County of San Diego

2012 ANNUAL REPORT

"SERVING THE COMMUNITY AND THE JUSTICE SYSTEM FOR 22 YEARS"

2012 CLERB ANNUAL REPORT
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About the Citizens' Law Enforcement Review Board

San Diego County citizens voted to establish the Citizens' Law Enforcement Review Board 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 also is authorized to investigate any death that occurs in the custody of, or in connection with, actions of Deputies and Probation Officers. The Review Board is made up of 11 citizens who are appointed by the Board of Supervisors.

Mission Statement

To increase public confidence in government and the accountability of law enforcement by conducting impartial and independent investigations of citizen complaints of misconduct concerning Sheriff's Deputies and Probation Officers employed by the County of San Diego.

2012 Board Members

James Achenbach, Chairperson
George DeLaBarre II, Vice Chairperson
Edward Castoria, Secretary
Sheryl Bennett
Debra DePratti Gardner
Israel Garza
Riley Gordon
Clifford O. Myers, III
Calixto J. Pena
Loren Vinson
Louis Wolfsheimer

Staff

Patrick A. Hunter, Executive Officer
Lynn Setzler, Special Investigator
Mark A. Watkins, Special Investigator
Ana Marie Becker, Administrative Secretary III

Office Information

1168 Union Street, Suite 400
San Diego, CA 92101-3819
Main Line: (619) 238-6776
Fax: (619) 238-6775
Email: clerbcomplaints@sdcounty.ca.gov
Internet: www.sdcounty.ca.gov/clerb

RÉSUMÉS OF REVIEW BOARD MEMBERS SERVING IN 2012

James Achenbach
Chair

Mr. Achenbach is a Speech-Language Pathologist with the San Diego City School District. He participates in the Partnership in Education Program and currently volunteers as the Chairman of the San Diego Scottish Rite Language Disorders Clinic. Mr. Achenbach lives in La Mesa with his wife and two children.

George DeLaBarre II
Vice Chairperson

Mr. DeLaBarre is a Systems/Project Engineer for General Atomics Aeronautical Systems and has worked in the defense industry in San Diego since 1985. A graduate of Fallbrook High School, Mr. DeLaBarre holds degrees and graduated with honors from San Diego City College (Electronics Technology) and the University of Phoenix (Information Technology.) He served in the U.S. Navy as a Fire Control Technician and instructor in electronics, microcomputers, and submarine sonar training. Mr. DeLaBarre has served on the Serra Mesa Planning Group, the Serra Mesa Community Council, and the Serra Mesa Recreation Council. Mr. DeLaBarre served as an Assistant Scout Master for BSA Troop 278 and is an Elder at Peace Lutheran Church. Mr. DeLaBarre resides in Serra Mesa with his family.

Edward Castoria
Secretary

A resident of the Tierrasanta area of San Diego, Edward Steven "Eddie" Castoria, M.A., J.D. is President and CEO of TeleTran Tek Services, a San Diego-based consulting company which, among other projects, manages the region's motorist aid call box system. He holds a B.A. in Psychology from the University of San Francisco, as well as an M.A. in Counseling Psychology and a J.D. in law from the University of New Mexico. Before entering private business, Mr. Castoria worked as a government public works Program Manager for both San Diego County and Nueces County, Texas. As an attorney, he prosecuted major fraud cases for the U.S. Department of Justice in Washington, D.C., and practiced civil litigation in New Mexico and California. Before law school, Mr. Castoria managed an in-house inmate counseling program in the Bernalillo County, NM jail system. He was a decorated Army Infantry Airborne Ranger officer who served as a Pathfinder commander during the Vietnam War. He is an avid golfer.

Sheryl Bennett

Mrs. Bennett is the Director of Human Resources for the City of Escondido, where she has worked since 1999. She has chaired and participated in a variety of boards and committees in relation to her profession. Mrs. Bennett is also actively involved in various community and volunteer activities. Mrs. Bennett graduated with distinction from San Diego State University with a Bachelor's of Science degree in Criminal Justice Administration and holds a Master of Business Administration degree with an emphasis in Human Resources Management from National University. Mrs. Bennett lives in Escondido with her family.

Debra DePratti Gardner

Mrs. DePratti Gardner, a resident of Jamul, is the President of DePratti, Inc., a real estate services company with emphasis in both private, and public sector developments. She has extensive experience in community development with the cities of Chula Vista and Inglewood, and as a Planner for JM Consulting Group in San Diego. A licensed Real Estate Broker, Mrs. DePratti Gardner also holds a number of real estate and planning certifications. She is active in local school, sports league, and church activities. She holds a Bachelor of Arts Degree in Urban Planning from University of California at San Diego, and a Master of Arts in Urban Planning from University of California Los Angeles.

Israel Garza

Israel Garza is the Controller for The Associated Students of San Diego State University. He has been with The Associated Students since 2002. Previously Mr. Garza performed as an Operations and Finance Executive with a local holding company and as Accounting Manager to the Director of Finance for Seajet Cruise Lines, Inc. A resident of Chula Vista Mr. Garza currently serves on the City of Chula Vista Parks and Recreation Commission and serves as a Sports Partner for the Chula Vista's International

Friendship Games. He is the Past President for the Chula Vista Youth Sports Council and the Chula Vista Rangers Soccer Club. In addition to obtaining the CPA (Certified Public Accountant) and CMA (Certified Management Accountant) professional credentials Mr. Garza holds an MBA (Master of Business Administration) degree from California State University, San Marcos.

Riley Gordon

Retired from a long career in government, Mr. Gordon was the Deputy Director of the Discrimination Complaints Service, Department of Veterans Affairs, Office of Equal Opportunity in Washington, D.C., where he supervised the processing of complaints and conducted training in EEO investigation. He also served as a labor relations specialist in the Office of Labor Relations and Collective Bargaining for the District of Columbia as a negotiator and advisor. After retiring to San Diego, Mr. Gordon was recruited to serve on the Citizens' Review Board on Police Practices (CRB) at the City of San Diego in May 1999. From June 2005 to June 2006, Mr. Gordon was the chairman of the 23-member CRB. In addition to his work in civilian oversight, Mr. Gordon has participated as a discussion leader for Brandeis University's National Women's Committee. Mr. Gordon has taught graduate courses in public administration, collective bargaining, public personnel administration, and fiscal administration at Roosevelt University's Graduate School of Public Administration. Mr. Gordon holds a Bachelor's Degree in Economics from Fisk University and a Master's Degree in Public Administration from Roosevelt University. He lives in Rancho Bernardo with his wife.

Clifford O. Myers III

Mr. Myers recently retired from government service as the Director of Military and Civilian Manpower and Community Planning and Liaison Officer for the Marine Corps Recruit Depot, San Diego, CA. Prior, he was the Commandant of Cadets for a college preparatory boy's school in south Texas, grades 8-12. He also served in the United States Marine Corps for 33 years as an infantry officer. His tours in the Marine Corps allowed his family to live all over the world. He is very active in the community with Rotary Club 33, North Bay Redevelopment Project Action Committee, President of the FBI Citizen's Academy Alumni Association, Board officer of the Camp Pendleton Armed Services YMCA, past Board member of the American Red Cross, San Diego and Imperial Counties and the San Diego Chamber of Commerce. He holds a Bachelor degree in History and Political Science from Chaminade College of Honolulu and a Master of Public Administration from National University. He resides in Vista with his wife.

Calixto J. Pena

A resident of Chula Vista, Mr. Pena is the Controller for Highland Partnership, Inc., a Chula Vista design/build general contracting firm. He is a member of the Construction Financial Management Association, and has been active in local school and church activities. Mr. Pena holds a Master of Business Administration degree Information and Decision Systems from San Diego State University, and a Bachelor of Science in Accountancy from National University, graduating Magna Cum Laude.

Loren Vinson

Following his service as a Naval Officer during the Vietnam War, Mr. Vinson worked for more than 28 years as a Probation Officer at the state and federal levels. He worked with both juveniles and adults in the San Diego County Probation Office as a Deputy Probation Officer and Senior Probation Officer from 1969 to 1975. He then joined the U.S. Probation Office in San Diego and served in both the Supervision and Investigation Divisions as a Probation Officer, Supervisor, and Division Chief. He retired in 1998 as the Deputy Chief Probation Officer in charge of the Investigation Division. After retirement, he taught a variety of Criminal Justice Administration courses as a part-time Adjunct Professor at three local colleges. Before being appointed to the Review Board, he completed eight years of service on the City of San Diego's Citizens' Review Board on Police Practices, where he chaired the training committee, authored an investigation manual, and was First Vice-Chair. Mr. Vinson holds a Master of Science degree in Criminal Justice Administration and a Bachelor of Arts degree in Political Science from San Diego State University. Mr. Vinson lives with his wife in the Tierrasanta neighborhood of San Diego, where he currently serves as a member of the Tierrasanta Community Council.

Louis Wolfsheimer

Originally from Baltimore, MD, Mr. Wolfsheimer has been a resident of San Diego since 1962. He was a First Lieutenant in the United States Air Force, 1100th Air Police Squadron in Washington D.C. Mr. Wolfsheimer currently practices law with the firm of Milch & Wolfsheimer. He is a graduate of the University of North Carolina and California Western School of Law. Mr. Wolfsheimer has served on a multitude of board committees such as Francis W. Parker School, American Jewish Committee, Episcopal Community Services, Combined Arts of San Diego (COMBO), Salvation Army and Human Subjects Committee of UCSD Medical School. He was 8 years Chairman of the City of San Diego Planning Commission, Board member of Port Commission of San Diego Unified Port District, and Board member of the Del Mar Fair Board. Mr. Wolfsheimer lives in Rancho Santa Fe.

