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CITIZENS' LAW ENFORCEMENT REVIEW BOARD

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The Citizens' Law Enforcement Review Board made the following findings in the closed session portion of its June 29, 2023, meeting held in person. 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.

CASE FOR SUMMARY HEARING (1)

ALLEGATIONS, BOARD FINDINGS & RATIONALES

22-076/(REDACTED)

1. Misconduct/Discourtesy – Probation Officer (PO) 1 used “profanity.”

Board Finding: Sustained

Rationale: Veronica B. (Veronica) submitted a complaint on behalf of her minor son, the aggrieved. Veronica alleged that while her son was detained at East Mesa Juvenile Detention Facility (EMJDF) on 06-22-22, PO 1 used profanity against the aggrieved. San Diego County Probation Department (SDCPD) Policy 903 Standards of Conduct, subsection 903.6.9 Conduct states that the “Use of obscene, indecent, profane or derogatory language while on-duty or in uniform in a discourteous or disrespectful manner” are illustrative of causes for disciplinary action. There were no audio recordings of this event. The aggrieved, and PO’s 1 and 2 all provided confidential statements to CLERB, which were considered in arriving at the recommended finding. Pursuant to SDCPD Policy 4.2. Confidentiality of Juvenile Court Records and Reports, subsection 4.2.1 Records are all Confidential, mandates confidentiality of Juvenile records and limits access to those with need to know/right to know. By extension, all Institutional Services records written or provided by facility staff are confidential (WIC§ 827). The evidence supports the allegation, and the act or conduct was not justified.

2. Misconduct/Intimidation – PO 1 “dared” the aggrieved to hit him.

Board Finding: Not Sustained

Rationale: Veronica B. reported that PO 1 told her minor son, the aggrieved, "I dare you to swing at me." Veronica stated the officer provoked the aggrieved to hit him so the officer could assault her son. There were no audio recordings of this event and SDCPD Incident Reports refuted the allegation. PO's 1, 2 and an additional PO, also provided confidential statements during CLERB's investigation that were considered in arriving at the recommended finding. Pursuant to SDCPD Policy 4.2. Confidentiality of Juvenile Court Records and Reports, subsection 4.2.1 Records are all Confidential, and mandates confidentiality of Juvenile records and limits access to those with need to know/right to know. By extension, all Institutional Services records written or provided by facility staff are confidential (WIC§ 827). There was insufficient evidence to either prove or disprove the allegation.

3. Excessive Force – PO 2 placed his knee on the aggrieved's neck.

Board Finding: Not Sustained

Rationale: Veronica B. reported that PO 2 placed his knee on the aggrieved's neck when he was handcuffed and on the ground. The complainant stated PO 2 pressed his knee onto his neck and pressed harder when the aggrieved complained. SDCPD Incident Reports, medical documents and Facility Surveillance video refuted the allegation. The aggrieved, PO's 1, 2 and an additional PO all provided confidential statements during CLERB's investigation that were considered in arriving at the recommended finding. Pursuant to SDCPD Policy 4.2. Confidentiality of Juvenile Court Records and Reports, subsection 4.2.1 Records are all Confidential, and mandates confidentiality of Juvenile records and limits access to those with need to know/right to know. By extension, all Institutional Services records written or provided by facility staff are confidential (WIC§ 827). The facility surveillance video was reviewed and was inconclusive due to obstructed views. There was insufficient evidence to either prove or disprove the allegation.

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.