

MINUTES
CITIZENS' LAW ENFORCEMENT REVIEW BOARD MEETING
February 8, 2022

Attachment A

- Roll Call**
- The meeting was held via the Zoom platform and came to order at 5:30 p.m. All Board members were present.
- Public Comments**
- Mary Best, Ione Daniels, Karen Reimus, Darwin Fishman, Rev. Shane Harris, Lori Saldana, Yusef Miller, Tom Packard, and Lynn Owens addressed the Board. Robin Sales, under General Comments, wanted her thoughts to be read into the record and registered.
- Minutes Approval**
- The December 7, 2021, December 21, 2021, January 11, 2022, and January 25, 2022, meeting minutes were approved unanimously.
- Executive Officer Report**
- On January 12, 2022, CLERB members Buki Domingos, Nadia Kean-Ayub, Bonnie Kenk, and MaryAnne Pintar and CLERB investigators Briana Chiesa, William Graham, and Claudia Wigfall had their introductory meet-and-greet virtually with former Sheriff Gore, Acting Sheriff Martinez, and the San Diego Sheriff's Department (SDSD) Command Staff.
 - In reference to a recent CLERB inquiry re: inventory of non-operable cameras, timeframes cameras would be repaired, and information as to the camera's maintenance cycle, SDSD responded and indicated sworn staff do not have responsibility over camera maintenance and repair; the San Diego County Department of General Services and its contractors have said responsibility and are the source to obtain answers to CLERB's questions. I will report back when I have additional information.
 - On February 8, 2022, Reverend Shane Harris of the People's Association of Justice Advocates discussed with Mr. Parker obtaining the racial breakdown of the 185 inmates identified by the California State Auditor's Office audit (Audit) as dying in the custody of the SDSD between 2006 and 2020. Mr. Parker expressed his willingness to compile the information, as know by CLERB which will not cover all 185 deaths for the discussed under tonight's New Business Item pertaining to the Audit. Mr. Parker viewed Reverend Harris's subsequent press conference via Zoom and then received, via email, Reverend Harris's official request. Mr. Parker continues to be committed to focusing on all death investigations under CLERB's jurisdiction and, as time passes, to become a much more reliable provider of data in an attempt to identify systemic issues and trends with the goal of preventing deaths in custody. NOTE: The 2021 Annual Report will contain a breakdown by race of all deaths occurring in 2020 and 2021. Finally, our independent In-Custody Death Data report will not provide a breakdown of each death by race, but instead uses race to better understand the differences in county populations, specifically how a County's racial breakdown correlates to the County's in-custody death rate.
 - CLERB Member Vacancy Updates
 - District 1 (D1) personnel are still reviewing applications for its vacancy.
 - Chair Youngflesh's term has expired, and interviews are in process for a new District 2 (D2) CLERB member. Chair Youngflesh will continue to serve until a replacement is appointed. A nomination to the Chief Administrative Officer is expected this month.
 - District 3 (D3) personnel are still conducting interviews for its vacancy.
 - Investigative Workload and Classification Report for January 2022 (Attachment B)
 - There were six new cases (as compared to eight for January 2021).
 - There are eight cases on tonight's agenda.
 - At the end of January there were 76 active cases (six in "lodged" status and 70 open and active).
 - There were 28 open death cases.
 - CLERB had documents for 12 cases and was awaiting documents on the remaining 16. Two death cases are on tonight's agenda.
 - There were one new SDSD patrol-related death case in January (apparent suicide after a traffic stop).
 - There were eight open uses of force resulting in great bodily injury without a complaint.
 - There were two open discharges of firearm without a complaint.
 - There was one use of force at protest or First Amendment protected events without a complaint.
 - Case Progress and Status Reports (Attachment C)
 - Mr. Parker discussed the two reports: "CLERB Reports by Due Date" and "CLERB Reports Due by Case Number."

- For the first time in recent memory, there are no cases scheduled to time out for almost two months. After that one case (which is a death case that should be on next month's agenda), there are no cases due to time out for approximately three months.
- The emphasis continues to be on the prioritization and investigation of death investigations. Pursuant to our updated Death Investigations policy, these cases will be completed within three months of assignment.
- In addition, priority is given to cases in which excessive force is alleged, uses of force resulting in great bodily injury, uses of force at protests, and discharges of firearms.
- Executive Officer Correspondence to Full CLERB (Attachment D)
- The following emails were sent to CLERB:
 - Three general media article compilations containing a total of 21 articles.
 - One email announcing the January 25, 2022, CLERB Special Meeting to schedule a date and time for a CLERB Town Hall pertaining to the Center for Policing Equity Report commissioned by SDSO.
 - Two media article compilations pertaining to Sheriff Gore's retirement containing eight total articles.
- Policy Recommendation Pending Responses
 - 20-063 / Morton (Death) – SDSO
 - 20-113 / Alvarez (Death) – SDSO
 - 21-060 / Meadows – SDSO
 - CLERB Staff Response to Death Scenes – SDSO
 - CLERB Staff Response to Death Scenes – Probation
- Policy Recommendation Response
 - None
- Request for Report Back from SDSO
 - Address Concerns Identified in Center for Policing Equity Report
- Sustained Finding Pending Responses
 - 20-104 / Chon (Death) – SDSO
 - 20-113 / Alvarez (Death) – SDSO
 - 21-087 / Grino-Watson – SDSO
- Sustained Finding Response
 - None