MESSAGE FROM THE CHAIR

On behalf of the members of the Citizen's Law Enforcement Review Board (CLERB) I am pleased to present the Review Board's 2012 Annual Report. This year marked a turning point for the Board as our fully staffed team continued to work toward our goal of bringing the number of open cases down to a manageable number. We started the year with 89 open cases and logged an additional 155 over the course of the year. While it was necessary for us to close ten cases without investigation due to time limits, and I consider this to be ten too many, I am pleased that we have reduced the number from 53 in 2010, to 25 in 2011 and now we have reduced that number to ten. I am confident that next year we will be reducing the number of cases closed without investigation to an acceptable number.

The significant improvements made over the past year represent a great deal of dedication, time, and effort by our hardworking investigators and staff. I am extremely grateful for all of their hard work. I am also proud of our volunteer board members. Our board members represent all five of the San Diego County Districts and these volunteers take considerable time during the month to study and review cases, and then attend monthly meetings at the county administrative building to discuss and make findings on the cases. The level of their dedication is also represented by the time and effort they've spent participating in Sherriff and Probation "Ride-A-Longs", Jail Tours and various in-services and training opportunities.

While the mission of the CLERB is to increase confidence in government and the accountability of law enforcement by investigating complaints of misconduct about Sheriff's Deputies and Probation Officers, I am extremely proud of what we've been able to achieve by studying some of the underlying issues that cause problems in the first place. On a number of occasions the CLERB, in addition to making a finding in a particular case, has also directed staff to write a letter recommending changes to various policies and procedures. Both agencies have made important and significant changes to their policies and procedures based, in part, on CLERB policy recommendations. These changes have resulted in clearer, more sensible, and safer situations for both law enforcement and the public.

After four years as the Chairman of the CLERB, I am stepping aside in order to spend my last year with the board as resource to a new Chairperson. I am grateful to the CLERB for allowing me to serve the board for these last few years, and am grateful to all who have volunteered and worked so hard to make the CLERB successful.

James Achenbach
Chairperson – 2012

EXECUTIVE OFFICER'S SUMMARY

The year 2012 demonstrated the success that can be achieved with full staffing. The Review Board saw an increase in cases logged for the year; however, Staff presented more full investigations to the Review Board than the previous two years combined.

In October 2012, the Review Board co-hosted, along with the City of San Diego's Citizens' Review Board on Police Practices, the National Association for Civilian Oversight of Law Enforcement's 18th Annual Conference. "Building Community Trust," was the theme for the three and one-half day conference, attended by more than 275 citizens, national and international practitioners of civilian oversight, law enforcement officials, elected and community leaders, and other interested stakeholders, engaging in constructive dialogue about the principles and practice of civilian oversight of law enforcement.

COMPLAINT DATA REVIEW

Intakes

The Review Board logged **155** complaints in 2012; an 8% increase from the **144** complaints received in 2011.[1] Allegations totaled **664** in 2012; a 3% decrease from the **687** allegations in 2011. Death cases decreased in 2012, with **10** reported in 2012; a 29% decrease from the **14** in 2011.

Sheriff's facilities or units with double digit complaint totals increased from **3** in 2011 to **5** in 2012 (**seven** complaints were recorded for unidentified sheriff units). Leading in complaint totals was the Sheriff's Department's largest detention facilities - the San Diego Central Jail with **33** complaints (up from **13** in 2011), followed by the George Bailey Detention Facility with **14** complaints (up from **10** in 2011), and Imperial Beach Substation with **11** complaints (up from **7** in 2011), Vista Station with **11** complaints (up from **6** in 2011), and Lemon Grove Station with **10** complaints (down from **16** in 2011). The Probation Department received **5** complaints in 2012; a 71% decrease from the **17** complaints in 2011. (See Table 1, Page 11.)

A review of San Diego Central Jail cases received in the preceding five years showed an average of 17 cases per year; with a high of 26 in 2009, and a low of 12 in 2008.

Total complaints traditionally are broken into three segments by count and percentage: Sheriff's law enforcement, which includes Court Services and units that could not be identified from the complaint; Sheriff's jails; and the Probation Department. In 2012, Sheriff's law enforcement had **87** complaints or 56% of the total (compared to **89** or 62% in 2011); Sheriff's jails had **63** complaints or 41% (compared to **38** or 26% in 2011); and the Probation Department had **5** complaints or 3% of total (compared to **17** or 12% in 2011).

Closures

The Review Board met **ten** times and closed **138** cases during the year, compared to closing **149** cases in 2011; a 7% decrease in case closures. Of the **138** cases closed, **33** were *Procedurally Closed* by staff because a signed complaint was not returned by the complainant. This was a 33% decrease from the **49** cases that were Procedurally Closed "PC" in 2011. Overall however, PC cases accounted for 21% of the year's complaint total (155), which was a decrease from the 34% (144) in 2011. Another **18** cases were submitted to the Review Board for *Summary Dismissal* following an abbreviated investigation of a

[1] The average number of complaints over the last 5 years is 133. The highs and lows in the past ten years were 182 in 2005 and 105 in 2008. See Graph 1, Page 10.

signed complaint. Summary Dismissal cases were dismissed for lack of jurisdiction or because further investigation was not possible without the complainant's cooperation. This was a 22% decrease over the **23** Summary Dismissal cases submitted to and approved by the Board in 2011.

There were **10** cases submitted to the Review Board for One-Year Summary Dismissal because the investigations had not been completed within legislated timelines (down 60% from the **25** One-Year Summary Dismissals in 2011).

The remaining **77** closed cases were fully investigated and submitted to the Review Board, compared to **52** fully investigated cases submitted in 2011; a 48% increase. Included in the number of fully investigated cases were **12** death cases.

Of the **77** fully investigated cases, **8** cases, or 10%, included *Sustained* allegations, compared to **9** cases, or 17%, with *Sustained* allegations of the **52** fully investigated cases in 2011. In 2012, the number of sustained findings was **15**, representing 4% of the **367** findings in fully investigated cases. The **15** sustained findings, involved allegations of Misconduct/Procedure (11), Misconduct/Discourtesy (3), and Criminal Conduct (1). (See Table 7, Page 17.)

At year's end there were **105** open cases, an 18% increase from the **89** open cases at the end of 2011.

BOARD MEMBER, STAFF CHANGES

The Board re-elected James Achenbach chair, George DeLaBarre II vice chair, and Eddie Castoria secretary at the December 2011 meeting.

Board Members George DeLaBarre, Riley Gordon, and Calixto Pena were reappointed to their second full terms in July. Clifford Myers was reappointed to his first full term.

In October, Eddie Castoria resigned because he moved out of the county, and Israel Garza resigned to accept a position with the County of San Diego. The Board elected Loren Vinson to succeed Eddie Castoria as secretary.

At the Sheriff's Department Division of Inspectional Services (DIS), Sergeant Dave Schaller was appointed to serve as the Review Board's processor upon the promotion to Lieutenant of Sergeant Kevin Menzies.

TRAINING

The Review Board received a number of training opportunities during monthly Board meeting, including: CLERB Allegations and Findings, Public Safety Realignment (Assembly Bill 109), Restraining Orders 101, Drugs in Detention Facilities, Probation / 4th Amendment Waiver Searches, and a Debriefing of the NACOLE Conference.

Sheriff William Gore addressed the Review Board in May, and spoke to Public Safety Realignment. Sheriff Gore expressed his appreciation for the work of the Review Board, especially for the time commitment and efforts of the citizen volunteers. Sheriff Gore

reassured the Review Board of his commitment to support CLERB's mission to conduct civilian oversight of law enforcement.

Some Board Members attended a number of the sessions at the NACOLE Conference, while others participated in Ride-Alongs with Sheriff's Patrol Units, tours of detention facilities, Sheriff's Use of Force Training, and New Board Member Orientation sessions.

The Review Board experienced no Staff changes in 2012.

COMMUNITY OUTREACH

The Executive Officer participated in orientations with Sheriff's Department Command Staff, Detention Facility Commanders, and Sheriff Station Commanding Officers. He conducted information presentations for the San Diego County Grand Jury, the San Diego Sheriff's Department Supervisors Training Course, the Use of Force Training, and at the Detentions Academy.

In February 2012, the Executive Officer conducted an information presentation for international visitors that were guests of the U.S. Department of State International Visitor Leadership Program, and the San Diego Diplomacy Council. Middle Eastern Countries participating included: Algeria, Iraq, Jordan, Qatar, Tunisia, and Yemen.

POLICY RECOMMENDATIONS

Two Policy recommendations were presented to the Sheriff's Department during 2012:

In Case **11-119**, the Review Board recommended that San Diego Sheriff's Department direct all detention facility commanders to implement Social Visiting Policies and Procedures consistent with California Code of Regulations Title 15, Section 1062 of Division 1, Crime Prevention and Corrections and consider as a guide procedures outlined in Section 3176 of Division 3, Rules and Regulations of Adult Institutions, Programs and Parole, Department of Corrections and Rehabilitation.

The Sheriff's Department modified Detentions Policy and Procedures Manual, Section P.9, Section VIII, adding *Visitation Suspension* information which was previously not defined.

In Case **12-077**, it was recommended that San Diego Sheriff's Department direct all deputies operating department vehicles equipped with Mobile Data Computers to log into the system; and direct deputies initiating traffic stops to notify the Communications Center of the vehicle license number, and location of enforcement stops; and, a thorough review and revision should be conducted of all Sheriff Department Policies and Procedures, to include, but not be limited to Policy Statement 7.12, the Patrol Manual, the Traffic Manual, and Court Services Bureau Policies and Procedures to ensure consistent direction is provided to all deputies operating department vehicles equipped with Mobile Data Computers and GPS devices.

