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**County of San Diego**  
**CITIZENS' LAW ENFORCEMENT REVIEW BOARD**

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**REGULAR MEETING AGENDA**  
**TUESDAY, JUNE 14, 2016, 5:30 P.M.**  
**San Diego County Administration Center**  
**1600 Pacific Highway, Bayside Rooms I/II, San Diego, 92101**

(Free parking is available in the underground parking garage, on the north side of Ash Street, in the 3-hour public parking spaces.)

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

**DISABLED ACCESS TO MEETING**

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

**WRITINGS DISTRIBUTED TO THE BOARD**

Pursuant to Government Code 54957.5, written materials distributed to CLERB in connection with this agenda less than 72 hours before the meeting will be available to the public at the CLERB office located at 555 W Beech Street, Ste. 505, San Diego, CA.

**1. ROLL CALL**

**2. MINUTES APPROVAL**

- a) Minutes of the May 2016 Regular Meeting (*Attachment A*)

**3. PRESENTATION / TRAINING**

- a) Chief Probation Officer Adolfo Gonzales

**4. EXECUTIVE OFFICER'S REPORT**

- a) Workload Report - Open Complaints/Investigations Report (*Attachment B*)

**5. NEW BUSINESS**

- a) Board Member Recognition

-continued on next page-

b) Grand Jury Report: Citizen Oversight Boards of Police Behavior

**6. UNFINISHED BUSINESS**

- a) Proposal to Amend CLERB Rules and Regulations Section 16(c) to change the finding from “Action Justified” to “Exonerated.”
- b) Executive Officer pending items: the 2014 & 2015 Annual Reports, Rules & Regulations updates, California Senate Bill 1286 Peace Officers: Records of Misconduct and Review Board questions form the May 10, 2016 meeting.

**7. BOARD MEMBER COMMENTS**

**8. PUBLIC COMMENTS**

- a) This is an opportunity for members of the public to address the Board on any subject matter that is within the Board's jurisdiction. Each speaker should complete and submit a "Request to Speak" form to the Administrative Secretary. Each speaker will be limited to three minutes.

**9. SHERIFF / PROBATION LIAISON QUERY**

**10. CLOSED SESSION**

- a) **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).
  - 14-129 / Natisin (Sustained - Deputy 1)
  - 16-013 / Oliver (Sustained x 3 – Deputy 1)

(Sustained – Deputy 2)
- b) **Evaluation of Executive Officer:** Notice pursuant to Government Code 54957

<b>DEFINITION OF FINDINGS</b>	
Sustained	The evidence supports the allegation and the act or conduct was not justified.
Not Sustained	There was <u>insufficient evidence</u> to either prove or disprove the allegation.
Action Justified	The evidence shows the alleged act or conduct did occur but was lawful, justified and proper.
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 (12)**

**ALLEGATIONS, RECOMMENDED FINDINGS & RATIONALE**

## 14-144

1. Death Investigation/Suicide – Inmate Webb jumped from the second tier of his housing module to the dayroom floor, resulting in his death.

### Recommended Finding: Summary Dismissal

Rationale: The inmate was arrested for a high-profile crime; prior to surrendering to authorities during a standoff, he allegedly made the comment, “If I go to jail/prison, I’m going to slash my throat.” That information was provided to and evaluated by supervising medical personnel at the detention facility. During the booking process, Inmate Webb denied making a suicidal statement and emphatically denied any suicidal ideation. The evaluation determined that he did not meet the criteria for safety cell placement, however, Webb was placed into a cell with a roommate as a precaution. The following day, as evidenced on video, Webb exited his cell and climbed onto the second tier safety guardrail. He reportedly said, “I’m not doing life in prison,” then dove headfirst from the rail to the first level cement floor, a distance of approximately twenty feet. Deputies and medical staff responded immediately and attempted life-saving procedures although Webb had obvious signs of trauma to the top of his head. The Medical Examiner determined Webb died of blunt force trauma to the head and the manner of death was determined to be a suicide. Inmate witnesses were interviewed and Webb did not make any suicidal statements to persons at the detention facility prior to his actual suicide. There was no evidence of misconduct or violation of Departmental Policy and Procedures by Sheriff’s deputies; Inmate Webb was assigned to general population housing at the direction of medical personnel. The Review Board lacks jurisdiction over Sheriff’s Medical staff, who are non-sworn personnel.