Board Comments

- MaryAnne Pinter commented regarding the EO Report. She wanted to follow up on the audit of the cameras in the detention facilities. Wanted to emphasize again her disappointment that the response we received from the Sheriff's Department was that they have no ability to answer or respond to our request regarding the audit of inoperable cameras in the detention facilities. She wants to know who in the Sheriff's Department is responsible for asking General Services to perform that audit. Although in the initial response, they stated it was in the purview of General Services, someone must ask them to repair or replace those cameras. Ms. Pinter also mentioned she could discuss this with our liaison as well. EO Parker will work Department of General Services and have a detailed report next month.
- Tim Ware inquired who determines the jurisdiction. EO Parker responded, when asked for a report back, the Sheriff's Department determines whether it believes the request is within CLERB's jurisdiction and responds accordingly. In this incident, this is not CLERB's jurisdictional issue.
- Vice Chair Eileen Delaney suggested this issue is something that could also be addressed when doing the Detention Facility inspections.
- Gary Wilson concurs with Ms. Pinter and asked that EO Parker work with Sheriff's Department liaison and the Department to come up with a mechanism where someone is held responsible and accountable to make sure the maintenance and operational checks are done daily.
- Ms. Pinter asked if CLERB would receive a written response from the Sheriff's Department, about the concerns identified in the CPE report prior to our next Board meeting that can be reviewed. Mr. Parker stated that if he receives a report back prior, he will ensure the CLERB and the public receive it at that time.

Board Chair's Report

- Susan Youngflesh thanked the staff for their work during the staffing shortage and its continued dedication and hard work. Thank you to liaisons who attended today's meeting.
- Reminded the Board members that the Form 700 Filing is due by April 1, advising to reach out to CLERB

staff if there are any questions.

New Business

- Continuance of Teleconferencing Meeting Option Pursuant to Government Code Section 54953(e)
 - Lori Saldana wanted to encourage the Board to continue with some form of these meetings for those unable to participate to comment and share views. Asked that CLERB provide a way for those unable to travel to participate.
 - Board made a motion to find that CLERB has reconsidered the circumstances of the state of emergency and that state and local officials continue to recommend measures to promote social distancing. Motion made by Ms. Delaney and seconded by Vice Chair Kean Ayub. Motion carried.
- California State Auditor's Office Final Report 2021-109: San Diego County Sheriff's Department to include Content Related to CLERB and CLERB's Response (Attachment E)
 - Tom Packard commented that he's grateful that the state audit has reinforced and elaborated upon with great authority the concerns that UT reporters and community members have been raising for some time. Hopes the in-custody deaths data analysis project will not end up being a stalling tactic. He also thanked Executive Officer Parker for public comments on the audit announcement. Also, thanked CLERB for recent, more proactive work on systemic change.
 - Lori Saldana mentioned, as a community, they are here to make requests that CLERB will commit to revise rules and regulations by May 2022 and ensure that we get closer to that within a one-year time limit.
 - Natalie Neshat thanked CLERB for all its efforts. Wanted to express concern around the Sheriff's having not implemented three key recommendations from external oversight entities before. It is a critical opportunity for CLERB to engage with the Department so as not to repeat patterns. She hopes CLERB will take actions to address the egregious discrepancies outlined in the report.
 - Yusef Miller commented that law enforcement is doing jobs that they shouldn't be involved in. For example, housing people with mental health problems, criminalizing mental health so much so that people there for minor infractions are held over in law enforcement facilities and lose their lives before they can go to court or see a judge. Same issue with rehab. These people should be sent to mental and drug facilities if they haven't committed a violent crime. We should be going in the direction of the initiatives. People must be properly placed in the proper facilities instead of incarceration.
- EO Parker commented that, in reference to the audit, the Sheriff's Department will speak for itself but provided a brief overview of the audit's recommendations for the Department and its documented responses.
- CLERB agreed with and accepted the six recommendations for it in the audit.
- Ms. Domingos thanked EO Parker for his recommendation response and address issues before he joined CLERB.
- Mr. Ware also thanked EO Parker for his and his team's initiative. Asked if there are any recommendations that haven't already been addressed and, if so, could EO Parker discuss. GI Wilson also thanked EO Parker and congratulated him for forming a stellar team of investigators. He specifically acknowledged Investigator Setzler. Sincerely appreciates Mr. Parker.
- Ms. Domingos asked to make a motion to have a Town Hall in March independent of the monthly CLERB meeting to discuss and hear from the public regarding the state-wide audit that was released on February 3, 2022. Pastor Spriggs seconded. Motion carried.
- Ms. Domingos wanted to make an amended motion ed. The Ad Hoc Committee would like spearhead the Town Hall.
- Ms. Hoffman recommended making a new motion. Seconded by Mr. Wilson. Motion carried.
- Ms. Delaney requested clarification on whether the subcommittee conducts the Town Hall. Shiri affirmed.
- Board Member Pintar thanked EO Parker for his thorough response on behalf of CLERB to the audit. She inquired about the cameras in the detention facilities. Requested that during EO Parker's conversations with General Services, could they provide us with an update regarding the new surveillance system that they reference in the audit.