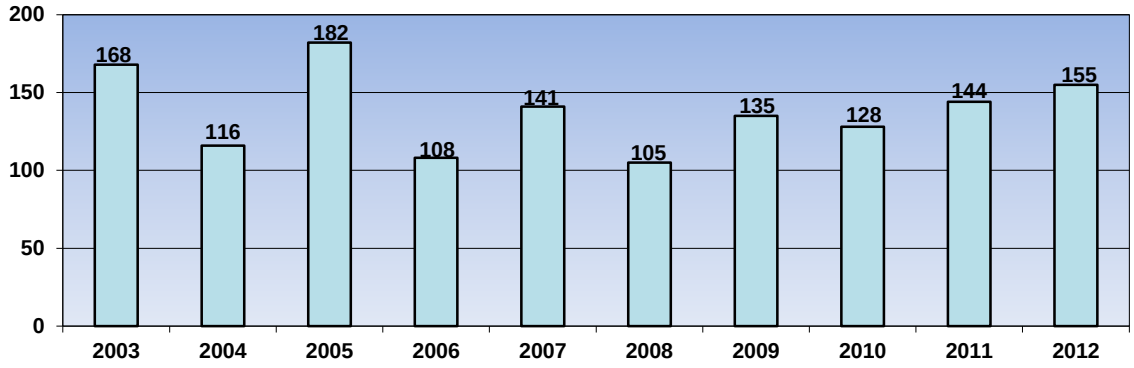
The Sheriff's Department issued a training bulletin entitled: "*Utilizing the Radio and MDC during Proactive Contacts,*" reminding Deputies that it is imperative to advise dispatch as soon as feasible

about any law enforcement activities they are engaged in.

Additionally, the Sheriff's Department followed up on the Review Board's Policy Recommendations associated with Case **10-022**, submitted in 2011. The Review Board had recommended that the Sheriff's Department review and re-issue Detentions Policy and Procedures Manual, Section P.3, Inmate Mail, to address the receipt of books by inmates in detention facilities, and to document accountability and tracking of received/rejected books in detention facilities.

The Sheriff's Department provided documentation which demonstrated the incorporation of the Review Board recommendations in Section P.3, Inmate Mail. (See Table 9, Page 20.)

Graph 1: TOTAL COMPLAINTS RECEIVED BY YEAR 2003-2012



Graph 2: COMPLAINTS RECEIVED BY QUARTER – 2011/2012

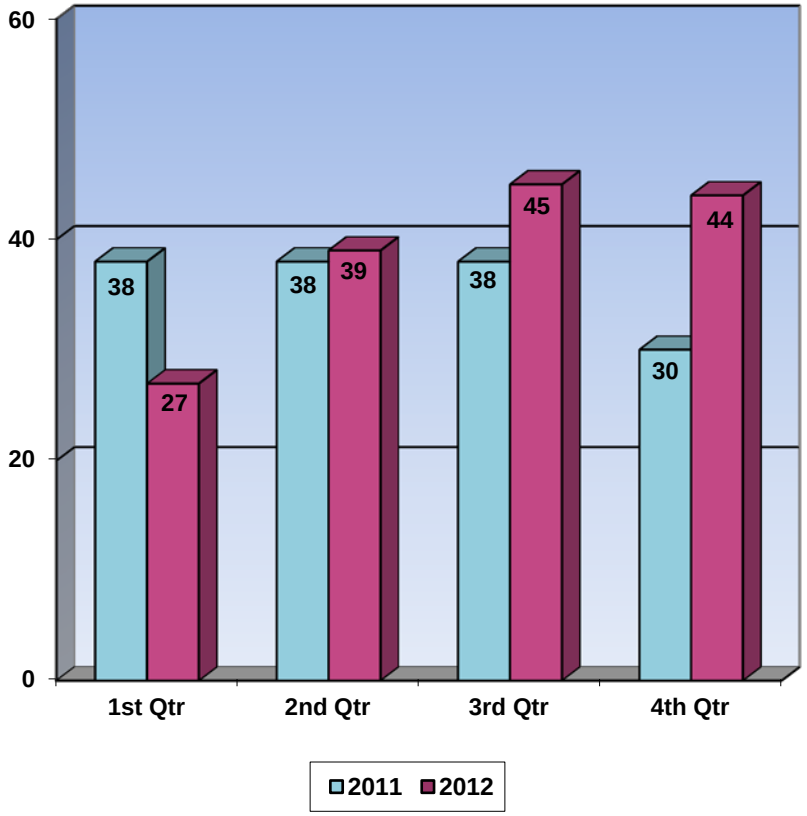


TABLE 1: COMPLAINTS & ALLEGATIONS RECEIVED BY UNIT OR FACILITY IN 2012

STATIONS/UNITS:	Complaint Totals	CC	Deaths	Discr.	EF	FA	FR	ISS	IDF	Misconduct	Allegation Totals
LAW ENFORCEMENT											
4S Ranch Substation	-	-	-	-	-	-	-	-	-	-	-
Alpine Station	3	1	-	-	-	-	-	1	-	6	8
Bonsall Office	-	-	-	-	-	-	-	-	-	-	-
Borrego Springs Office	-	-	-	-	-	-	-	-	-	-	-
Boulevard Office	-	-	-	-	-	-	-	-	-	-	-
Campo/Tecate Substation	-	-	-	-	-	-	-	-	-	-	-
Encinitas Station	7	5	-	1	9	2	1	4	-	14	36
Fallbrook Substation	3	1	-	-	2	1	1	1	-	9	15
Imperial Beach Station	11	5	-	-	22	5	1	15	-	25	73
Julian Substation	1	1	-	-	-	-	-	-	-	-	1
Lakeside Substation	-	-	-	-	-	-	-	-	-	-	-
Lemon Grove Station	10	-	-	2	15	12	2	24	-	21	76
Pine Valley Substation	3	-	-	-	-	1	-	1	-	4	6
Poway Station	5	-	-	-	1	2	1	3	-	11	18
Ramona Substation	2	-	-	-	-	-	-	2	-	3	5
Ranchita Substation	-	-	-	-	-	-	-	-	-	-	-
Rural Law Enforcement	1	-	-	-	-	-	-	1	-	3	4
San Marcos Station	5	-	1	-	-	-	-	-	-	11	12
Santee Station	8	1	-	-	11	7	1	8	-	16	44
SED	-	-	-	-	-	-	-	-	-	-	-
SID: Drug /Tactical Narc Team	-	-	-	-	-	-	-	-	-	-	-
SID:N Regional Fugitive TF	1	1	-	-	-	-	-	-	-	2	3
SID: Street Narc & Gang Det	1	-	-	-	-	-	-	-	-	4	4
Valley Center Substation	2	-	1	-	1	1	-	2	-	6	11
Vista Station	11	1	2	-	8	6	1	18	-	6	42
TOTAL	74	16	4	3	69	37	8	80	-	141	358
DETENTIONS											
East Mesa Detention Facility	2	-	-	-	-	-	-	-	-	3	3
Facility 8 Detention Facility	-	-	-	-	-	-	-	-	-	-	-
George F. Bailey Detention Facility	14	-	-	2	35	-	-	1	-	42	80
JAIL PMD Inmate Classification	1	-	2	-	2	-	-	-	-	-	4
Las Colinas Detention Facility	5	-	-	-	3	-	-	-	-	9	12
San Diego Central Jail	33	3	3	5	28	1	-	4	-	104	148
South Bay Detention Facility	1	1	-	-	-	-	-	-	-	1	2
Vista Detention Facility	7	2	3	1	1	-	-	-	-	8	15
TOTAL	63	6	8	8	69	1	-	5	-	167	264
COURT SERVICES											
Court Services Bureau	5	-	-	-	1	-	-	-	-	12	13
TOTAL	5	-	-	-	1	-	-	-	-	12	13
OTHER SHERIFF UNITS											
Office of the Sheriff	1	-	-	1	-	-	-	-	-	2	3
Unknown Sheriff Unit	7	2	-	2	2	1	-	2	-	7	16
TOTAL	8	2	-	3	2	1	-	2	-	9	19
PROBATION											
Probation: Adult Services	4	-	-	-	-	1	-	3	-	3	7
Probation: Inst Services	1	-	-	-	-	-	-	-	-	3	3
Probation: Juvenile Services	-	-	-	-	-	-	-	-	-	-	-
TOTAL	5	-	-	-	-	1	-	3	-	6	10
TOTALS:	155	24	12	14	141	40	8	90	-	335	664

NOTES:

1) *CC= Criminal Conduct; Discr= Discrimination; EF= Excessive Force; FA= False Arrest; FR= False Reports; ISS= Illegal Search & Seizure; IDF= Improper Discharge of Firearm.*
2) *Allegation totals exceed complaint totals and are multiplied by the number of personnel involved.*
3) *Unknown Unit: staff was unable to identify personnel or a command from the complaint*