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## 15-047

1. Excessive Force – Deputy 1 “targeted” the complainant with his tazer.

### Recommended Finding: Not Sustained

Rationale: The complainant alleged that Deputy 1 pointed and aim his tazer at him when he exited his vehicle without permission. Deputy 1 conducted a traffic enforcement stop on the complainant, when a DMV records check on his vehicle revealed that his registration had been expired for 11 months, while displaying a current 2015 registration sticker. Immediately upon being stopped, the complainant exited his vehicle and ignored Deputy 1’s commands to get back into his car. The complainant then began to incite onlookers, encouraging them to shout derogatory comments toward Deputy 1. After requesting cover, Deputy 1 reported that he grabbed the complainant’s shoulder and guided him to a seated position on the curb, where he was handcuffed and detained. Although an acceptable use of force given the circumstance, Deputy 1 denied targeting the complainant with his tazer, stating that he only unholstered it. Absent surveillance video or an independent witness to this incident, there is insufficient evidence to prove or disprove the allegation.

2. Illegal Search or Seizure – Deputy 1 searched the complainant’s person.

### Recommended Finding: Action Justified

Rationale: The complainant alleged that Deputy 1 searched him after placing him in handcuffs. After conducting the traffic stop, the complainant was arrested for PC§§ 148, Resist, Obstruct, Delay of Peace Officer and 21810, Metal Knuckles; Possession. Case law provides that incident to a lawful custodial arrest, deputies are entitled to search the arrestee’s person and area around them, and any area and objects that are under the arrestee’s immediate control. Deputy1 searched the complainant’s person incident to a lawful arrest, and this act was lawful, justified and proper.

3. Illegal Search or Seizure – Deputy 1 searched the complainant’s vehicle.

### Recommended Finding: Action Justified

Rationale: The complainant alleged that Deputy1 searched his vehicle after placing him in handcuffs and seating him on a nearby curb. Case law provides that incident to a lawful custodial arrest, deputies are authorized to enter a vehicle and conduct a limited search for weapons in situations where the circumstances

justify it. During the search of the complainant's vehicle, Deputy 1 located a set of illegal Metal Knuckles in violation of PC§ 21810, Possession of Metal Knuckles. Deputy 1 searched the complainant's vehicle incident to a lawful arrest, and this act was lawful, justified and proper.

4. Excessive Force - Deputy 1 placed handcuffs on the complainant too tightly.

Recommended Finding: Not Sustained

Rationale: The complainant alleged that Deputy 1 placed handcuffs on him too tightly. Deputy 1 denied this allegation, and did not recall the complainant indicating that the handcuffs were placed too tightly. The complainant did not report during the filing of his complaint that he stated or indicated to Deputy 1 that there were problems with the placement of his handcuffs, nor did deputies on scene recall hearing the complainant state that the handcuffs were too tight. Absent an audio recording of this contact and subsequent arrest, there is insufficient evidence to prove or disprove the allegation.

5. Excessive Force – Deputy 2 or Deputy 3 grabbed and squeezed the complainant's throat while he was seated in a patrol vehicle.

Recommended Finding: Not Sustained

Rationale: The complainant alleged that while handcuffed and seated in a patrol vehicle, Deputy 2 or Deputy 3 grabbed and squeezed his throat. Both deputies denied this allegation, and other deputies on scene denied observing any deputy grabbed the complainant by his throat. Absent video or an independent witness to this alleged incident, there is insufficient evidence to either prove or disprove the allegation.

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**15-048**

1. Misconduct/Procedure – Deputy 2 failed to provide the complainant his legal mail in a timely manner.

Recommended Finding: Not Sustained

Rationale: The complainant alleged that Deputy 2 failed to provide him his legal mail in a timely manner. Deputy 2 acknowledged that one of his many duties on night shift included the handling and distribution of legal mail to inmates. He reported that consistent with policy, any legal mail entering the facility is brought to the inmate's particular housing unit and opened in front of the inmate. Deputy 2 denied that he failed to provide the complainant's legal mail to him in a timely manner, stating that he performed his duties according to prescribed standards. Deputy 2 was unaware of any other deputies who failed to provide legal mail in a timely manner. Absent hard evidence to the contrary, there is insufficient evidence to prove or disprove the allegation.

2. Misconduct/Procedure – Deputy 2 failed to provide the complainant multiple emails, subscribed weekly magazines and books sent to him by family members.

Recommended Finding: Not Sustained

Rationale: The complainant alleged that Deputy 2 failed to provide his emails, magazines and books sent to him by family members. Deputy 2 reported that his night shift duties included the handling and distribution of any magazines, books, or emails sent to inmates. He denied that he failed to provide these items to the complainant, and was unaware of any deputies who failed to fulfill this duty. There is insufficient evidence to prove or disprove the allegation.