Unfinished Business

- Update: Authority for the Executive Officer to Work with County Staff to Pursue Legislation and/or to Add a Policy to the County Legislative Program in Support of Increased Transparency in Civilian Oversight of Peace Officers and Custodial Officers
 - Mr. Parker is leaving this on the agenda and will provide an update every month. Other than

continuing to pursue, there was no additional information to provide.

- Update: Authority for the Executive Officer to Work with County Staff to Request that the County Board of Supervisors Expand CLERB's Jurisdiction to Include Personnel Involved in Providing Medical Care in County Detention Facilities
 - Mr. Parker is leaving this on the agenda and will provide an update. Other than continuing to pursue, there was no additional information to provide.
 - Board Member Pintar inquired if there is anything CLERB can do
- Update: CLERB Town Hall Pertaining to San Diego Sheriff's Department Center for Policing Equity Report
 - Ms. Domingos stated the two-hour Town Hall will occur on February 22 from 5:30 to 7:30 pm regarding racial disparity, and discussed the agenda, stakeholders, moderators, and the drafting of a flier.
- Update: Racial Disparity and Racial Profiling Subcommittee
 - Ms. Domingos said the ad hoc committee will come up with a date for a Town Hall pertaining to in-custody deaths and queried if CLERB should vote today. Shiri Hoffman confirmed the Chair could schedule a special meeting.
 - Ms. Pintar asked colleagues to consider there are a lot of people who may want to address both topics.
 - Ms. Delaney encouraged letting people be able to discuss both subjects.
 - Mr. Ware inquired as to whether both items could be listed and have two Town Halls.
 - Mr. Wilson suggested having two Town Halls and make people aware of the CPE and then the Audit Report.
 - Ms. Delaney made a motion for two Town Hall meetings to take place and allow people to make comments on either topic. And, to have both topics on the second Town Hall. Motion failed.
- Update: In-Custody Death Data Review Subcommittee
 - EO Parker is looking to have the final report on the April meeting agenda.

**Board Member
Comments**

- Ms. Domingos thanked everyone for having the first sponsored CLERB Town Hall, to give them the space to speak.
- Tim Ware thanked Ms. Hoffman for her intelligence and professionalism.
- Pastor Spriggs thanked everyone for the progress of the Board.

**Sheriff/Probation
Liaison Query**

- Ms. Domingos asked if there is an update on whether CLERB members can do ride-alongs and the appropriate channels to go through. Sgt. Kristin Brayman stated that if any CLERB members would like to ride along with Patrol, they are to speak with EO Parker.
- Pastor Springs inquired about the in-custody COVID cases. Sgt. Brayman mentioned they don't have an update, but a website is provided. And provided EO Parker information on testing in the facilities.
- Ms. Domingos inquired about the vaccination status of inmates. Sgt. Brayman mentioned that they are provided vaccination during booking process or during a medical appointment.
- Supervisor Barnum mentioned that Tamika Nelson is the new Chief Probation Officer who began on January 31, 2022. Brian Berry is now in the Internal Affairs position.
- Brian Berry mentioned he hopes to put his experience into good use with Supervisor Barnum and CLERB.
- Tim Ware gave kudos to the first female Chief Probation Officer.

The Board entered closed session at 7:34 p.m.

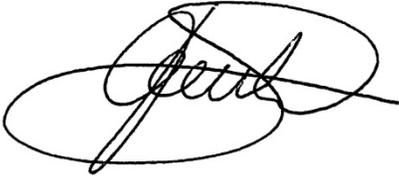
Closed Session

- a) Officer Discipline Recommendation - (Govt. Code 54957): Deliberations regarding consideration of subject officer discipline recommendation.
- b) Discussion & Consideration of Complaints & Reports - (Govt. Code 54957): Hearing of citizen complaints brought against Sheriff or Probation peace officers (held in closed session unless the employee requests a public session).

<u>CASE NO.</u>	<u>LAST NAME</u>	<u>CASE NO.</u>	<u>LAST NAME</u>
20-104	Chon	20-108	Mills
21-008	Boyle	21-027	Wight
21-031	Weber	21-034	Moreno

The meeting was adjourned at 8:10 p.m.

Minutes prepared by Eliza Hugee, Administrative Secretary

A handwritten signature in black ink, appearing to read "Paul", written in a cursive style with a large loop at the end.

PAUL R. PARKER III
Executive Officer

A handwritten signature in blue ink, appearing to read "Robert Spriggs Jr.", written in a cursive style.

ROBERT SPRIGGS, JR.
Secretary to the Board

DRAFT