GRAPH 3: ALLEGATION TOTALS FOR COMPLAINTS RECEIVED IN 2012

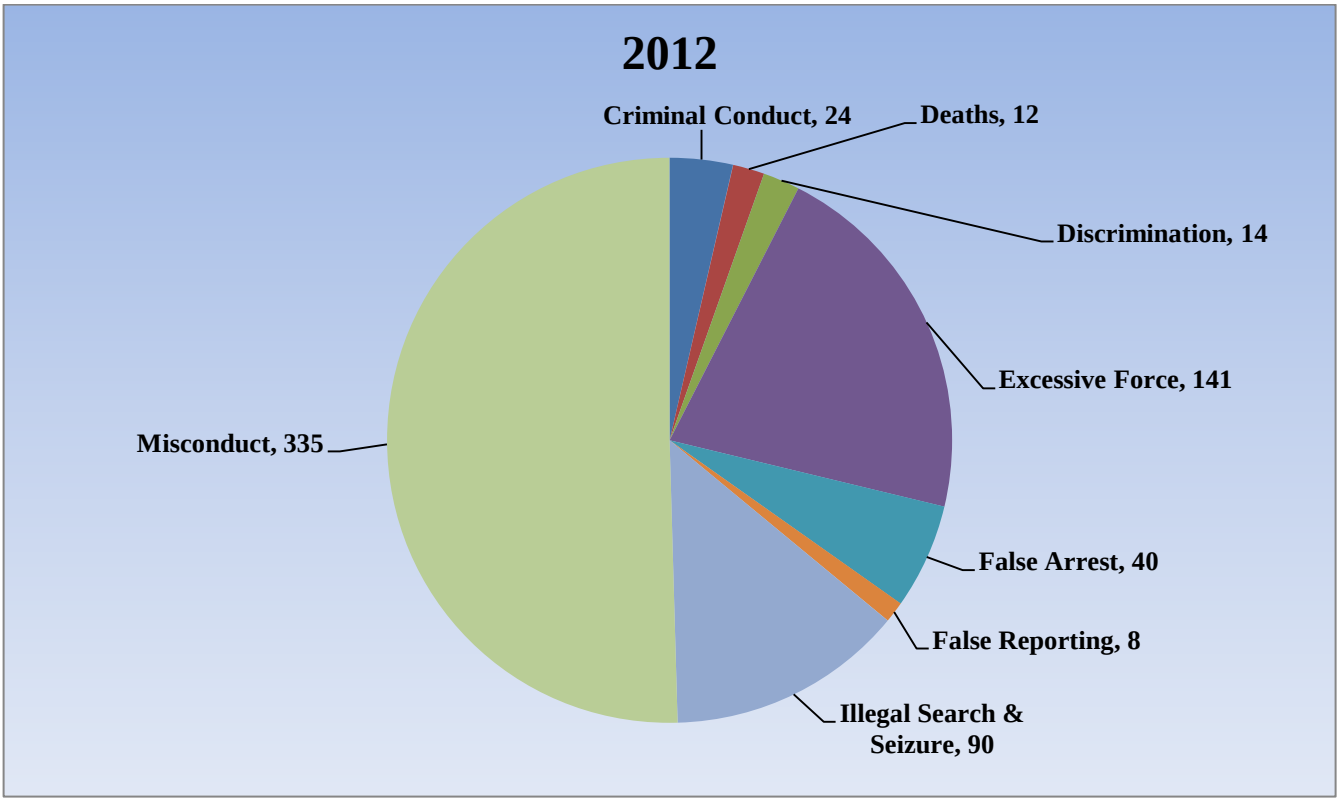


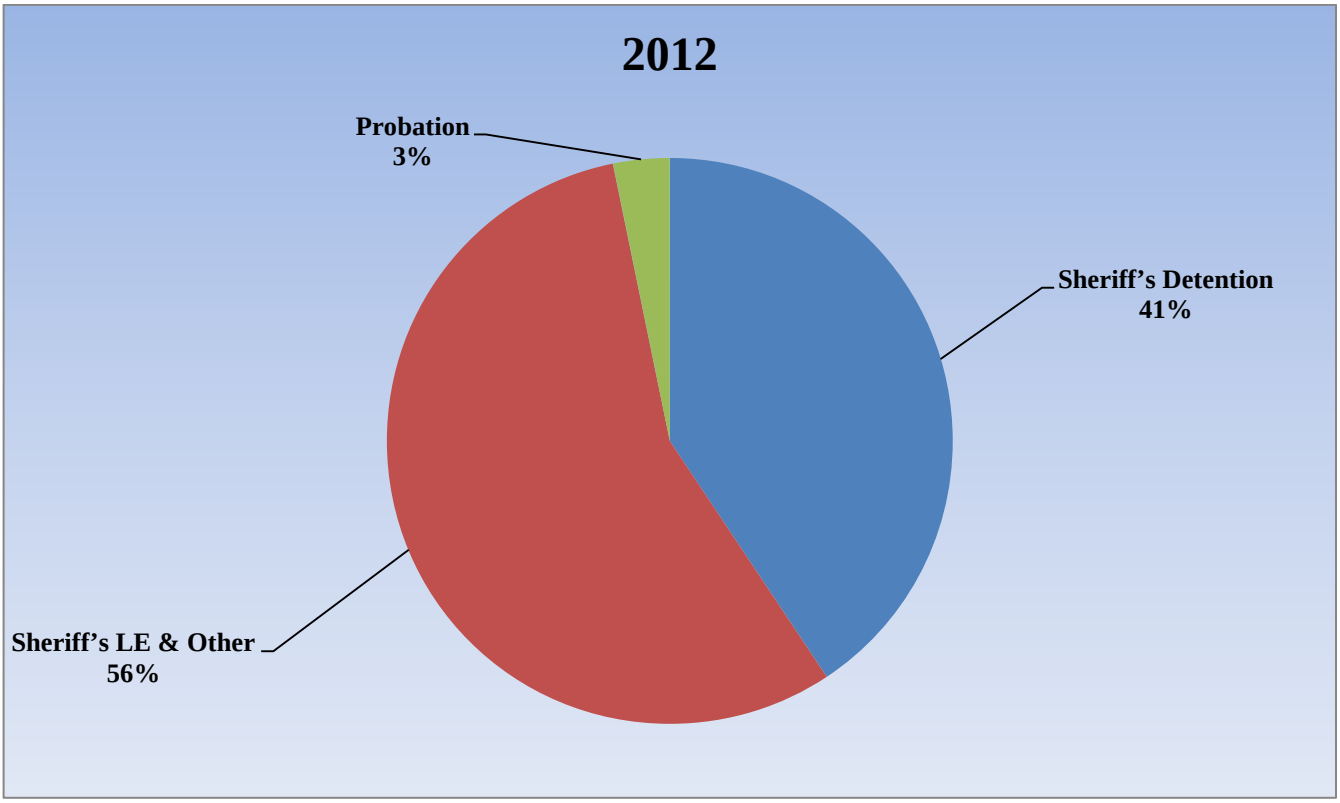
Table 2: TOTAL COMPLAINTS BY MAJOR ORG / BUREAU		
Organization/Bureau	**2011**	**2012**
Sheriff's Detention Facilities	38	63
Sheriff's Law Enforcement Services & Other	81	82
Probation Department-All	17	5
Unknown Sheriff's Unit	8	5
TOTAL	**144**	**155**

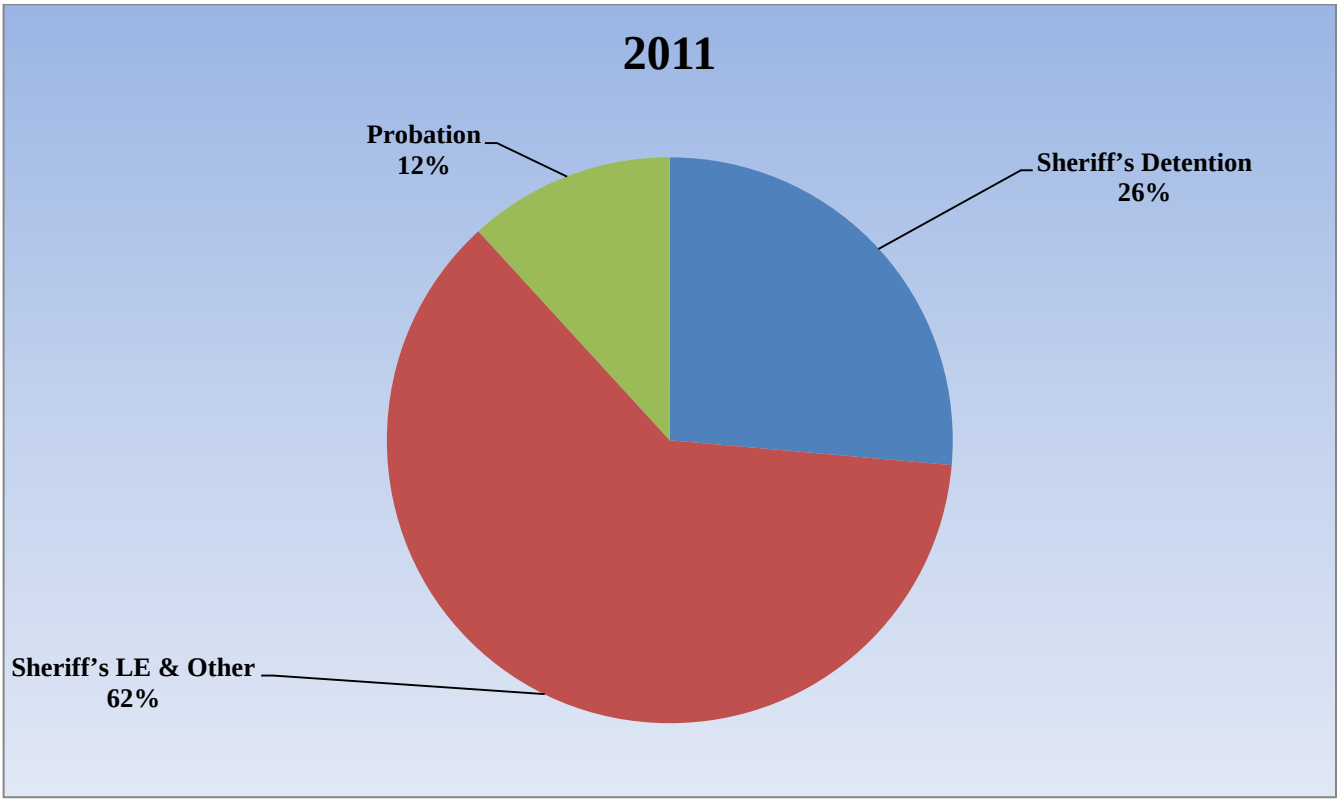
Table 3: BREAKDOWN OF DISCRIMINATION ALLEGATIONS		
Description	**2011**	**2012**
National Origin	0	1
Other	2	3
Racial	16	2
Religious	0	2
Sexual/Gender	15	6
TOTAL	**33**	**14**

Table 4: BREAKDOWN OF MISCONDUCT ALLEGATIONS		
Description	**2011**	**2012**
Discourtesy	53	47
Harassment	17	8
Intimidation	35	15
Medical (info only)	7	5
Procedure	264	245
Retaliation	8	9
Truthfulness	9	6
TOTAL	**393**	**335**

