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# County of San Diego

## CITIZENS' LAW ENFORCEMENT REVIEW BOARD

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April 4, 2022

Michael S. Tilden, CPA  
Acting California State Auditor  
621 Capitol Mall, Suite 1200  
Sacramento, CA 95814

RE: CLERB 60-Day Recommendation Implementation Update to California State Auditor's Report 2021-109

Dear Mr. Tilden:

The Citizens' Law Enforcement Review Board (CLERB) welcomes the opportunity and has authorized me to provide this 60-day update to the implementation of recommendations to California State Auditor's (CSA) Report 2021-109.

CLERB's update to the specific recommendations are set forth below:

- **Recommendation One: Discuss and modify its current agreement with the Sheriff's Department and the labor organization to allow CLERB's investigators to conduct independent interviews of Sheriff's Department sworn staff.**

In March 2022, CLERB finalized a contract with new outside counsel, Duane E. Bennett. Now that Mr. Bennett is in place, the CLERB Executive Officer (EO), the Deputy Sheriff's Association (DSA) President, DSA Counsel, and Mr. Bennett will expand upon the initial conversations had about this topic in the last quarter of 2021 and the EO will advise the CSA of the status during its six-month update.

- **Recommendation Two: Develop a comprehensive training manual for its investigators that outlines standard procedures for investigations. The manual should include a specific section dedicated to investigations of in-custody deaths, including guidance for evaluating the circumstances leading up to an in-custody death, such as the decedent's mental health history and the appropriateness of the decedent's housing assignment.**

A comprehensive training manual containing the following topics is being authored:

- County structure
- CLERB historical perspective
- County Charter, Section 606
- County Administrative Code, Section 340
- CLERB Rules and Regulations
- Civil Service Commission Rule XV
- Case Law Including and impacting CLERB
- Public Safety Officer Procedural Bill of Rights (POBOR)
- Statutes Pertaining to Peace Officer Records
- San Diego County Grand Jury Reports Pertaining to CLERB
- Ralph M. Brown Act

- San Diego County Operational Plan Pertaining to CLERB
- CLERB's Internal Policies and Procedures
- Results of CLERB's Business Process Review

The training manual will also include a specific section dedicated to investigations of in-custody deaths, to include an evaluation of the circumstances leading up to an in-custody death, and to include a review of the decedent's mental health history and the appropriateness of the decedent's housing assignment. It will also include evaluations of a trainee's performance and documentation as to his/her progress, or lack thereof. In addition to these critical topics, there will be documented instructions to evaluate the timeliness and thoroughness of welfare checks conducted on the decedent by deputies and assess whether deputies appropriately determined that a life-threatening emergency existed and responded accordingly. The EO will advise the CSA of the training manual status during its six-month update.

- **Recommendation Three: Create policies and procedures to require its investigators to finish casework on in-custody death investigations within three months of receiving the homicide investigation file. These policies and procedures should also require investigators to attempt to independently verify any information they receive from the Sheriff's Department; to thoroughly review deputy statements and reports from the homicide investigation file; and to request interviews with relevant detentions staff and other witnesses in all instances where they identify discrepancies or missing information.**

On February 3, 2022, the EO incorporated all aspects of this recommendation into existing CLERB Policy #300.5, entitled, "Death Investigations."

- **Recommendation Four: CLERB should revise its rules and regulations to include prioritization criteria for investigating in-custody deaths above all other investigations.**

The EO and County Counsel have drafted verbiage to revise CLERB's Rules and Regulations (R&R) to prioritize death investigations over all other investigations. The EO is pursuing this change along with some other changes to the R&R and County Administrative Code (Code). Those additional changes require the assistance of Labor Relations and conferences with the affected labor associations. Once the labor relations process is complete, CLERB will review the proposed changes to the Code and R&R. If CLERB approves the changes, they will be brought before the Board of Supervisors for final approval. The EO will advise the CSA of the Code and R&R revision status during its six-month update.

- **Recommendation Five: CLERB should revise its rules and regulations to include clarification that its investigations of in-custody deaths include those classified as natural deaths.**

The EO and County Counsel have drafted verbiage to revise the R&R to clarify that CLERB's jurisdiction over death investigations includes those deaths classified as natural deaths. The EO is pursuing this change along with some other changes to the R&R and Code. Those additional changes require the assistance of Labor Relations and conferences with the affected labor associations. Once the labor relations process is complete, CLERB will review the proposed changes to the Code and R&R. If CLERB approves the changes, they will be brought before the Board of Supervisors for final approval. The EO will advise the CSA of the Code and R&R revision status during its six-month update.

- **Recommendation Six: CLERB should perform an analysis of overall trends related to these deaths, including demographic information, and determine whether the trends suggest deficiencies in the Sheriff's Department's policies and procedures. It should also identify policy recommendations for improving the safety of individuals in the Sheriff's Department's custody. CLERB should include these trends and analysis in its annual reports starting with its 2021 report.**

The current EO has prioritized in-custody death investigations and the analysis of overall trends related to the deaths, to include demographic information. The current EO has committed to expanding the

reporting to include an analysis of overall trends related to deaths, including demographic information and whether the trends suggest a deficiency in the Sheriff's Department's policies and procedures, in the 2021 Annual Report. In addition, all CLERB policy recommendations made in 2021 will be included in the 2021 Annual Report. The 2021 Annual Report is in progress. The EO will advise the CSA of the 2021 Annual Report status during its six-month update.

We look forward to updating the CSA on progress made within six months. Our commitment to continuing the proactivity started at the end of 2020 to improve upon the invaluable civilian oversight role we provide to the public, the Sheriff's Department, and the County is unwavering. The implementation of the CSA recommendations will assist with CLERB's provision of independent, timely, full, and thorough investigations into in-custody deaths which may, in turn, prevent future deaths.

Sincerely,



Paul R. Parker III  
Executive Officer, CLERB

cc: CLERB Members  
Shiri Hoffman and Aurelia Razo, Senior Deputies County Counsel  
Duane E. Bennett, Law Office of Duane E. Bennett