3. Misconduct/Procedure – Deputies 1 and 5 failed to provide the complainant his legal mail in a timely manner.

Recommended Finding: Summary Dismissal

Rationale: The complainant alleged that Deputies 1 and 5 failed to provide him his legal mail in a timely manner. Deputies 1 and 5 left the department in March, 2016 and are no longer subject to CLERB's requests for information. The Review Board lacks jurisdiction based on CLERB Rule & Regulation 4.1, in that Deputies 1 and 5 are no longer employed by the Sheriff's Department, and were not required to cooperate with this investigation.

- Misconduct/Procedure – Deputies 1 and 5 failed to provide the complainant multiple emails, subscribed weekly magazines and books sent to him by family members.

Recommended Finding: Summary Dismissal

Rationale: See Rationale #3

- Misconduct/Procedure – Deputy 3 failed to provide the complainant toilet paper, disinfectant and an I.A. complaint form when requested.

Recommended Finding: Summary Dismissal

Rationale: The complainant alleged that Deputy 3 failed to provide him toilet paper, disinfectant and an I.A. complaint form when requested. Deputy 3 retired from the Sheriff's Department in April, 2016 and is no longer subject to CLERB's requests for information. The Review Board lacks jurisdiction based on CLERB Rule & Regulation 4.1, in that Deputy 3 is no longer employed by the Sheriff's Department, and was not required to cooperate with this investigation.

- Misconduct/Discourtesy – Deputy 3 was “extremely disrespectful” and “rude” when refusing to provide the requested items.

Recommended Finding: Summary Dismissal

Rationale: See Rationale #5

- Misconduct/Procedure – Deputy 4 failed to provide the complainant toilet paper, disinfectant and an I.A. complaint form when requested.

Recommended Finding: Not Sustained

Rationale: The complainant reported that Deputy 4 failed to provide him toilet paper, disinfectant and an I.A. complaint form when requested. Deputy 4 reported that on the date of this alleged incident, several inmates made simultaneous requests for items that already had specific distribution days. He did not recall the complainant's request for toilet paper and disinfectant, but reported that he informed the complainant that he would provide an I.A. complaint form once he had finished attending to other facility and inmate needs. Deputy 4 stated that he referred the complainant to posted instructions on the module glass wall that explained how an I.A. complaint could be submitted through the phone system. Per Deputy 4, he contacted the complainant the next day and asked him if he had received a complaint form, which he reportedly responded that he had. Absent an audio recording of these contacts, there is insufficient evidence to prove or disprove the allegation.

- Misconduct/Discourtesy – Deputy 4 was “extremely disrespectful” and “rude” when refusing to provide the requested items.

Recommended Finding: Not Sustained

Rationale: The complainant alleged that Deputy 4 was “extremely disrespectful” and “rude” when refusing to provide the requested items. Deputy 4 denied being disrespectful and rude to the complainant, stating that he treated him as he does all of the inmates: firm, but fair. Deputy 4 described his demeanor and tone during this contact with the complainant as calm and firm. Absent an audio recording of this contact, there is insufficient evidence to prove or disprove the allegation.

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## **15-049**

- Misconduct/Retaliation – PO 2 arrested the complainant on a Flash Incarceration after the complainant requested a complaint form to file a complaint against him.

Recommended Finding: Action Justified

Rationale: The complainant alleged that PO 2 arrested him on a “Flash Incarceration” in retaliation for the complainant requesting a complaint form to file on him. A Flash Incarceration is the imposition of 10

consecutive days in local custody for any violation of a probationer's post release supervision conditions. The complainant was released to Post Release Community Supervision (PRCS), pursuant to Penal Code section 3450, Post Release Community Supervision Act of 2011, and was subject to community supervision to be provided by the Probation Department. General and special conditions of release were outlined and explained to the complainant, and his signature endorsed agreement to comply with the stated conditions. Conditions cited for this flash arrest included use/possession of drugs or alcohol, and failing to follow the directives of the Probation Officer. During his probation, the complainant tested positive for drugs and alcohol use on several occasions, and was very vocal to his probation officer and to PO 2 about his refusal to comply with these conditions of his probation. Despite several reminders regarding the prohibition of drug and alcohol use outlined in his probation conditions, the complainant was adamant about his intentions to continue their use. PO 2 arrested the complainant, pursuant to PC§ 3453, Post Release Community Supervision; Conditions, and this act was lawful, justified and proper.

