

MINUTES
CITIZENS' LAW ENFORCEMENT REVIEW BOARD MEETING
December 9, 2014

Attachment A

- Roll Call**
- The Board meeting was held at the County Administration Center and came to order at 5:30 p.m. All Board members were present except Clifford Myers and Calixto Pena.
- Minutes Approval**
- The October 2014 meeting minutes were approved by motion.
- Training**
- N/A
- Executive Officer**
- Patrick Hunter summarized the Investigative Workload & Classification Reports for October and November 2014: As of October 31, 2014, there were **109** open investigations; **6** new complaints were received and **11** cases were closed. At the end of November, there were **121** open investigations; **15** new complaints were received and **1** case was closed.
 - Outreach Activities by Patrick Hunter; Board Chair George DeLaBarre accompanied him in the Grand Jury presentation. Executive Officer did a presentation to the San Diego City/County Managers Association (CCMA). CLERB presentations were given at the most recent Sheriff's Supervisors Course and the Sheriff's Detentions Academy.
 - Riley Gordon – Inquired if the San Diego City/County Managers know we exist? Patrick Hunter responded.
- New Business**
- Swearing in of new Board Member, Darrel Harrison.
 - Communications:
 1. Email from "People Who Care About Others."
 2. Letter from Inmate Maraglino

Executive Officer Patrick Hunter reported that, the County Charter, Administrative Code, and CLERB Rules and Regulations authorize the Review Board to review and make recommendations on policies and procedures of the Sheriff and the Probation Officer. The Review Board may direct Staff to take no action, or take additional action as it deems necessary and appropriate, such as the making of recommendations regarding policy or rule changes, referral to appropriate governmental agencies, or other appropriate action. The Review Board did not direct staff to take any action on the communications provided.

- Loren Vinson – Commented on communications responses.

Unfinished Business

- Policy Recommendations

Executive Officer Patrick Hunter read into the record, the Sheriff's Department response to two Policy Recommendations submitted in connection with case 12-110/Victorianne. The Department responded in a document which included confidential information, and precluded publication of the entire document.

Specifically, CLERB recommended:

To help prevent further loss of life, we recommend that the Sheriff's Department reviews the detentions policy and protocol on tracking and monitoring inmates who come into county detention facilities with drug overdose and drug-ingestion risk indicators. The Department policy or protocol, if not in effect, should specifically address the monitoring of incoming inmates who have been observed ingesting unidentified substances and/or presenting with symptoms related to drug overdose.

The Department responded: "In early 2013, the Department commissioned the Office of Independent Review (OIR) to review our Detention's Policies and Procedures. They completed their review in February of 2014. Several recommendations were made by the OIR regarding the use of safety cell placements and the requisite safety checks to insure the welfare of our inmates. These recommendations are currently being reviewed by the Detention's Services Bureau. The OIR report will be made available to the CLERB Board after the Detention's Services Bureau completes its response to the Office of Independent Review.

The Department's Chief Medical Officer, Dr. Alfred Joshua, also conducted a comprehensive review of the medical protocols at each of our detention facilities. The review resulted in changes to priority treatment schedules and intake medical procedures. A few of these changes were presented to the CLERB Board earlier this year by Dr. Joshua. On October 1, 2014, Dr. Joshua instituted several changes to improve mental health services in our jails. These changes will also have a significant effect on inmates exhibiting symptoms similar to those experienced by Victorianne.”

In addition to the preceding statement, the Sheriff’s Department provided their latest change to Policies and Procedures I.43, Inmate Count Procedures, which was dated in July 2014.

The second policy recommendation, stated ...

It is recommended, that the San Diego Sheriff’s Department ensure compliance with Sheriff’s Policy M.7, Inmate Deaths, that explicitly directs the Homicide and Detentions Investigation Units to conduct all interviews of possible witnesses during the investigation of an in-custody death; and that this duty not be circumvented by any other units or agencies.

“The Department conducted a review of the Homicide and the Detentions Investigations Units response to the death of Bernard Victorianne in October, 2012. We disagree with your assessment that we *circumvented* the investigative process by having Internal Affairs and not the Homicide Unit conduct interviews of two deputies involved in the investigation. Senior Administrative Staff made the decision to have Internal Affairs interview the two involved deputies. Sheriff’s Policy M.7 dictates that Homicide and Detentions Investigation personnel will *generally* conduct all interviews of possible witnesses, not shall. In this instance, the facts were obvious regarding the actions of the deputies and the Department decided to quickly begin the Administrative Investigation in an effort to hold our personnel accountable for their actions.

We do not believe the death investigation conducted by Homicide and the Detentions Investigative Units was compromised by having Internal Affairs immediately begin their investigation.”

- Loren Vinson – Commented on the interview process. Response by Sheriff’s Liaison, Robert Kanaski.
- Annual Reports
- James Laswell – Participated in a ride-along with the Imperial Beach Substation.
- George DeLaBarre, Delores Chavez-Harms, Cliff Myers, Gary Brown, Darrel Harrison, Deputy County Counsel Shiri Hoffman, and Executive Officer Patrick Hunter - Toured the Vista Detention Facility in November.

**Board Member
Comments**

Public Comments

**Sheriff/Probation
Inquiries**

- Ruth Hickey: Case 14-003
- Sandra Arkin – Is there any kind of policy that suggests that when probation officers are doing a 4th waiver search in a home when it has been secured and safe that they take a photograph before and after the search. Response by Probation Liaison, Mark Palmer.
- Loren Vinson – What does “Sul position” stand for? Response by Probation Liaison, Mark Palmer.
- Riley Gordon – Asked about Sheriff’s Department deputy application and vetting process. Response by Sheriff’s Liaison, Robert Kanaski.
- Delores Chavez-Harmes – Board queries and discussion regarding the interview/reporting requirements in Homicide and Death Investigations. Response by Sheriff’s Liaison, Robert Kanaski.

Closed Session

- a) **Request for Reconsideration** – Pursuant to CLERB Rules & Regulations: 16.9 Reconsideration of Final Report. Upon request by the complainant, subject officer or their representatives, the Final Report may be re-opened for reconsideration by the Review Board provided that: (a) previously unknown relevant evidence is discovered which was not available to the Review Board before it issued its Final Report, and; (b) there is a reasonable likelihood the new evidence will alter the findings and recommendations contained in the Final Report.

- 14-035 / Halpern for Taylor

b) **Discussion & Consideration of Complaints & Reports / Officer Discipline Recommendation:**
 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).

- 12-110 / Victorianne (Sustained – SDSA, Deputies 1, 2, 3, and 4)

| <u>CASE NO</u> | <u>LAST NAME</u> | <u>CASE NO.</u> | <u>LAST NAME</u> |
|----------------|------------------|-----------------|------------------|
| 13-045 | Padilla | 14-003 | Hickey |
| 13-088 | Woodall | 14-014 | Mangels |
| 13-105 | Meza & Rodriguez | 14-028 | Frey |
| 13-106 | Miller | 14-101 | Copeland |
| 13-107 | Duclos | 14-103 | Arnold |
| 13-111 | Green | 14-112 | Miller |
| 13-115 | Brown | 14-116 | Phillip |
| 13-116 | Pekar | 14-123 | Smith |
| 13-118 | Wakefield | | |

The meeting was adjourned at 7:58 p.m.

Minutes prepared by Ana Becker, Administrative Secretary III



PATRICK A. HUNTER, Executive Officer



DEBRA DEPRATTI GARDNER,
 Secretary of the Board