLERB's policy recommendations pertaining to deaths.

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.

A CLERB-commissioned study by Analytica Consulting comparing death rates in San Diego County jails to those from 11 other California counties found the following:

1. Residents of San Diego County are no more likely to die than residents of other California counties.
2. After considering countywide mortality rates, San Diego jails have the highest number of unexpected deaths.
3. In San Diego County, Whites are more likely to die in jail; Blacks are more likely to be in jail.
4. San Diego County inmates have the highest overdose/accidental death rates. An inmate in San Diego is two times more likely to die in this manner than what is expected based on county mortality rates. San Diego County was the only county with a statistically significant excess number of overdose/accidental deaths. A review of drug-related causes of death for inmates over the past two years indicated that fentanyl, a synthetic opioid, contributed to most of those deaths.
5. San Diego is one of many counties with high suicide rates in jails.
6. Elevated risk of death appears to be isolated to the unsentenced population.
7. Public oversight of in-custody deaths lacks key information.

As of August 20, 2022, 22 death cases have been opened; the breakdown of those deaths is as follows (see Table 5, pages 18 and 19):

- The following 16 deaths occurred in SDSD detention facilities:
 - Three natural deaths: one each at George Bailey Detention Facility (GBDF), San Diego Central Jail (SDCJ), and Vista Detention Facility (VDF). The natural death at SDCJ was COVID-related.
 - The remaining 13 deaths have pending causes and manners, presumably due to delayed toxicological testing.
- Two barricade situations in SDSD law enforcement service areas resulted in gunshot wound suicides.
- One death with an unknown cause and manner occurred in Vista.
- Two deputy-involved shooting deaths, one by a Bomb/Arson assigned deputy and one by Court Services deputies.

As of August 20, 2022, CLERB has made 26 total policy recommendations, 24 to SDSD (12 pertaining to deaths) and two (both pertaining to death) to Probation (see Table 7, pages 21 to 25).

- Eight recommendations to SDSD (six pertaining to deaths) were implemented,
- Nine recommendations to SDSD (three pertaining to deaths) were not accepted, and
- Nine recommendations to SDSD (three pertaining to deaths) are still under review by SDSD.



- Two recommendations to Probation (pertaining to deaths) are still under review by Probation.

Although SDSD has implemented numerous measures to deter drugs from entering its detention facilities, there is no doubt that illicit substances are being introduced to the incarcerated person (I/P) population. As such, when it cannot be determined where or how the illicit substances entered the facility and a subsequent death is drug-related, CLERB no longer rules the general death investigation allegation "Action Justified" but instead now rules it "Not Sustained."

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 SDSD 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. Without jurisdiction over medical staff, CLERB is unable to fully investigate in-custody deaths as CLERB is unable to review the totality of circumstances leading to many of the deaths. I am in the process of pursuing this jurisdiction and will provide an update in the 2023 Annual Report.

CLERB was also audited as part of the CSA audit of SDSD. Six recommendations for improvement were made; as of August 20, 2022, the status of the recommendations was as follows:

- Recommendation One: Discuss and modify its current agreement with the Sheriff's Department and the labor organization to allow CLERB's investigators to conduct independent interviews of Sheriff's Department sworn staff.

In July 2022, the CLERB Executive Officer (EO), the Deputy Sheriff's Association (DSA) President, DSA Counsel, and CLERB's Outside Counsel continued the conversations initiated in the last quarter of 2021. The DSA will permit interviews of San Diego Sheriff's Department (SDSD) sworn staff when CLERB staff deems an interview is necessary. SDSD personnel, CLERB staff, and the DSA will ensure the interviews are conducted pursuant to the protections provided by the Public Safety Officers Procedural Bill of Rights Act detailed in California Government Code Sections 3300-3313 and any other applicable law.

- Recommendation Two: Develop a comprehensive training manual for its investigators that outlines standard procedures for investigations. The manual should include a specific section dedicated to investigations of in-custody deaths, including guidance for evaluating the circumstances leading up to an in-custody death, such as the decedent's mental health history and the appropriateness of the decedent's housing assignment.