2. Misconduct/Retaliation – PO 1 arrested the complainant on a Flash Incarceration after the complainant told her that she could not impose on him a condition of not drinking.

Recommended Finding: Action Justified

Rationale: The complainant alleged that PO 1 arrested him on a Flash Incarceration after the complainant told PO 1 that she could not impose on him a condition prohibiting drinking alcohol. A review of PO 1's Contact Reports with the complainant indicated that PO 1 arrested the complainant on a Flash Incarceration, after the complainant failed to report to her office as directed. The complainant's arrest for violating the condition of his probation prohibiting the consumption of alcohol was addressed by PO 2 in a previous arrest. PC§ 3453, Post Release Community Supervision; Conditions, requires that probationers "follow the directives and instructions of the supervising county agency." The complainant was directed by PO 1 to report to her office, but disobeyed this directive in violation of his probation conditions. The complainant was arrested on a Flash Incarceration, and this act was lawful, justified and proper.

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### 15-055

1. Excessive Force – Deputies 1 and 2 forcefully removed the complainant from her cell and placed her in the Enhanced Observation Housing unit.

Recommended Finding: Action Justified

Rationale: The complainant stated that she was removed from her cell against her will, and placed in the Enhanced Observation Housing unit. The complainant said that a deputy read an online article she had written for a jail/prison publication wherein she expressed daily suicidal ideations, resulting in her being placed into a Medical Isolation Cell for observation against her will. Detentions Policy and Procedure J.5, Inmate Suicide Prevention Practices, requires staff to immediately notify medical staff and keep any inmate under close observation when that inmate presents a potential danger to self, danger to others or unable to care for self. In response to the complainant's published article, she was moved into Enhanced Observation Housing where she remained until medically cleared to return to general population. Video surveillance showed that Deputies 1 and 2 contacted the complainant at her cell, handcuffed her, and escorted her to the medical isolation cell. The evidence showed that the minimal force used to remove the complainant from her cell was reasonable and necessary, and the act was lawful, justified and proper.

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### 15-063

1. Misconduct/Procedure – Deputy 1 contacted the complainant at her home, on the complainant's landlord's personal behalf.

Recommended Finding: Action Justified

Rationale: The complainant alleged that Deputy 1 contacted her on her landlord's personal behalf, intimating that the contact was initiated as a personal favor to her landlord. Deputy 1 contacted the complainant after being

assigned by sheriff's dispatch to respond to a preserve the peace service call. Deputies are dispatched to these types of service calls when parties in dispute require an intermediary to maintain the peace, when the parties intend to interact. Deputy 1 responded to a lawful service call, and this act was lawful, justified and proper.

2. Misconduct/Discourtesy – Deputy 1 demanded that the complainant open her door, not allowing her sufficient time to properly dress.

Recommended Finding: Not Sustained

Rationale: The complainant alleged that Deputy 1 banged on her front door and demanded that she open it, not allowing her sufficient time to properly dress. Deputy 1 denied this allegation, stating that he never demanded that the complainant open her door, as no emergency existed that required such urgency. He reported knocking on the complainant's door several times before getting an answer, and provided her more than enough time to open her door. Deputy 2 accompanied Deputy 1 during this contact and reported that they waited so long for a response to the knock that they began to think that no one was home. There is no way to determine the length of time Deputy 1 allowed the complainant to respond to his contact attempt, leaving insufficient evidence to either prove or disprove the allegation.

3. Misconduct/Discourtesy – Deputy 1 was unprofessional and disrespectful toward the complainant during their contact.

Recommended Finding: Not Sustained

Rationale: The complainant alleged that Deputy 1 conducted himself in an unprofessional and disrespectful manner toward her during their contact. Deputy 1 denied this allegation, stating that his conduct was professional and respectful throughout this contact with the complainant. He reported being calm and respectful toward her, despite the complainant's constant interruptions. Deputy 2 was on scene with Deputy 1 during this contact and reported that Deputy 1 respectfully addressed the complainant and was very patient with her even though she continued to interrupt him while he was speaking. The assessment of a person's conduct is very subjective, making it virtually impossible to evaluate Deputy 1's conduct without the benefit of audio or video recordings. Absent these tools, or an independent witness to this interaction, there is insufficient evidence to either prove or disprove the allegation.

4. Misconduct/Discourtesy – Deputy 3 was unprofessional and disrespectful toward the complainant during their phone conversation.