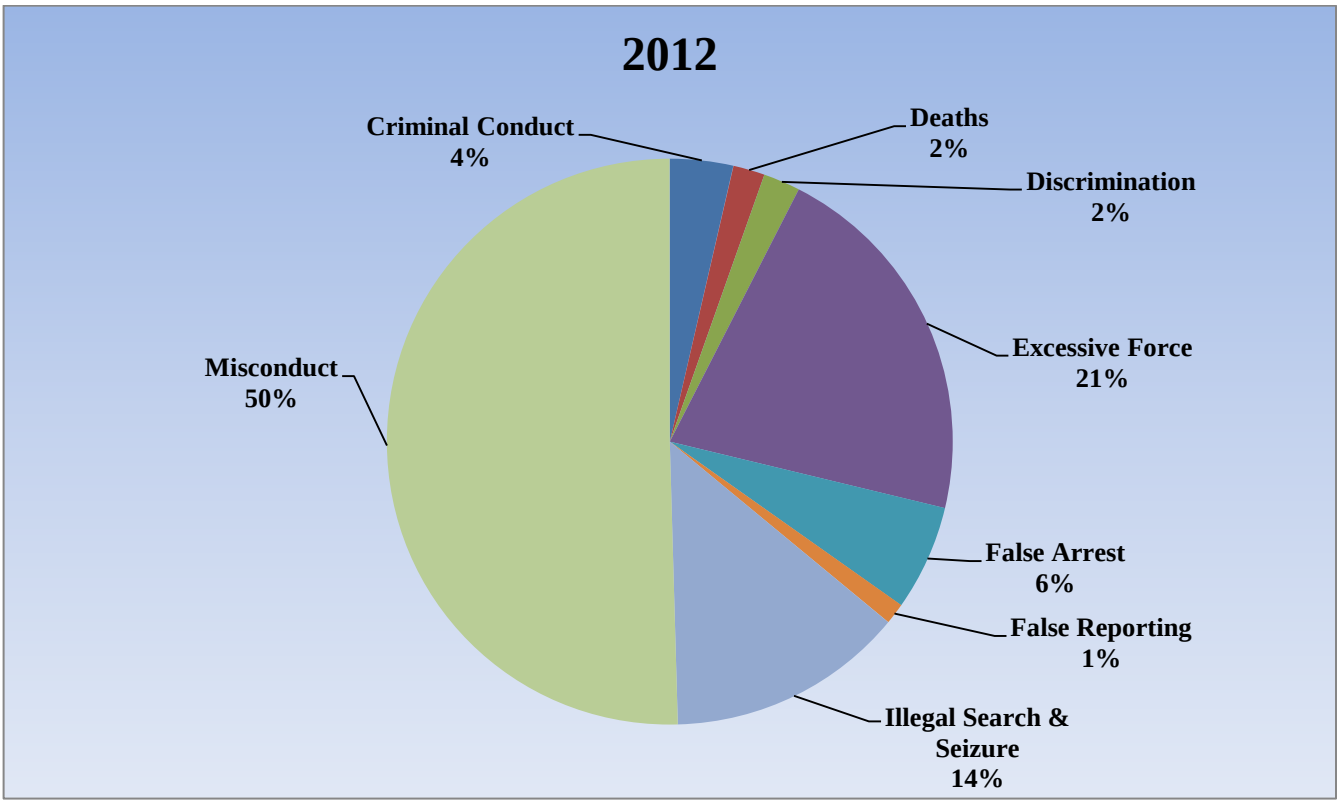
Table 5: BREAKDOWN OF EXCESSIVE FORCE ALLEGATIONS		
Description	**2011**	**2012**
Baton/Impact Weapon	1	7
Carotid Restraint	2	5
Drawn Firearm	3	4
Fists	15	15
Kicks	3	4
K-9 Bites	-	-
Less Lethal Munitions	1	-
OC Spray	2	2
Other	42	59
Pepperball Launcher	-	-
Poss Restraint (EF)	-	3
Taser	7	5
Tight Handcuffs	4	9
Unspecified	14	28
TOTAL	**94**	**141**

GRAPHS 4 & 5: COMPLAINT PERCENTAGES BY MAJOR ORG / BUREAU – 2012/2011





GRAPHS 6 & 7: ALLEGATIONS BY PERCENTAGE – 2012/2011



(Graph 7 currently reflects the corrected percentages from the published 2011 Annual Report)

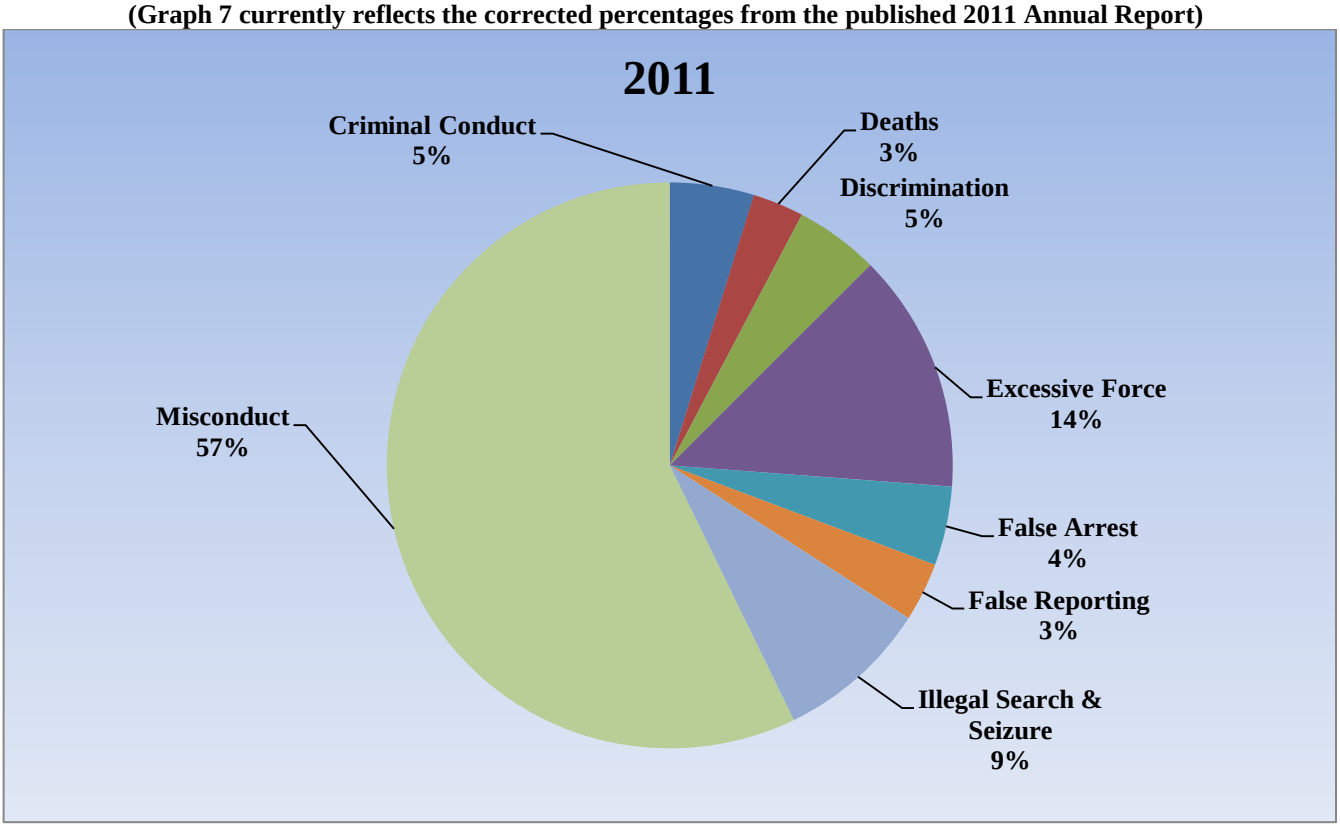


TABLE 6: COMPLAINTS & ALLEGATIONS CLOSED BY UNIT OR FACILITY IN 2012

STATIONS/UNITS	Complaint Totals	CC	Deaths	Discr.	EF	FA	FR	ISS	IDF	Misconduct	Allegation Totals
LAW ENFORCEMENT											
4S Ranch Substation	-	-	-	-	-	-	-	-	-	-	-
Alpine Station	4	1	4	2	4	-	-	2	-	3	16
Bonsall Office	-	-	-	-	-	-	-	-	-	-	-
Borrego Springs Office	-	-	-	-	-	-	-	-	-	-	-
Boulevard Office	-	-	-	-	-	-	-	-	-	-	-
Campo/Tecate Substation	-	-	-	-	-	-	-	-	-	-	-
Encinitas Station	6	5	-	1	5	2	-	4	-	18	35
Fallbrook Substation	4	4	-	1	1	4	3	-	-	27	40
Imperial Beach Station	8	1	1	-	2	3	6	6	-	20	39
Julian Substation	1	1	-	-	-	-	-	-	-	-	1
Lakeside Substation	-	-	-	-	-	-	-	-	-	-	-
Lemon Grove Station	11	-	-	6	20	11	1	11	-	34	83
Pine Valley Substation	2	-	-	-	-	1	-	1	-	3	5
Poway Station	3	-	-	-	1	-	-	1	-	2	4
Ramona Substation	5	1	-	-	3	1	2	15	-	26	48
Ranchita Substation	-	-	-	-	-	-	-	-	-	-	-
Rural Law Enforcement	3	4	1	-	1	-	1	3	-	11	21
San Marcos Station	6	1	-	-	-	2	2	2	-	11	18
Santee Station	9	1	-	-	3	5	4	-	-	27	40
SID: SD Regional Fugitive TF	-	-	-	-	-	-	-	-	-	-	-
Valley Center Substation	1	-	1	-	-	-	-	-	-	-	1
Vista Station	8	-	-	-	2	2	1	4	-	15	24
TOTAL	71	19	7	10	42	31	20	49	-	197	375
DETENTIONS											
East Mesa Detention Facility	1	-	-	-	-	-	-	-	-	1	1
Facility 8 Detention Facility	-	-	-	-	-	-	-	-	-	-	-
George F. Bailey Detention Facility	11	-	2	14	11	-	1	-	-	39	67
Jail PMD Inmate Classification	-	-	-	-	-	-	-	-	-	-	-
Las Colinas Detention Facility	6	1	1	-	1	-	-	-	-	14	17
San Diego Central Jail	15	3	4	1	29	-	-	-	-	24	61
South Bay Detention Facility	1	1	-	-	-	-	-	-	-	1	2
Vista Detention Facility	6	-	4	-	16	-	-	-	-	14	34
TOTAL	40	5	11	15	57	-	1	-	-	93	182
COURT SERVICES											
Court Services Bureau	5	1	-	-	8	1	-	1	-	21	32
TOTAL	5	1	-	-	8	1	-	1	-	21	32
OTHER SHERIFF UNITS											
Office of the Sheriff	3	-	-	-	-	-	1	-	-	15	16
Unknown Sheriff Unit	8	1	-	2	2	2	-	2	-	14	23
TOTAL	11	1	-	2	2	2	1	2	-	29	39
PROBATION											
Probation: Adult Services	9	2	-	1	1	3	2	3	-	20	32
Probation: Inst Services	1	-	-	-	-	-	-	-	-	3	3
Probation: Juvenile Services	1	-	-	-	-	-	-	3	-	2	5
TOTAL	11	2	-	1	1	3	2	6	-	25	40
TOTALS:	138	28	18	28	110	37	24	58		365	668

