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County of San Diego

CITIZENS' LAW ENFORCEMENT REVIEW BOARD

555 W BEECH STREET, SUITE 220, SAN DIEGO, CA 92101-2938
TELEPHONE: (619) 238-6776 FAX: (619) 238-6775
www.sdcounty.ca.gov/clerb

The Citizens' Law Enforcement Review Board made the following findings in the closed session portion of its January 31, 2023, meeting held via the Zoom Platform. Minutes of the open session portion of this meeting will be available following the Review Board's review and adoption of the minutes at its next meeting. Meeting agendas, minutes, and other information about the Review Board are available upon request or at www.sdcounty.ca.gov/clerb.

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).

DEFINITION OF FINDINGS	
Action Justified	The evidence shows that the alleged act or conduct did occur but was lawful, justified and proper.
Not Sustained	There was <u>insufficient evidence</u> to either prove or disprove the allegation.
Sustained	The evidence supports the allegation and the act or conduct was not justified.
Unfounded	The evidence shows that the alleged act or conduct did not occur.
Summary Dismissal	The Review Board lacks jurisdiction or the complaint clearly lacks merit.

CASES FOR SUMMARY HEARING (1)

ALLEGATIONS, BOARD FINDINGS & RATIONALES

22-100/SUAREZ

1. Misconduct/Procedure – Deputy 2 failed to prevent Tanya Suarez from inflicting self-harm on 05-06-19.

Board Finding: Summary Dismissal

Rationale: Attorney Danielle R. Pena submitted a complaint on behalf of Tanya Suarez in which they alleged the following, "In regard to the incident relating to Tanya Suarez, this committee should investigate Deputy 2 and Deputy 1's conduct relating removing substantive information from a deputy's incident report relating to Deputy 2's failure to prevent Suarez from inflicting self-harm. This committee should further investigate why Deputy 2 directed Deputy 1 to remove the conduct, and why Deputy 2 lied about it to CIRB and IA investigators. Tanya Suarez did not discover the IA Investigation until March of 2022, when a deputy testified to the investigation during her deposition. The IA Report was not produced until May 24, 2022. Accordingly, this committee should have jurisdiction of this matter since it was discovered less than three months ago." The incident giving rise to this complaint occurred in 2019. CLERB Rules & Regulations stipulate CLERB shall not have jurisdiction to take any action in respect to complaints received more than one year after the date of the incident giving rise to the complaint, except that if the person filing the complaint was incarcerated or physically or mentally incapacitated from filing a complaint following the incident giving rise to the complaint, the time duration of such incarceration or incapacity shall not be counted in determining whether the one year period for filing the complaint has expired. Please note, the elimination of this CLERB rule is proposed in the January 2023 draft revision of the

CLERB Rules and Regulations. Suarez's CLERB tolling period due to her incarceration expired and per her attorney, no exemptions applied for this complaint. CLERB lacks jurisdiction.

2. False Reporting – Deputies 1 and 2 removed “substantive information” from a report regarding Suarez.

Board Finding: Summary Dismissal

Rationale: See Rationale #1

3. Misconduct/Procedure – Deputy 2 directed Deputy 1 to remove “substantive information” from a report.

Board Finding: Summary Dismissal

Rationale: See Rationale #1

4. Misconduct/Truthfulness – Deputy 2 lied about her/their conduct.

Board Finding: Summary Dismissal

Rationale: See Rationale #1

End of Report

NOTICE

In accordance with Penal Code Section 832.7, this notification shall not be conclusive or binding or admissible as evidence in any separate or subsequent action or proceeding brought before an arbitrator, court or judge of California or the United States.