A comprehensive training manual containing the following topics has been completed:

- County structure
- CLERB historical perspective
- County Charter, Section 606
- County Administrative Code, Section 340
- CLERB Rules and Regulations
- Civil Service Commission Rule XV
- Case Law Including and impacting CLERB
- Public Safety Officer Procedural Bill of Rights (POBOR)
- Statutes Pertaining to Peace Officer Records
- San Diego County Grand Jury Reports Pertaining to CLERB
- Ralph M. Brown Act
- San Diego County Operational Plan Pertaining to CLERB
- CLERB's Internal Policies and Procedures

The training manual is being finalized to include a specific section dedicated to investigations of in-custody deaths, to include an evaluation of the circumstances leading up to an in-custody death,



and to include a review of the decedent's mental health history and the appropriateness of the decedent's housing assignment. It will also include evaluations of a trainee's performance and documentation as to his/her progress, or lack thereof. In addition to these critical topics, there will be documented instructions to evaluate the timeliness and thoroughness of welfare checks conducted on the decedent by deputies and assess whether deputies appropriately determined that a life-threatening emergency existed and responded accordingly. The EO will advise the CSA of the final training manual status during its one-year update.

- Recommendation Three: Create policies and procedures to require its investigators to finish casework on in-custody death investigations within three months of receiving the homicide investigation file. These policies and procedures should also require investigators to attempt to independently verify any information they receive from the Sheriff's Department; to thoroughly review deputy statements and reports from the homicide investigation file; and to request interviews with relevant detentions staff and other witnesses in all instances where they identify discrepancies or missing information.

On February 3, 2022, the EO incorporated all aspects of this recommendation into existing CLERB Policy #300.5, entitled, "Death Investigations."

- Recommendation Four: CLERB should revise its rules and regulations to include prioritization criteria for investigating in-custody deaths above all other investigations.

The EO and County Counsel have drafted verbiage to revise CLERB's Rules and Regulations (R&R) to prioritize death investigations over all other investigations. The EO is pursuing this change along with some other changes to the R&R and County Administrative Code (Code). Those additional changes require the assistance of Labor Relations and conferences with the affected labor associations. Once the labor relations process is complete, CLERB will review the proposed changes to the Code and R&R. If CLERB approves the changes, they will be brought before the Board of Supervisors for final approval. The EO will advise the CSA of the Code and R&R revision status during its one-year update.

- Recommendation Five: CLERB should revise its rules and regulations to include clarification that its investigations of in-custody deaths include those classified as natural deaths.

The EO and County Counsel have drafted verbiage to revise the R&R to clarify that CLERB's jurisdiction over death investigations includes those deaths classified as natural deaths. The EO is pursuing this change along with some other changes to the R&R and Code. Those additional changes require the assistance of Labor Relations and conferences with the affected labor associations. Once the labor relations process is complete, CLERB will review the proposed changes to the Code and R&R. If CLERB approves the changes, they will be brought before the Board of Supervisors for final approval. The EO will advise the CSA of the Code and R&R revision status during its one-year update.

- Recommendation Six: CLERB should perform an analysis of overall trends related to these deaths, including demographic information, and determine whether the trends suggest deficiencies in the Sheriff's Department's policies and procedures. It should also identify policy recommendations for improving the safety of individuals in the Sheriff's Department's custody. CLERB should include these trends and analysis in its annual reports starting with its 2021 report.

The current EO has prioritized in-custody death investigations and the analysis of overall trends related to the deaths, to include demographic information. The current EO has committed to expanding the reporting to include an analysis of overall trends related to deaths, including demographic information and whether the trends suggest a deficiency in the SDSD's policies and procedures, in the 2021 Annual Report. In addition, all CLERB policy recommendations made in 2021 will be included in the 2021 Annual Report. The 2021 Annual Report will be presented to CLERB in August 2022.



Our commitment to continuing to proactively improve upon the invaluable civilian oversight role we provide to the public, the SDSD, and the County is unwavering. The implementation of the CSA recommendations will assist with CLERB's provision of independent, timely, full, and thorough investigations into in-custody deaths which may, in turn, prevent future deaths.

On February 12, 2021, a stolen vehicle being pursued by San Diego Sheriff's Department (SDSD) personnel entered an intersection against a red light and collided with a vehicle driven by Isabella Nicole Calhoun. Ms. Calhoun was transported to a hospital where, despite aggressive resuscitative efforts by deputies and medical personnel, she died shortly thereafter. There is no dispute that decisions to pursue a motor vehicle are among the most critical ones made by law enforcement officers. These decisions are made quickly and under difficult, often unpredictable, circumstances. The inherent risk of injury and death to the public and pursuing deputies created by the initiation and / or participation in vehicle pursuits must be balanced with law enforcement's duty to enforce the law and apprehend violators. Pursuits should be prohibited when the only known offense at the time of initiation and / or participation in them is non-violent, to include a vehicle stolen under non-violent circumstances. It is true that many pursuits result in the uneventful apprehension of violators with no serious injuries or deaths to members of the public, involved law enforcement personnel, or the violators themselves. What is also true, however, is that a single death occurring as the result of a pursuit for a non-violent offense, especially a property crime, i.e., a stolen vehicle, is one death too many. CLERB made the following recommendations:

1. It is recommended that SDSD modify P&P Section 6.43 – Vehicle Pursuit, to mandate that deputies shall not initiate or participate in a pursuit in which the only known offense at the time of the initiation or subsequent participation is a non-violent crime, to include a stolen vehicle. SDSD did not accept the recommendation.
2. It is recommended that SDSD modify P&P Section 6.43 – Vehicle Pursuit, to indicate that when initiating a pursuit, a deputy must not only consider all public safety factors applicable to the particular facts and circumstances, but “shall” (as opposed to the current standard of “may”) consider the applicable public safety factors listed in the P&P. SDSD did not accept the recommendation.

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 SDSD practices from 2016-2108 identified racially disparate policing outcomes. In addition, a report by the Center for Policing Equity (CPE) commissioned by the SDSD 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 SDSD to reduce racially disparate policing practices.

As data indicate that minor infractions and low-level offenses are enforced in a largely disparate fashion, with people of color subjected to the enforcement on a much more frequent basis than those who are white, CLERB made the following recommendations:

1. 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.
 - a. Eliminate stopping or contacting people solely for lower-level traffic offenses, such as:
 - i) Expired registration,
 - ii) Equipment violations, and
 - iii) No seatbelt in use.



Just as registered owners of vehicles are responsible for parking violations upon receipt of a citation left on their vehicles, lower-level violations of the vehicle code can be handled by mailing a citation to registered owners. It should also be noted that California Vehicle Code 21455.5 already provides for the use of traffic signal automated enforcement and non-physical contact by deputies when certain requirements are met, thus resulting in persons being mailed citations for traffic signal violations. CLERB envisions deputies photographing violators and SDSD establishing a confidential process for reviewing, approving, and delivering citations, via mail, to the registered owners of involved vehicles.

Parking violation enforcement and traffic signal automated enforcement are cited herein solely to provide examples of citations already being issued without physical contact between suspected violators and deputies. CLERB is not suggesting, in any fashion, that activities jeopardizing public safety, e.g., speeding, failure to stop at a stop sign, running a red light, etc., should not result in a contact or stop. Activities placing public safety at risk must continue to be addressed as they occur.

- b. Eliminate contacting people solely for quality-of-life issues not jeopardizing public safety, such as loitering or jaywalking.

CLERB was not suggesting, in any fashion, that activities jeopardizing public safety should not result in a contact or stop. Activities placing public safety at risk must continue to be addressed as they occur. SDSD did not accept recommendations #1, #1a, or #1b.

2. 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. SDSD did not accept this recommendation.
3. Provide justification for a stop or contact on body worn camera (BWC). SDSD did not accept this recommendation, as SDSD indicated deputies already engage in this practice.
4. Proactively review BWC footage for the sole purpose of analyzing deputy interactions with people of color in comparison to interactions with white people. SDSD did not accept this recommendation, as supervisors already "spot check" BWC and take appropriate action based upon their review.
5. Because there exists a lack of evidence indicating that implicit bias training is effective and sustainable, institute pre-employment screening for existing implicit and explicit bias. SDSD accepted this recommendation, as it had already been occurring in full.

On three occasions over the past two years, 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. During that time, CLERB did not receive similar allegations about deputies assigned to any other station. As this activity tended to indicate a systemic issue or trend, CLERB made the following recommendation, which is still under review:

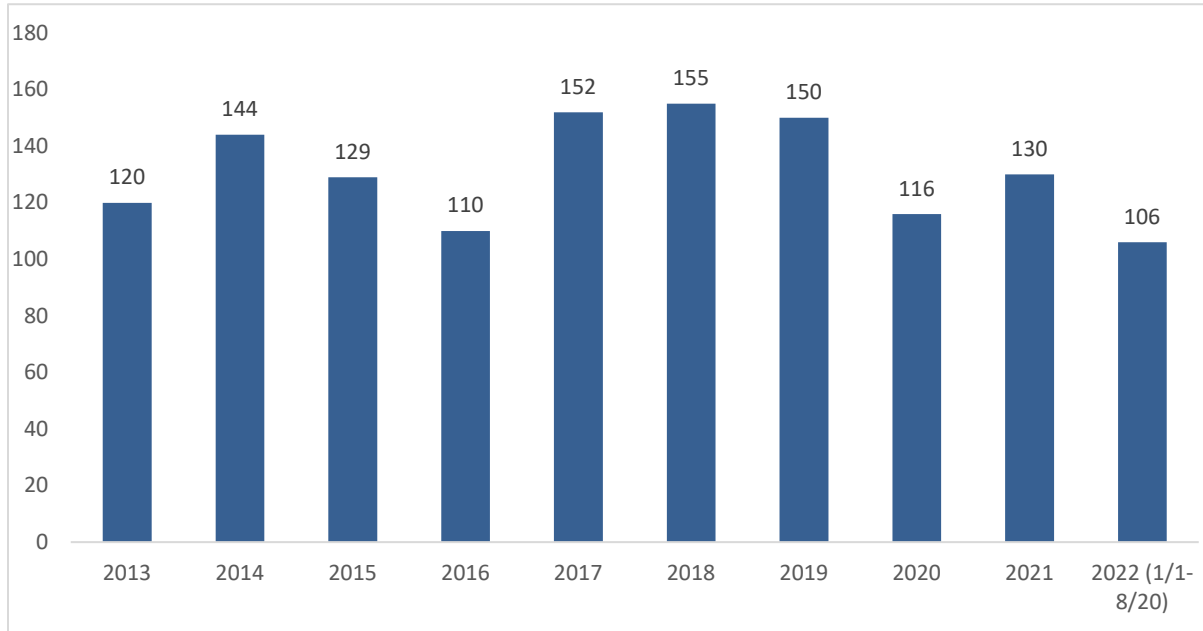
1. CLERB recommends the San Diego Sheriff's Department (SDSD) update the Legal Affairs Update entitled "The Public Can Record the Police" dated 11-14-14, and document its review with all deputies, specifically those assigned to the Imperial Beach Substation.

Finally, San Diegans for Justice (SDJ) commissioned a study into CLERB for the purpose of strengthening it. In early 2022, SDJ presented 70 opportunities for improvement, and I am currently working with County staff on the implementation of upwards of 68 of them. I will provide additional information in the 2022 year-end Annual Report.

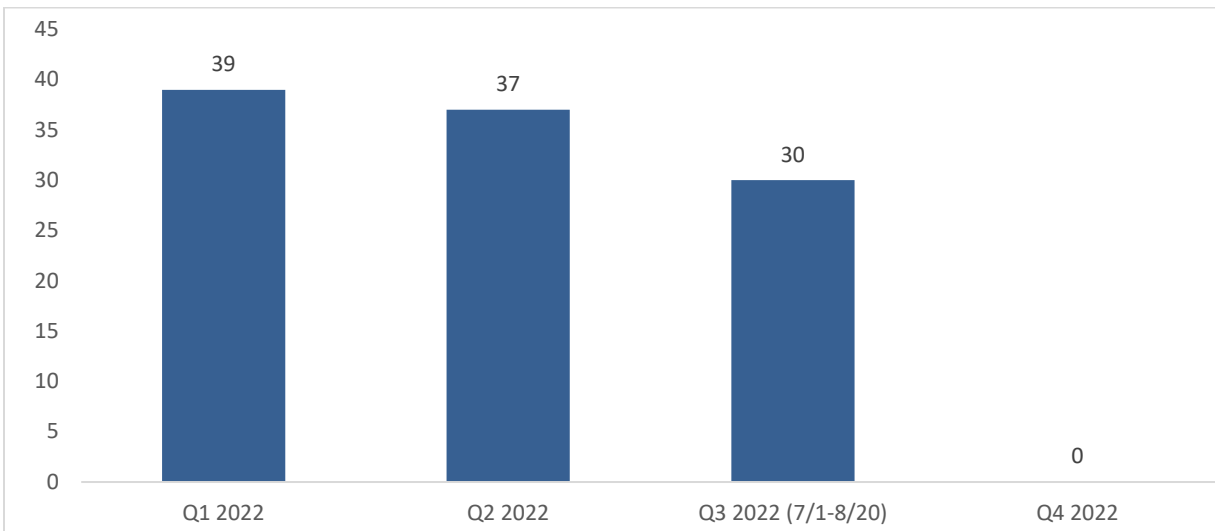
PAUL R. PARKER III
Executive Officer, 2021



Total Complaints Received by Year, 2013 – 2022 (Graph 1)



Total Complaints Received by Quarter, 2022 (Graph 2)