NOTES:

1) *CC= Criminal Conduct; Discr= Discrimination; EF= Excessive Force; FA= False Arrest; FR= False Reports; ISS= Illegal Search & Seizure; IDF= Improper Discharge of Firearm.*
2) *Allegation totals exceed complaint totals and are multiplied by the number of personnel involved.*
3) *Unknown Unit: staff was unable to identify personnel or a command from the complaint*

GRAPH 8: ALLEGATION TOTALS FOR COMPLAINTS CLOSED IN 2012

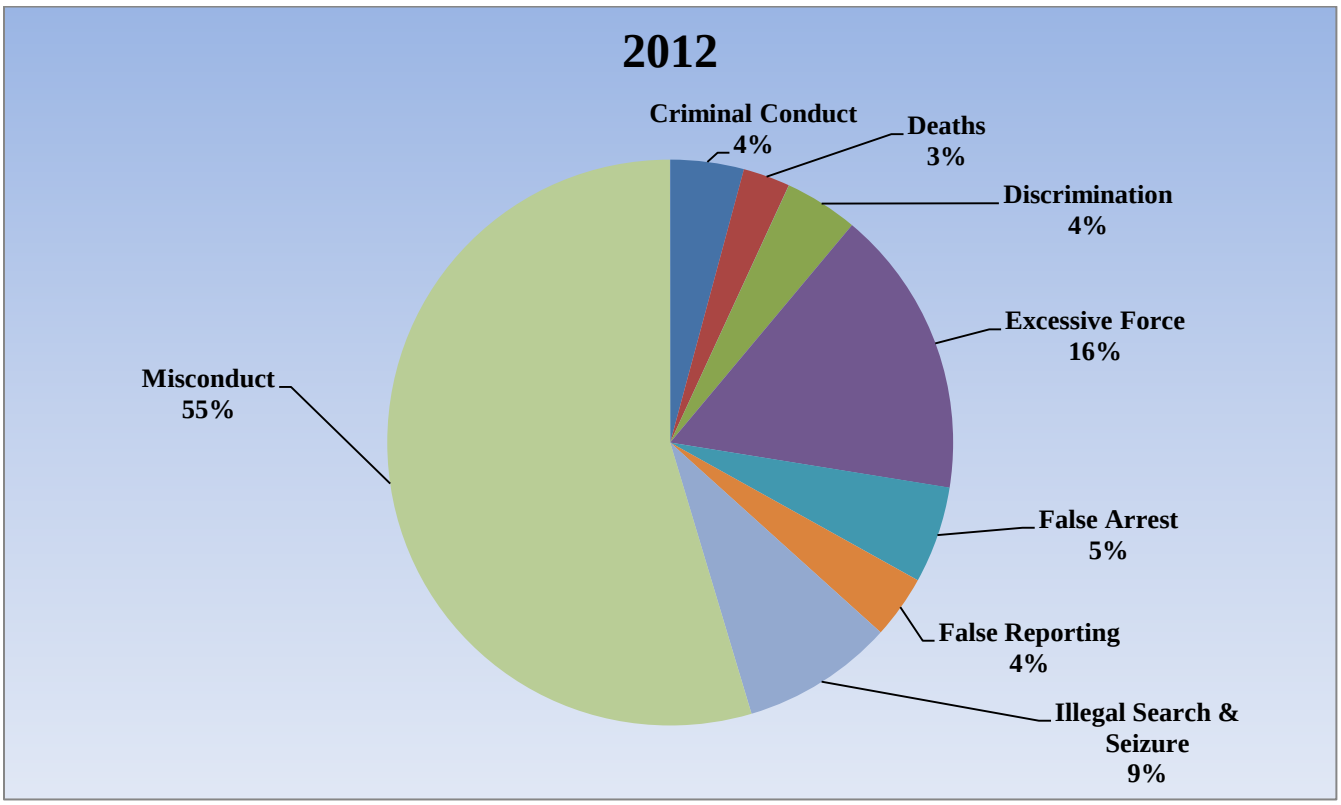


TABLE 7: FULLY INVESTIGATED CASES / FINDINGS BY DATE CLOSED
(Procedurally Closed & Summary Dismissal Cases are listed separately in Table 8, below.)

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
10-119	Martin			2		2	01-10-12
10-122	Lacy		8	9			01-10-12
10-124	Hinchliff		9	1			01-10-12
10-125	Martin/Shaw			1	2		01-10-12
10-127	Thrasher		4		2		01-10-12
11-003	Kohl		3	4			01-10-12
11-119	Nieto	3					01-10-12
10-121	Quinones		1	6	1		02-14-12
11-004	Martin		2	1	2		02-14-12
11-006	Lade			1			02-14-12
11-007	Thrasher		8	18			02-14-12
11-044	Horton		2	3		1	02-14-12
11-053	Bianca			4			02-14-12
11-082	Shields		2				02-14-12
11-013	Tobin			1		2	03-13-12
11-016	Hohenstein & Patzer				7		03-13-12
11-022	McMillan			6		2	03-13-12
10-117	Johnson			1			05-08-12

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
11-026	Reyes		1	3	1		05-08-12
11-029	Guillen & Lewis			1			05-08-12
11-031	McStay		6	4	2	1	05-08-12
11-035	Capone		3		1		05-08-12
11-038	Gomez		2	1			05-08-12
11-047	Brown		3	2			05-08-12
11-103	Hurlbert			4			05-08-12
11-127	Clark			1			05-08-12
12-006	Diaz			1			05-08-12
12-017	Martinez	2	1	3			05-08-12
12-018	Jacques			1			05-08-12
11-025	Stone		5	2			06-12-12
11-066	Blair		1	1		3	06-12-12
11-074	Sisson			2			06-12-12
11-118	Diaz			1			06-12-12
12-012	Hall	1					06-12-12
11-062	Pollack	1	1	2			08-14-12
11-069	Regelin & Imgrund		5	2		1	08-14-12
11-077	Ledesma	2		1			08-14-12
11-083	Villa			2			08-14-12
11-086	Gould			2			08-14-12
11-094	Ledesma			3			08-14-12
11-095	Wynberg		1		1		08-14-12
11-098	Molfa			3			08-14-12
12-051	Martinez	1			1		08-14-12
12-066	Reeves				1		08-14-12
11-042	Wu			1			09-11-12
11-090	Navarro	4	8	9			09-11-12
11-091	Burgan				2		09-11-12
11-093	DeLaSierra			19	1	1	09-11-12
11-097	Garcia		3	4			09-11-12
11-107	Kauffman		3	2		1	09-11-12
11-111	Roberts			2	4		09-11-12
11-112	Maston			1			09-11-12
11-144	Carman			1			09-11-12
12-002	Hipfel			1			09-11-12
12-020	Clark		1				09-11-12
12-043	Truax			2			09-11-12
11-105	Powell					2	10-09-12
11-109	Tompkins		1	5			10-09-12
11-114	Flaig		1	2			10-09-12
11-121	Duran			1			10-09-12
11-132	Brown		3	6			10-09-12
09-127	Thornton	1	4	5	2		11-13-12
11-046	Petersen			1			11-13-12

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
11-110	Bauer			**5**	**2**		11-13-12
11-122	McCullough		**1**	**1**	**1**		11-13-12
11-130	Longnecker		**1**				11-13-12
11-136	Ionescu			**1**	**2**		11-13-12
11-137	Mendoza		**1**	**2**	**1**		11-13-12
11-138	Greenwood		**2**	**8**			11-13-12
11-143	Miller				**1**	**1**	11-13-12
12-042	Truax			**2**			11-13-12
11-027	Hendrix			**4**			12-11-12
11-135	Mason			**7**			12-11-12
12-003	Jefferson		**1**	**5**			12-11-12
12-019	Robles			**1**			12-11-12
12-026	O'Hara			**1**			12-11-12
12-045	Lopez			**1**			12-11-12
TOTALS	**77**	**15**	**98**	**200**	**37**	**17**	**367 findings/ 10 meetings**

TABLE 8: ONE YEAR SUMMARY DISMISSAL / SUMMARY DISMISSAL / PROCEDURALLY CLOSE CASES BY DATE

CASE #	COMPLAINANT	FINDINGS			DATE CLOSED
		ONE YEAR SUMMARY DISMISSAL *	SUMMARY DISMISSAL	PROCEDURALLY CLOSED	
11-139	Olmeda			X	01-06-12
12-001	White/Bovenzi			X	01-31-12
12-004	Arnold/Hughes			X	02-06-12
12-005	Gregg			X	02-14-12
11-078	Smith		X		02-14-12
11-141	Maldanado		X		02-14-12
12-008	Norwood			X	02-16-12
12-013	Brians			X	03-07-12
12-014	Zamora			X	03-07-12
12-015	Thrasher			X	03-09-12
11-010	Roytlender	X			03-13-12
11-023	Barron	X			03-13-12
11-024	Jackson	X			03-13-12
12-007	Novobilsky		X		03-13-12
12-022	Ray			X	04-09-12
12-027	Fagan			X	04-19-12
12-032	Prazma			X	05-01-12
12-034	Medina			X	05-07-12
11-028	Kjeldergaard	X			05-08-12
11-039	Lopez		X		05-08-12
12-041	Amos			X	05-22-12
12-048	Sexton			X	05-29-12
12-052	Fultz			X	06-07-12