Recommended Finding: Not Sustained

Rationale: The complainant alleged that Deputy 3 was unprofessional and disrespectful toward her during their phone conversation. Deputy 3 denied this allegation, stating that he allowed the complainant to explain what happened during her contact with Deputy 1 and vent, and was very professional, and spoke to her in a calm voice throughout their conversation. The telephone conversation between Deputy 3 and the complainant was not recorded, pitting one person's word against the other, and leaving insufficient evidence to either prove or disprove the allegation.

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## **15-065**

1. Misconduct/Harassment – Deputy 1 stalked and harassed the complainant at her place of work.

Recommended Finding: Summary Dismissal

Rationale: The complainant alleged that a person, whom she believed was a sworn member of the San Diego County Sheriff's Department, stalked and harassed her in the past and had recently come to her place of work to further harass her. The person identified as the deputy alleged to have harassed the complainant was not listed on the Sheriff's Department sworn roster. The complainant was contacted on two separate occasions to clarify the identity of the named deputy, but she could not provide any clarifying information identifying a sworn member named in her complaint. Additionally, the complainant could not identify a pattern of specific behaviors that would indicate that she had been stalked and/or harassed by any sworn member of the Sheriff's

Department. CLERB does not have jurisdiction over individuals that are not sworn members of the Sheriff's and Probation Departments; therefore, such complaints are referred to the Review Board for Summary Dismissal, pursuant to CLERB Rules & Regulations: Section 9: Investigation of Complaints; Subsection 9.2: Screening of Complaints.

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### **15-078**

1. Illegal Search – Deputy 1 entered the complainant's home without a warrant.

Recommended Finding: Action Justified

Rationale: The complainant reported that Deputy 1 entered her residence without permission or a warrant. Sheriff's Communications records documented that Deputy 1 responded to a request from Child Welfare Services (CWS) regarding an unattended child. Deputy 1 reported that she knocked on the complainant's door and announced her presence several times without response, before opening an unlocked door. The complainant acknowledged that she opted not to answer when she heard knocking at her door, but decided to respond after Deputy 1 opened the door and announced her presence. California case law permits entry into premises without a warrant under exigent circumstances; Deputy 1 had been dispatched to assist CWS in a child welfare matter, and it was necessary to make entry to determine the status of the child. The evidence showed the alleged act that occurred, but was lawful, justified and proper.

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### **15-104**

1. Excessive Force – Deputies 1-6 tasered and/or pepper-sprayed the disabled complainant.

Recommended Finding: Action Justified

Rationale: The complainant said numerous deputies surrounded and attacked him verbally, then used a "laser gun" and pepper spray to subdue him to the ground. He reported to a family member he felt like he was "being kidnapped." The mentally ill complainant was not taking his prescribed medication when this incident occurred and due to his maniacal state, he was not a credible witness to the events as they occurred. Six deputies responded to the scene and wrote detailed reports describing their actions in response to the complainant's nonsensical actions, including him hitting his head on the ground. The complainant sustained several areas of road rash on his face and had puncture wounds from a Taser; three deputies sustained minor to moderate injury requiring medical treatment. There was no pepper-spray used in this incident. The level of force described by deputies was in response to the verbal noncompliance, active resistance and assaultive behavior exhibited by the complainant. Reasonable force is not brutal or excessive, but rather a degree of force that is necessary to overcome the suspect's resistance. The complainant's inability to follow directives, along with his body language, actions and resistance led to the deputies conduct as reported, which was lawful, justified and proper.

2. Misconduct/Procedure – Deputies 1-6 did not seek medical treatment for the complainant for several hours.

Recommended Finding: Action Justified

Rationale: The complainant felt that his injuries were major and that the "officers were supposed to call the paramedics to check him." He reported that immediate assistance was not given and he waited a few hours before being treated. Sheriff's Communication records documented this event beginning at 9:02 p.m., and medical records recorded the time the complainant was seen for treatment was 10:43 p.m. The time lapse was not unreasonable. Deputies reported that the complainant continued to be uncooperative throughout their contact, so he was placed into maximum restraints to limit his movements. As soon as the complainant was secured enough to no longer be a danger to himself and others, he was transported to a hospital. Medical staff reported that the complainant was uncooperative and that he sustained a minor head injury with superficial abrasions. The deputies' actions were lawful, justified and proper.