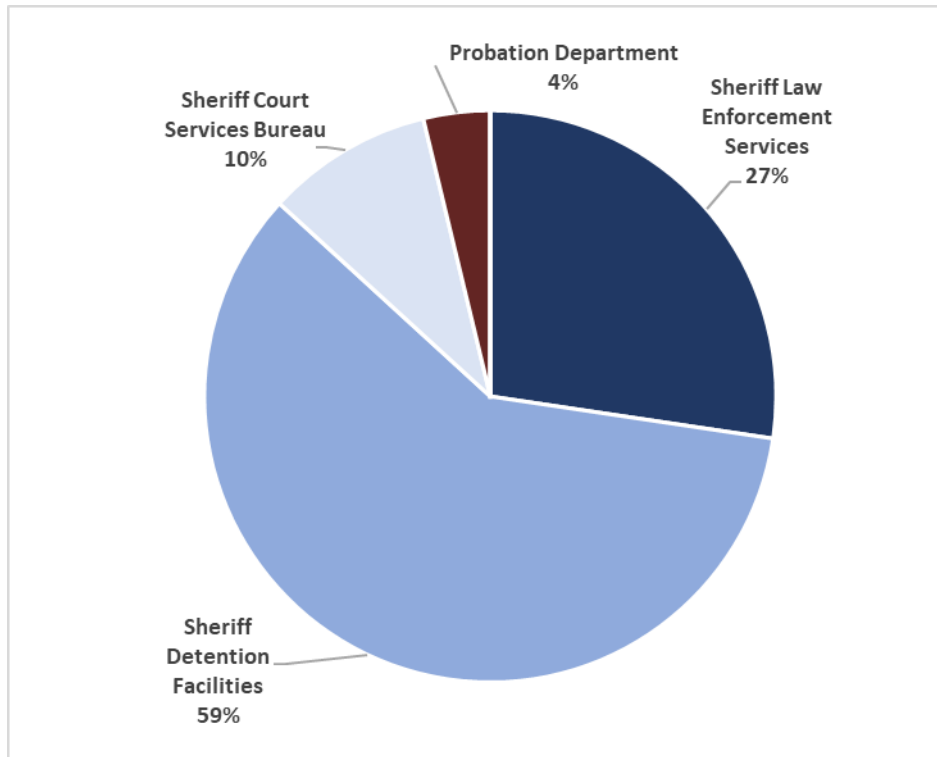
Cases, Deaths, & Specified Incidents Received by Unit, 2022 (Table 1)

Unit/Facility	Case Totals	Death	UOF GBI	UOF Protest	DC Firearm
LAW ENFORCEMENT					
4S RANCH SUBSTATION	0	0	0	0	0
ALPINE STATION	0	0	0	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	0	0	0	0	0
IMPERIAL BEACH SUBSTN	1	0	0	0	0
JULIAN SUB	0	0	0	0	0
LAKESIDE SUB	2	1	0	0	0
LEMON GROVE SUBSTN	3	0	0	0	0
NORTH COASTAL SHERIFF'S STATION	6	0	1	0	0
OFFICE OF THE SHERIFF	0	0	0	0	0
PINE VALLEY SUB	0	0	0	0	0
POWAY STN	2	0	0	0	0
RAMONA SUB	1	0	0	0	0
RANCHITA/WARNER SPR SUB	0	0	0	0	0
RANCHO SAN DIEGO STATION	4	0	2	0	0
RURAL LAW ENFORCEMENT	0	0	0	0	0
SAN MARCOS STN	4	0	2	0	0
SANTEE STN	1	1	0	0	0
SPRING VALLEY STOREFRONT	0	0	0	0	0
UNKNOWN UNIT	3	1	0	0	0
VALLEY CTR/PAUMA SUB	0	0	0	0	0
VISTA STN	2	1	0	0	1
LAW ENFORCEMENT TOTAL	29	4	5	0	1
DETENTIONS					
EAST MESA DF	2	0	0	0	0
FACILITY EIGHT DF	0	0	0	0	0
GEORGE BAILEY DF	15	3	3	0	0
LAS COLINAS DF	4	2	0	0	0
SD CENTRAL JAIL	27	8	2	0	0
SOUTH BAY DF	0	0	0	0	0
TRANSPORTATION UNIT	1	0	0	0	1
VISTA DF	14	3	2	0	0
DETENTIONS TOTAL	63	16	7	0	1
COURT SERVICES					
COURT SVCS	8	2	1	0	0
SAN DIEGO COURT	1	0	0	0	0
EL CAJON COURT	1	0	0	0	0
VISTA COURT	0	0	0	0	0
COURT SERVICES TOTAL	10	2	1	0	0
OTHER					
OTHER L.E.	0	0	0	0	0
OTHER TOTAL	0	0	0	0	0
PROBATION					
XPROB: ADULT SVCS.	4	0	0	0	0
XPROB: INST. SVCS.	0	0	0	0	0
XPROB: JUV. SVCS	0	0	0	0	0
PROBATION TOTAL	4	0	0	0	0
GRAND TOTAL	106	22	13	0	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, 2022 (Graph 3)