CASE #	COMPLAINANT	FINDINGS			DATE CLOSED
		ONE YEAR SUMMARY DISMISSAL *	SUMMARY DISMISSAL	PROCEDURALLY CLOSED	
11-032	Moreno	X			06-12-12
11-033	Thrasher	X			06-12-12
11-043	Mason	X			06-12-12
11-061	Ferrell	X			06-12-12
11-085	Spears		X		06-12-12
12-036	Ramirez		X		06-12-12
12-039	Giordano		X		06-12-12
12-059	Manzanares			X	06-28-12
12-063	Moreno			X	07-06-12
12-064	DeVault			X	07-06-12
12-068	Webb			X	07-26-12
11-067	Switzer	X			08-14-12
11-099	Karam		X		08-14-12
12-071	Rhinelander		X		08-14-12
12-076	Guillen/Luevano			X	08-16-12
12-080	Bruno			X	08-21-12
12-081	Wiltrout/Kelley			X	08-22-12
12-090	Ivory			X	09-07-12
12-091	Ivory			X	09-07-12
12-077	Estrada		X		09-11-12
12-092	Albright			X	09-13-12
12-096	Eslami			X	09-18-12
12-070	Khelaf		X		10-09-12
12-074	Whiteside		X		10-09-12
12-075	Omar		X		10-09-12
12-097	Dietenhofer		X		10-09-12
12-107	Scott		X		10-09-12
12-106	Bentley			X	10-22-12
12-113	Entsminger			X	11-01-12
12-119	Jager			X	11-09-12
11-055	Sobel et al.	X			11-13-13
12-115	Vergara		X		11-13-13
12-117	Hohenstein			X	11-20-12
12-127	Realmuto			X	11-27-12
12-128	Realmuto			X	11-27-12
12-011	Whitney		X		12-11-12
12-133	Graham		X		12-11-12
12-134	Najera			X	12-20-12
TOTALS	**61**	**10**	**18**	**33**	

*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.

TABLE 9: POLICY RECOMMENDATIONS - 2012

CASE #	NAME	SUMMARY OF POLICY RECOMMENDATIONS	DATE TO BOARD	DEPT. RESPONSE
11-119	Nieto	It is recommended that San Diego Sheriff's Department direct all detention facility commanders to implement Social Visiting Policies and Procedures consistent with California Code of Regulations Title 15, Section 1062 of Division 1, Crime Prevention and Corrections and consider as a guide procedures outlined in Section 3176 of Division 3, Rules and Regulations of Adult Institutions, Programs and Parole, Department of Corrections and Rehabilitation.	01-10-12	11-05-12
12-077	Estrada	It is recommended that San Diego Sheriff's Department direct all deputies operating department vehicles equipped with Mobile Data Computers to log into the system; and direct deputies initiating traffic stops to notify the Communications Center of the vehicle license number, and location of enforcement stops. A thorough review and revision should be conducted of all Sheriff Department Policies and Procedures, to include, but not be limited to Policy Statement 7.12, the Patrol Manual, the Traffic Manual, and Court Services Bureau Policies and Procedures to ensure consistent direction is provided to all deputies operating department vehicles equipped with Mobile Data Computers and GPS devices.	09-11-12	01-16-13 .

TABLE 10: CLERB TWO-YEAR ADOPTED/APPROVED OPERATIONAL BUDGET

LINE ITEM CATEGORY	2012-2013	2013-2014
Salaries & Fringe Benefits	**$474,622**	**$488,310**
Services & Supplies	**$113,489**	**$113,489**
Total Expense	**$588,111**	**$601,799**
General Revenue	**$588,111**	**$601,799**
Employee positions	**4**[2]	**4**

[2] The Review Board maintained the Administrative Assistant III as a part-time rather than full-time position.

GLOSSARY OF TERMS & DEFINITIONS

Action Justified:
The investigation showed the alleged act did occur, and was lawful, justified and proper.

Not Sustained (Insufficient Evidence):
There was insufficient evidence to either prove or disprove the allegation.

Procedurally Closed:
A lodged case is closed by the Executive Officer when it is not returned with a signature under penalty of perjury.

Summary Dismissal: Action taken by the Review Board on a filed complaint:

(a) The Review Board has no jurisdiction over the complaint or an allegation; or
(b) The Review Board has 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.

Sustained:
The evidence supports the allegation and the act or conduct was not justified.

Unfounded:
The investigation showed the alleged act or conduct did not occur.

Lodged versus Filed Complaints:
A complaint is "lodged" or recorded and given a case number when a person contacts the Review Board to complain about an incident and is sent a complaint form. The complaint is "filed" when the person returns the complaint form signed under penalty of perjury.

Preponderance of the Evidence:
Evidence that has more convincing force than that opposed to it. "Preponderance of the evidence" is the standard of proof used in the Review Board's investigations.

Summary Hearings:
The Review Board considers the staff reports on complaint investigations in Summary Hearings in closed session.

APPENDIX A:

CHARTER OF THE COUNTY OF SAN DIEGO

Section 606: Citizens Law Enforcement Review Board.

(a) The Board of Supervisors, by ordinance, shall establish a Citizens Law Enforcement Review Board consisting of not less than nine (9) nor more than fifteen (15) members nominated by the Chief Administrative Officer and appointed by the Board of Supervisors. Members of the Citizens Law Enforcement Review Board shall serve without compensation for terms not to exceed three years as established by ordinance, and members shall be appointed for not more than two consecutive full terms. County employees and persons employed as peace officers or custodial officers shall not be eligible to be members of the Citizens Law Enforcement Review Board.

(b) Members of the Citizens Law Enforcement Review Board shall serve at the pleasure of the Board of Supervisors, and they may be removed at any time by a majority vote of the Board of Supervisors.

(c) Vacancies on the Citizens Law Enforcement Review Board shall be filled for the balance of the unexpired term in the same manner as the position was originally filled.

(d) The Citizens Law Enforcement Review Board shall have the power to subpoena and require attendance of witnesses and the production of books and papers pertinent to its investigations and to administer oaths.

(e) The Citizens Law Enforcement Review Board may appoint in accordance with its established procedures such personnel as may be authorized by the Board of Supervisors. Notwithstanding any other provision of this Charter, any authorized executive director and investigators of the Citizens Law Enforcement Review Board shall be in the classified or the unclassified service as determined, by ordinance, by the Board of Supervisors.

(f) The Board of Supervisors, by ordinance, shall establish the duties of the Citizens Law Enforcement Review Board and its duties may include the following:

(1) Receive, review and investigate citizens complaints which charge peace officers or custodial officers employed by the Sheriff's Department or the Probation Department with (A) use of excessive force, (B) discrimination or sexual harassment in respect to members of the public, (C) the improper discharge of firearms, (D) illegal search or seizure, (E) false arrest, (f) false reporting, (G) criminal conduct or (H) misconduct. All action complaints shall be in writing and the truth thereof shall be attested under penalty of perjury. "Misconduct" is defined to mean and include any alleged improper or illegal acts, omissions or decisions directly affecting the person or property of a specific citizen by reason of:

1. An alleged violation of any general, standing or special orders or guidelines of the Sheriff's Department or the Probation Department; or

2. An alleged violation of any state or federal law; or

3. Any act otherwise evidencing improper or unbecoming conduct by a peace officer or custodial officer employed by the Sheriff's Department or the Probation Department.

(2) Review and investigate the death of any individual arising out of or in connection with actions of peace officers or custodial officers employed by the Sheriff's Department or the

Probation Department, regardless of whether a citizen complaint regarding such death has been filed with the Citizens Law Enforcement Review Board.

(3) Prepare reports, including at least the Sheriff or the Probation Officer as recipients, on the results of any investigations conducted by the Citizens Law Enforcement Review Board in respect to the activities of peace officers or custodial officers, including recommendations relating to the imposition of discipline and recommendations relating to any trends in regard to employees involved in citizen complaints.

(4) Prepare an annual report to the Board of Supervisors, the Chief Administrative Officer, the Sheriff and the Probation Officer summarizing the activities and recommendations of the Citizens Law Enforcement Review Board, including the tracking and identification of trends in respect to all complaints received and investigated during the reporting period.

(5) Notify in writing any citizens having filed a complaint with the Citizens Law Enforcement Review Board of the disposition of his or her complaint. The Chief Administrative Officer shall also receive appropriate notification of the disposition of citizen complaints.

(6) Review and make recommendations on policies and procedures of the Sheriff and the Probation Officer.

(7) Establish necessary rules and regulations for the conduct of its business, subject to approval of the Board of Supervisors.

(8) Perform such other duties as the Board of Supervisors, by ordinance, may assign to the Citizens Law Enforcement Review Board.

(9) Established rules and procedures for receipt of complaints from detention facility inmates.

(g) In the event that a County Department of Corrections is established, the Citizens Law Enforcement Review Board shall have the same powers and duties in respect to that Department, its Director, and its peace officer and custodial officer employees, as the Citizens Law Enforcement Review Board has in respect to the Sheriff, the Probation Officer and their departments and employees.

(Added, Effective 12-26-90)

APPENDIX B:

SAN DIEGO COUNTY ADMINISTRATIVE CODE
ARTICLE XVIII - CITIZENS LAW ENFORCEMENT REVIEW BOARD

SEC. 340. PURPOSE AND INTENT.