3. Misconduct/Procedure – Deputy 7 refused to release the complainant after bail was posted by his family.

Recommended Finding: Action Justified

Rationale: The complainant said that his family posted bond the day of his arrest, but he was not released until the next day. The complainant was booked on March 21<sup>st</sup>, at 4:00 a.m., and was released on bond on the 22<sup>nd</sup> at 1:48 a.m. Aladdin Bail Bonds responded to CLERB's subpoena with documents verifying the complainant's bail was filed/posted on the 21<sup>st</sup>. Bail postings are handled by clerks, who are non-sworn personnel. JIM's records verified that the complainant's \$50,000 bail was authorized at 1:26 a.m., and the complainant was released 22 minutes later. The delay in the complainant's release was due to his non-cooperation during the booking process and the deputy's actions were lawful, justified and proper.

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**16-021**

1. Misconduct/Procedure – Deputy 1 interviewed the aggrieved without a parent or child advocate present, refused to stop an interview upon the complainant's request, and threatened to remove the aggrieved from the complainant's care for interfering with an interrogation.

Recommended Finding: Not Sustained

Rationale: The complainant described her complaint as alleged above. Deputy 1 was assigned to follow-up and investigate a report of child abuse. Deputy 1 responded to a CLERB questionnaire concerning this incident. In his response, Deputy 1 confirmed and refuted portions of what the complainant reported. The Child Abuse and Neglect Reporting Act precluded CLERB from accessing protected material to include the child abuse reports. Based upon the available evidence, Deputy 1 was not found to be in violation of any Sheriff's Policies & Procedures. However, because CLERB was not authorized to review the crime report or an audio recording associated with this case, there is insufficient evidence to prove or disprove the allegation.

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**16-035**

1. Criminal Conduct – Deputy 1 disclosed to the complainant that he terrorized numerous inmates at the Vista Detention Facility.

Recommended Finding: Summary Dismissal

Rationale: The complainant reported that an unidentified inmate was abused on November 18, 2015, but without further identifying details, CLERB was unable to investigate this matter. Confidentiality laws protect a deputy's personnel file to include complaints against an officer. This allegation/complaint is referred to the Sheriff's Department for review and any follow-up that their agency deems necessary.

2. Misconduct/Procedure – Deputy 2 failed to conduct a complete investigation by not interviewing the complainant and/or other key witnesses.

Recommended Finding: Action Justified

Rationale: The complainant reported a domestic violence incident involving Deputy 1 that occurred outside of San Diego and while the deputy was off-duty. The Incident Report pertaining to that case did not list Deputy 1 as a suspect. The dispatched authorities took a report, but did not contact San Diego Sheriff's Department. Deputy 2 confirmed that they did not have a case concerning this matter and the complainant corroborated that she did not file a complaint with IA. The evidence showed that no witnesses were interviewed because there was no complaint filed or any investigation conducted. The complainant was advised to file her complaint with Internal Affairs who has authority to monitor the on and off-duty conduct of their employees.

3. Criminal Conduct – Deputy 1 accessed a law enforcement database for the complainant's records.

Recommended Finding: Unfounded

Rationale: The complainant reported that Deputy 1 told her, "Oh, I can find you, all I have to do is hit one button." Sheriff's deputies are prohibited from utilizing departmental computers and accessing computerized informational sources for anything other than duties involving a criminal or administrative investigation. The

Sheriff's Processor for CLERB reported that an audit was conducted by the complainant's name and did not result in any queries. The evidence showed that the alleged act or conduct did not occur.

4. Misconduct/Procedure – The “boys in blue” are protecting one of their own (Deputy 1), who has a documented history of violence and instability.

Recommended Finding: Summary Dismissal

Rationale: The complainant produced 20 items of evidence involving Deputy 1 and his conduct while on and off-duty, spanning a period of approximately 14 years. CLERB can only investigate on-duty conduct that has occurred within the past year, and cannot access pertinent information, such as personnel files and medical records that are protected by confidentiality laws. This matter is referred to the Sheriff's Department for review and any follow-up that their agency deems necessary.

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### **16-043**

1. False Arrest – PO 1 arrested the complainant in 2014.

Recommended Finding: Summary Dismissal

Rationale: The incident giving rise to this complaint, the complainant's arrest in 2014, resides outside the one-year timeline required by CLERB Rules and Regulations 4.4 Citizen Complaints: Jurisdiction. The complainant submitted a mental health release as evidence for an exemption to the one-year timeline, but P.O. 1 is no longer with the Probation Department, and not mandated to comply with an investigation. The other entities identified by the complainant, as part of this conspiracy, are outside agencies or retired members that also do not fall within CLERB's jurisdiction.

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*End of Report*