Board Action by Date Closed, Case Number, & Findings, 2022 (Table 2)

Note: Procedurally Closed Cases are listed separately in Table 3

CASE #	FINDINGS						DATE CLOSED
	Action Justified	Not Sustained	Sustained	Unfounded	Summary Dismissal	One-Year Summary Dismissal *	
20-104 (I)		1		2			01-11-22
20-107		1					
21-019	6						
21-020	2						
21-026	1						
21-050	4						
20-104 (II)			2				02-08-22
20-108	1						
21-008	1	5		7	5		
21-027					3		
21-031	4			1	1		
21-034					7		
21-035		4		2	1		
21-040	5	2		6			
21-004			5				03-08-22
21-084	1				1		
21-089	5		1	3	1		
21-128					2		
22-003					8		
21-014	3						04-12-22
21-038		1					
21-044	7	2		2			
21-051	1						
21-054	4			4			
21-058	1						
21-078	4						
21-079	1						
21-106				1	7		
21-112	1	4		1			
21-028		1	2				05-10-22
21-032	19			5	1		
21-057	2						
21-063		1					
21-092	2						
22-040					2		
22-047					1		
21-052	1	1		2			06-14-22
21-056	8			3			
21-061	4	1		1	3		



CASE #	FINDINGS						DATE CLOSED
	Action Justified	Not Sustained	Sustained	Unfounded	Summary Dismissal	One-Year Summary Dismissal *	
21-097		1			2		
21-099				2			
21-104	1						
21-115	7						
21-116	1						
21-120	1						
22-013	1			1	15		
21-055	4	3	5		1		7-12-22
21-070	3			5			
21-076	4	1		4			
21-094	1						
21-100			1	2			
21-119				1	2		
21-127	2						
22-035		1			3		
22-058	2	1		7	1		
22-059					1		
22-066					4		
21-053		1					08-09-22
21-071	7						
21-096		1		2			
21-110	3			2			
22-008	1						
22-029	3						
22-048					7		
22-069					2		
64	129	33	16	66	81	0	8 Meetings 64 Cases 325 Findings

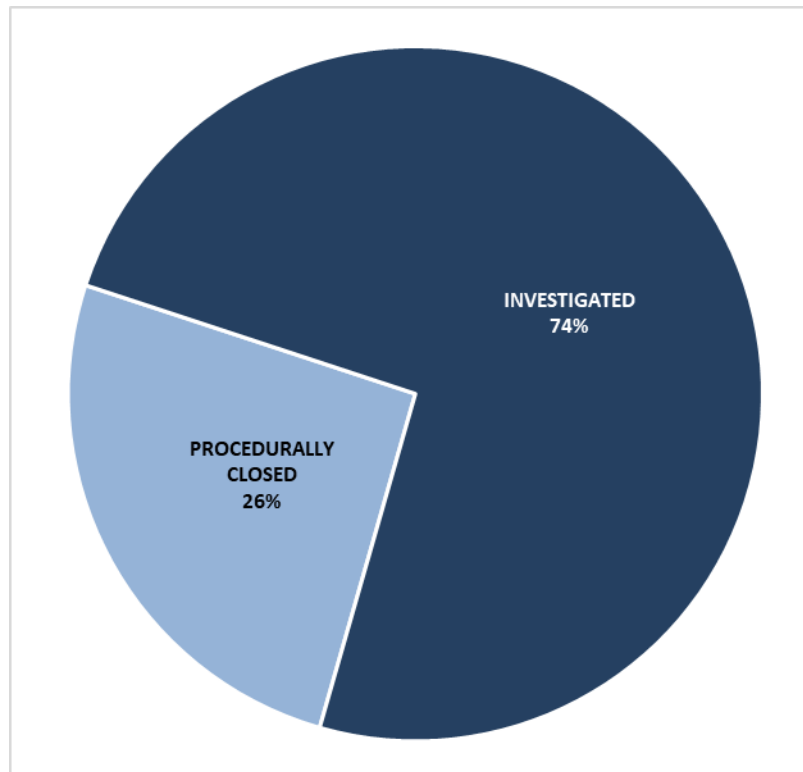
* Court decisions applicable to the Review Board and Government Code Section 3304(d) of the Public Safety Officers' Procedural Bill of Rights require that an investigation of a misconduct that could result in discipline be completed within one year of discovery of the misconduct, unless statutory exceptions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