It is the purpose and intent of the Board of Supervisors to establish a Citizens Law Enforcement Review Board of the County of San Diego to advise the Board of Supervisors, the Sheriff and the Chief Probation Officer on matters related to the handling of citizen complaints which charge peace officers and custodial officers employed by the County in the Sheriff's Department or the Probation Department with misconduct arising out of the performance of their duties. The Citizens Law Enforcement Review Board is also established to receive and investigate specified citizen complaints and investigate deaths arising out of or in connection with activities of peace officers and custodial officers employed by the County in the Sheriff's Department or the Probation Department. In addition, the Citizens Law Enforcement Review Board is to make appropriate recommendations relating to matters within its jurisdiction, report its activities, and provide data in respect to the disposition of citizen complaints received by the Citizens Law Enforcement Review Board. It is the purpose and intent of the Board of Supervisors in constituting the Citizens Law Enforcement Review Board that the Review Board will be advisory only and shall not have any authority to manage or operate the Sheriff's Department or the Probation Department or direct the activities of any County officers or employees in the Sheriff's Department or the Probation Department. The Review Board shall not decide policies or impose discipline against officers or employees of the County in the Sheriff's Department or the Probation Department.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.1. CITIZENS LAW ENFORCEMENT REVIEW BOARD.

The Board of Supervisors hereby establishes the Citizens Law Enforcement Review Board of the County of San Diego, hereinafter referred to as "Review Board."
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.2. NUMBER OF MEMBERS.

The Review Board shall consist of eleven (*11) members.*
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.3. NOMINATION AND APPOINTMENT.

(a) The Board of Supervisors shall appoint all eleven members to the Review Board, all of whom shall be residents and qualified electors of the County. Members shall be nominated by the Chief Administrative Officer. In making nominations the Chief Administrative Officer shall attempt to reflect in Review Board membership comprehensive representation of age, sex, socioeconomic status, racial and ethnic background and geographical distribution, including representation of both the unincorporated areas and the cities that contract with the County for law enforcement by the Sheriff's Department. The list of nominees submitted to the Board of Supervisors shall include a statement of the qualifications of each person nominated.
(b) Public notice and publicity shall be given of intention to appoint members to the Review Board. An application form shall be provided to members of the public.
(c) County employees and persons employed as peace officers and custodial officers shall not be eligible to be members of the Review Board.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.4. TERM OF OFFICE.

(a) Each member shall serve a term of three years; provided, however, that the terms of the initial members of the Review Board shall be determined as follows:
At the first meeting of the Review Board, the eleven members shall draw lots to determine which four members will serve a three year term, which four members will serve a two year term, and which three members will serve a one year term.

(b) A member shall serve on the Review Board until a successor has been appointed. A member shall be appointed for no more than two consecutive full terms. Appointment to fill a vacancy shall constitute appointment for one term. The term for all members shall begin on July 1 and end on June 30. The term of all persons who are the initial appointees to the Review Board shall be deemed to commence on July 1, 1991.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.5. REMOVAL.

Members of the Review Board serve at the pleasure of the Board of Supervisors and may be removed from the Review Board at any time by a majority vote of the Board of Supervisors.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.6. VACANCIES.

A vacancy shall occur on the happening of any of the following events before the expiration of the term:

(1) The death of the incumbent.
(2) The resignation of the incumbent.
(3) The ceasing of the incumbent to be a resident of the County of San Diego.
(4) Absence of the member from three consecutive regular meetings of the Review Board, or
(5) Failure to attend and satisfactorily complete the required training course within three months of the beginning of a member's term or of the member's appointment to fill a vacancy.

When a vacancy occurs the Board of Supervisors and, where appropriate, the member shall be notified of the vacancy by the Chairperson. Vacancies shall be filled in the same manner as the position was originally filled. Vacancies shall be filled within forty-five days and, subject to the provisions of this article, shall be filled for the balance of the unexpired term.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.7. ORGANIZATION.

(a) *Officers.* The Review Board shall select annually from its membership a Chairperson, a Vice-Chairperson and a Secretary.

(b) *Rules.* The Review Board shall prepare and adopt necessary rules and regulations for the conduct of its business, subject to approval of the Board of Supervisors. A current copy of the rules and regulations shall be filed with the Clerk of the Board of Supervisors.

(c) *Quorum.* A majority of members currently appointed to the Review Board shall constitute a quorum. A majority of members currently appointed to the Review Board shall be required to carry any motion or proposal.

(d) *Minutes.* The Review Board shall keep written minutes of its meetings, a copy of which shall be filed with the Clerk of the Board of Supervisors.

(e) *Meetings.* The Review Board shall establish a regular meeting schedule and shall give public notice of the time and place of meetings. All meetings shall be held in accordance with the requirements of the Ralph M. Brown Act (Government Code, section 54950 et seq.).
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.8. COMPENSATION.

Members of the Review Board shall serve without compensation, except they shall be reimbursed for expenses incurred in performing their duties in accordance with provisions of the County Administrative Code regulating reimbursement to County officers and employees.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.9. DUTIES AND RESPONSIBILITIES.

The Review Board shall have the authority to:

(a) Receive, review and investigate citizen complaints filed against peace officers or custodial officers employed by the County in the Sheriff's Department or the Probation Department which allege: (A) use of excessive force; (B) discrimination or sexual harassment in respect to members of the public; (C) the improper discharge of firearms; (D) illegal search or seizure; (E) false arrest; (F) false reporting; (G) criminal conduct; or (H) misconduct. The Review Board shall have jurisdiction in respect to all citizen complaints arising out of incidents occurring on or after November 7, 1990; provided, however, that the Review Board 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 physical or mental incapacity shall not be counted in determining whether the one year period for filing the complaint has expired. All action complaints shall be in writing and the truth thereof shall be attested under penalty of perjury. "Citizen complaints" shall include complaints received from any person whatsoever without regard to age, citizenship, residence, criminal record, incarceration, or any other characteristic of the complainant. "Misconduct" is defined to mean and include any alleged improper or illegal acts, omissions or decisions directly affecting the person or property of a specific citizen by reason of:

1. An alleged violation of any general, standing or special orders or guidelines of the Sheriff's Department or the Probation Department; or

2. An alleged violation of any state or federal law; or

3. Any act otherwise evidencing improper or unbecoming conduct by a peace officer or custodial officer employed by the Sheriff's Department or the Probation Department.

The Review Board shall have no authority pursuant to this subdivision to take action in regard to incidents for which no citizen complaint has been filed with the Review Board.

(b) Review and investigate the death of any individual arising out of or in connection with actions of peace officers or custodial officers employed by the County in the Sheriff's Department or the Probation Department, regardless of whether a citizen complaint regarding such death has been filed with the Review Board. The Review Board shall have jurisdiction in respect to all deaths of individuals coming within the provisions of this subdivision occurring on or after November 7, 1990; provided, however, that the Review Board may not commence review or investigation of any death of an individual coming within the provisions of this subdivision more than one year after the date of the death, unless the review and investigation is commenced in response to a complaint filed within the time limits set forth in subdivision (a) of this section.

(c) Prepare reports, including at least the Sheriff or the Probation Officer as recipients, on the results of any investigations conducted by the Review Board in respect to the activities of peace officers or custodial officers, including recommendations relating to the imposition of discipline, including the facts relied on in making such recommendations, and recommendations relating to any trends in regard to employees involved in citizen complaints. The Review Board is not established to determine criminal guilt or innocence.

(d) Prepare an annual report to the Board of Supervisors, the Chief Administrative Officer, the Sheriff and the Probation Officer summarizing the activities and recommendations of the Review Board including the tracking and identification of trends in respect to all complaints received and investigated during the reporting period.

(e) Notify in writing any citizen having filed a complaint with the Review Board of the disposition of his or her complaint. The Chief Administrative Officer shall also receive appropriate notification of the disposition of citizen complaints. Such notifications shall be in writing and shall contain the following statement: "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."

(f) Establish necessary rules and regulations for the conduct of its business, subject to approval of the Board of Supervisors.

(g) Review and make recommendations on policies and procedures of the Sheriff's Department and the Probation Departments to the Board of Supervisors, the Sheriff, and the Chief Probation Officers.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91; amended by Ord. No. 7914 (N.S.), effective 6-27-91; amended by Ord. No. 9737 (N.S.), effective 10-27-05; amended by Ord. No. 9782 (N.S.), effective 7-20-06)

SEC. 340.10. REVIEW BOARD INVESTIGATIONS.

Citizen complaints received by the Review Board shall be transmitted forthwith to the Sheriff or the Probation Officer.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.11. SUBPOENAS.

The Review Board shall, pursuant to the Charter of the County of San Diego, section 606(d), have the power to subpoena and require attendance of witnesses and the production of books and papers pertinent to its investigations and to administer oaths.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.12. STAFF ASSISTANCE.

The Review Board shall appoint such personnel as may be authorized by the Board of Supervisors.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.13. TRAINING REQUIREMENTS.

All members shall attend and satisfactorily complete a training course within three months of the beginning of the member's term or of the member‘s appointment to fill a vacancy. The training requirements shall be established by the Chief Administrative Officer. Failure to attend and satisfactorily complete the training course within the prescribed time shall result in the member's removal from the Review Board and shall automatically create a vacancy on the Review Board.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.14. RECORDS.

Any personnel records, citizen complaints against County personnel in the Sheriff‘s Department or the Probation Department, and information obtained from these records, which are in the possession of the Review Board or its staff, shall be confidential and shall not be disclosed to any member of the public, except in accordance with applicable law. Copies of records and complaints of the Review Board shall be made available to the Sheriff or the Probation Officer upon completion of the investigation of the Review Board unless prohibited by applicable law.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.15. COOPERATION AND COORDINATION.

In the discharge of its duties, the Review Board shall receive complete and prompt cooperation from all officers and employees of the County. The Review Board and other public officers, including the Sheriff, the District Attorney, and the Grand Jury, shall coordinate their activities so that the other public officers and the Review Board can fully and properly perform their respective duties.
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)