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# County of San Diego

## CITIZENS' LAW ENFORCEMENT REVIEW BOARD

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### MEETING AGENDA

**Tuesday, August 9, 2022, 5:30 p.m.**

Remote Meeting Zoom Platform

<https://us06web.zoom.us/j/87958167500?pwd=L0RCUEJFYXR1U0JzZ3dPQVg5blZIUT09>

Phone: +1 669 444 9171

Webinar ID: 879 5816 7500

Passcode: 956031

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 should submit a "Request to Speak" form 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 CLERB at (619) 238-6776 at least 24 hours before the meeting.

#### WRITINGS DISTRIBUTED TO THE BOARD

Pursuant to Government Code Section 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. 220, San Diego, CA.

#### 1. SWEARING IN OF NEW CLERB MEMBER

#### 2. ROLL CALL

#### 3. PUBLIC COMMENTS

This is an opportunity for members of the public to address the Board on any subject matter that is within the Board's jurisdiction but not an item on today's open session agenda. **Each speaker shall complete and submit an online "Request to Speak" form.** Each speaker will be limited to three minutes. This meeting will be held remotely via the Zoom Platform. Click the link in the agenda header above to access the meeting using the Google Chrome web browser. Contact CLERB at [clerb@sdcounty.ca.gov](mailto:clerb@sdcounty.ca.gov) or 619-238-6776 if you have questions.

#### 4. MINUTES APPROVAL (Attachment A)

#### 5. PRESENTATION/TRAINING

- a) Drug Interdiction in San Diego County Sheriff's Department (SDSD) Detention Facilities: SDSD Lieutenant Karen Mullins, Detentions Investigations Unit

## 6. EXECUTIVE OFFICER'S REPORT

- a) Overview of Activities of CLERB Executive Officer and Staff
- b) Workload Report – Open Complaints/Investigations Report (Attachment B)
- c) Case Progress and Status Report (Attachment C)
- d) Executive Officer Correspondence to Full CLERB (Attachment D)
- e) Policy Recommendation Pending Responses
  - i. 21-004 / Moreno (Death) – SDSO
    - It is recommended that the SDSO identify who answers the “Arresting Officer Questions” on the Receiving Screening Questionnaire during the Booking process.
  - ii. 21-055 / Frost – SDSO
    - It is recommended that the SDSO revise Patrol Procedures Manual Policy 25 Prisoner Transportation (and any other associated policies), as it pertains to Subsection C, Deputy's Responsibilities at Detention Facility to mandate that an arrestee **shall** be taken to a facility that coincides with the arrestee's gender identity. As such, an arrestee who identifies as being female **shall** be taken to Las Colinas Detention Re-Entry Facility or Vista Detention Facility, and an arrestee who identifies as being male **shall** be taken to San Diego Central Jail, or Vista Detention Facility. If the arrestee identifies as non-binary, the arresting officer **shall** inquire as to whether the arrestee would prefer to be booked into a male or female facility and transport accordingly.
  - iii. 21-060 / Meadows – SDSO
    - It is recommended that the SDSO create a policy that mandates conducting all Detentions Investigative Unit (DIU) interviews in a private area, out of view from other inmates.
  - iv. 21-100 / Richardson – SDSO
    - This is the third incident over the past two years in which CLERB received complaints alleging that deputies assigned to the Imperial Beach Substation either failed to respond to community members while being videorecorded or attempted to interfere with a community member's right to videorecord law enforcement activity. In CLERB Case #20-025, there was insufficient evidence to determine whether, during nighttime hours, a deputy shined a flashlight toward the complainant for the purpose of interfering with his recording of the deputy's activities. In CLERB #21-024, CLERB sustained findings of a deputy refusing to acknowledge a complainant and provide identification upon request while being videorecorded. During that time, CLERB did not receive similar allegations about deputies assigned to any other station. As such, CLERB makes the following recommendation:
      - The SDSO update the Legal Affairs Update entitled “The Public Can Record the Police” dated 11-14-14, and document its review with all deputies, specifically those assigned to the Imperial Beach Substation.
  - v. 22-058 / Blue – SDSO
    - It is recommended that the SDSO create a Training Bulletin on the subject of handicap parking law enforcement, to include but not limited to temporary and permanent handicap placards and parking restrictions, for distribution to all patrol deputies.
  - vi. Create Fentanyl Canine Policy and Procedures – SDSO
    - Update Detentions Services Bureau Policy I.87, entitled, “Detention Canine Program,” and its Detentions Canine Manual to include said P&P. The P&P should indicate that the fentanyl canine will be used for searches of contraband in all areas; to conduct sniffs of all persons entering a facility to include visitors, inmates, and staff; and to conduct sniffs of persons already inside of a facility, to include visitors, inmates, and staff.