Procedurally Closed Cases by Case Number, 2022 (Table 3)

Procedurally Closed by Staff – 25						
21-121	21-122	21-123	21-124	21-129	22-001	22-002
22-005	22-009	22-016	22-017	22-019	22-020	22-022
22-024	22-025	22-033	22-042	22-044	22-060	22-061
22-064	22-067	22-074	22-094			

Case Closure Type by Percentage, 2022 (Graph 4)



**Death Cases Opened in 2021 (SDSD Jail Deaths in Red) (Table 4)**

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 pending	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 Opened in 2022 (SDSD Jail Deaths in Red) (Table 5)

Case #	Decedent	Category	Facility/Area	Cause of Death	Manner of Death
22-006	Isaac, Daniel	Suicide	Santee Station	Gunshot wound of head	Suicide
22-007	Marler, Doyle	In-custody natural	Vista Detention Facility	Metastatic adenocarcinoma of esophagus	Natural
22-008	Ruiz, Rafael	In-custody natural	San Diego Central Jail	Complications of COVID-19 Contributing: End-stage renal disease; diabetes mellitus	Natural
22-010	Gil, Gilbert	In-custody pending	Vista Detention Facility	Awaiting records	Pending
22-014	Corrales, Mizael	Deputy-involved shooting	Bomb/Arson	Multiple gunshot wounds	Homicide
22-021	Li, Yan	Deputy-involved shooting	Court Services Bureau	Multiple gunshot wounds	Homicide
22-026	Schuck, William	In-custody pending	San Diego Central Jail	Awaiting records	Pending
22-031	Rupard, Lonnie	In-custody pending	San Diego Central Jail	Awaiting records	Pending
22-037	Baker, Derek	In-custody poss. homicide	San Diego Central Jail	Awaiting records	Pending
22-043	Lacy, Jerrell	In-custody pending	San Diego Central Jail	Pulmonary thromboemboli due to deep venous thromboses of lower extremities	Natural
22-053	Ornales, Omar	In-custody pending	George Bailey Detention	Awaiting records	Pending
22-056	Villasenor, Leonel	In-custody pending	San Diego Central Jail	Awaiting records	Pending
22-057	Nugent, Robert	Suicide	Court Services Bureau	Thermal injuries with smoke inhalation	Suicide



Case #	Decedent	Category	Facility/Area	Cause of Death	Manner of Death
22-063	Reynolds	In-custody pending	San Diego Central Jail	Pending	Pending
22-070	Pending	Pending	Vista Patrol	Pending	Pending
22-077	Wahlberg	In-custody pending	Las Colinas	Pending	Pending
22-080	Granillo	In-custody pending	Las Colinas	Pending	Pending
22-087	Good	In-custody pending	San Diego Central Jail	Pending	Pending
22-088	Sarabia	In-custody pending	George Bailey	Pending	Pending
22-093	Bousman	In-custody pending	Vista Detention	Pending	Pending
22-104	Settles	In-custody pending	George Bailey	Pending	Pending
22-106	Doe	Pending	Lakeside Station	Pending	Pending
Total Cases: 22 (16 – SDSL detention facility-related)					

Death Cases Closed in 2022 (Table 6)

Case #	Decedent	Category	Facility/Area	Cause of Death	Manner of Death
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
20-107	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
21-004	Moreno, Omar	In-custody undetermined	San Diego Central Jail	Choking Contributing: Acute methamphetamine intoxication	Accident
21-014	Calhoun, Isabella	Traffic/Pursuit	Rancho San Diego	Blunt force injuries	Accident
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
21-084	Davey, Glenn	In-custody natural	San Diego Central Jail	Hypertensive and atherosclerotic cardiovascular disease Contributing: Obesity	Natural
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
21-116	Smith, Earl	In-custody natural	Vista Detention Facility	Complications of COVID-19	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
22-008	Ruiz, Rafael	In-custody natural	San Diego Central Jail	Complications of COVID-19 Contributing: End-stage renal disease; diabetes mellitus	Natural
Total Cases: 18					

**2022 Policy Recommendations (PRs Related to Deaths in Blue) (Table 7)**

POLICY RECOMMENDATIONS - 2020			
#	Case #	Policy Recommendations	Outcome
1	2021-004 (DEATH)	1. It is recommended that the SDSD identify who answers the "Arresting Officer Questions" on the Receiving Screening Questionnaire during the booking process.	Awaiting Response
2	N/A (DEATH)	<u>To SDSD:</u> 1. 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. 2. Incorporate into policy the use of technological devices to identify and subsequently aid inmates who may be in medical distress.	Recommendations #1 and #2 Implemented
3	N/A (DEATH)	<u>To Probation:</u> 1. 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. 2. Incorporate into policy the use of technological devices to identify and subsequently aid inmates who may be in medical distress.	Awaiting Response to Recommendations #1 and #2
4	N/A	1. 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. a. Eliminate stopping or contacting people	Recommendations #1, #1a, #1b, #2, #3, and #4 Not Accepted Recommendation #5 Implemented



		<p>solely for lower-level traffic offenses, such as:</p> <ul style="list-style-type: none"> i) Expired registration, ii) Equipment violations, and iii) No seatbelt in use. <p>b. Eliminate contacting people solely for quality-of-life issues not jeopardizing public safety, such as loitering or jaywalking.</p> <ol style="list-style-type: none"> 2. 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. 3. Provide justification for a stop or contact on body worn camera (BWC). 4. Proactively review BWC footage for the sole purpose of analyzing deputy interactions with people of color in comparison to interactions with white people. 5. Because there exists a lack of evidence indicating that implicit bias training is effective and sustainable, institute pre-employment screening for existing implicit and explicit bias. 	
5	N/A (DEATH)	<ol style="list-style-type: none"> 1. It is recommended that the SDSD update P&P Section 6.134 entitled, "Family Liaison Protocol," to mandate that the Family Liaison, or designee, meet with the family at the conclusion of the investigation into a shooting, use of force resulting in significant injury or death, or an in-custody death. The purpose of the meeting will be to advise the family of the investigative outcome, answer questions, and provide information when appropriate. As currently stated in the P&P, when information cannot be released, the family will be provided with an explanation, follow-up, or referrals to appropriate agencies. 	Recommendation Implemented
6	N/A (DEATH)	<ol style="list-style-type: none"> 1. It is recommended that SDSD modify P&P Section 6.43 – Vehicle Pursuit, to mandate that deputies shall not initiate or participate in a pursuit in which the only known offense at the time of the initiation or subsequent participation is a non-violent crime, to include a stolen vehicle. 2. It is recommended that SDSD modify P&P Section 6.43 – Vehicle Pursuit, to indicate 	Recommendations #1 and #2 Not Accepted



		that when initiating a pursuit, a deputy must not only consider all public safety factors applicable to the particular facts and circumstances, but "shall" (as opposed to the current standard of "may") consider the applicable public safety factors listed in the P&P.	
7	2021-038 (DEATH)	1. It is recommended that the San Diego Sheriff Department update its Detention Services Bureau (DSB) P&P Section I.50 Body Scanners and X-Rays, as it pertains to Subsection III C and require that body scans be completed to include inmates transferred between facilities.	Recommendation Not Accepted
8	2021-078	1. It is recommended that the SDSD change SDSD P&P Section 6.131 titled, "Body Worn Camera," to direct that deputies shall begin recording prior to initiating any law enforcement related contact.	Recommendation Implemented
9	N/A (DEATH)	1. Make naloxone "readily available" to San Diego County Detention Facility inmates. 2. Educate inmates on opioid overdose and its signs, correct technique for administration of naloxone and, essential procedures, including performance of cardiopulmonary resuscitation.	Recommendations #1 and #2 Implemented
10	N/A (DEATH)	1. Update Detentions Services Bureau Policy I.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.	Recommendation Implemented
11	2021-055	1. 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	Awaiting Response



		<p>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.</p>	
12	21-100	<p>1. CLERB recommends 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.</p>	Awaiting Response
13	22-058	<p>1. 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.</p>	Awaiting Response
14	21-096	<p>1. It is recommended that the San Diego Sheriff's Department (SDSD) expand Policy and Procedures Section 6.131 entitled, "Body Worn Camera (BWC)" to incorporate the use of BWC to record all law enforcement-related contacts/interactions (i.e., telephonic calls for service, deputy call-backs, etc.), not just those contacts arising out of in-person scene responses or in-person deputy-initiated contacts.</p>	Awaiting Response
15	N/A (DEATH)	<p>1. Digitally scan all non-legal mail and ideally deliver to the incarcerated person addressed the mail via an electronic and non-physical method, e.g., kiosk, computer terminal, etc.</p>	Awaiting Response



16	N/A (DEATH)	<p>1. Physically search or body scan all persons entering a SDCS-operated detention facility, to include all SDCS employees, County employees, contractors, and those persons conducting county-related business.</p> <p>“All persons” also includes social and professional visitors and incarcerated persons (I/Ps) upon booking and transferring between facilities or re-entering a facility after having departed it for court, medical treatment, etc.</p>	Awaiting Response
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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.