vii. CLERB Staff Response to Death Scenes – Probation

- Allow a CLERB staff member with extensive death investigation experience to be present at the initial death scene and any related incident scene and, without compromising or obstructing the law enforcement investigation, receive a briefing, participate in a scene walk-thru, and have any questions about the circumstances surrounding the events leading up to, and including the death, answered.

viii. Use of Technology to Monitor Health and Safety of Inmates – Probation

- Research, and publicly report the results of its research efforts, i.e., associated costs, technology considered, reasons for not implementing, if applicable, etc., the use of technological devices to identify and subsequently aid inmates who may be in medical distress.
- Incorporate into policy the use of technological devices to identify and subsequently aid inmates who may be in medical distress.

f) Policy Recommendation Responses

i. Reduction of Racially Disparate Policing Practices – SDSO (Attachment E)

- Reduce discretionary stops or contacts, traffic or otherwise, pertaining to low-level offenses that do not compromise actual public safety. Many of these stops are pretextual in nature and oftentimes used to make an initial contact with the primary goal of locating weapons, drugs, warrants, suspended licenses, etc.
  - Eliminate stopping or contacting people solely for lower-level traffic offenses, such as:
    - Expired registration,
    - Equipment violations, and
    - No seatbelt in use.
  - Eliminate contacting people solely for quality-of-life issues not jeopardizing public safety, such as loitering or jaywalking.
- Add to Subsection B of Field Operation Manual Policy 1, “Use of Discretion,” that discretionary decisions should be evaluated for whether they will result in racially disparate treatment or outcomes.
- Provide justification for a stop or contact on body worn camera (BWC).
- Proactively review BWC footage for the sole purpose of analyzing deputy interactions with people of color in comparison to interactions with white people.
- Institute pre-employment screening for existing implicit and explicit bias.

g) Sustained Finding Pending Responses

i. 21-055 / Frost – SDSO

h) Sustained Finding Response

i. None

## 7. BOARD CHAIR’S REPORT

## 8. NEW BUSINESS

- a) Continuance of Teleconferencing Meeting Option Pursuant to Government Code Section 54953(e)
- b) 180-Day Update to Recommendations in California State Auditor Report 2021-109 (Attachment F)
- c) Discuss Data Pertaining to SDSO Detention Services Bureau Administration of Naloxone with Non-Fatal Outcome (Attachment G)
- d) Policy Recommendation to SDSO: Pursue Digital Scanning of Non-Legal Mail Received for Incarcerated Persons and Their Subsequent Kiosk or Computer Viewing of it for the Purpose of Reducing Illicit and Prescription Drugs Entering Detention Facilities (Attachment H)

- e) Report Back on Feasibility of Third-Party Jail Administration
- f) Discussion of and Determination of Next Steps for Improvement Opportunities Identified by San Diegans for Justice (Attachment I)
- g) Reconsideration of Amendment to CLERB Regular Meeting Schedule

**9. UNFINISHED BUSINESS**

- a) 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
- b) 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

**10. BOARD MEMBER COMMENTS**

**11. SHERIFF/PROBATION LIAISON QUERY**

**12. CLOSED SESSION**

- a) PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
**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).
- b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
 Notice pursuant to Government Code section 54957  
 Title: Executive Officer, CLERB

**CASES FOR SUMMARY HEARING (8)**

**21-053/ALEMAN (DEATH)**

1. Death Investigation/In-Custody Drug Related – Jerry Aleman, while an inmate at George Baily Detention Facility (GBDF), was found unresponsive in his cell on 06-09-21. Deputies and medical personnel responded and despite initiating lifesaving measures, Aleman was pronounced dead at GBDF.
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**21-071/PICKETT**

1. Illegal Search & Seizure – Deputy 2 detained the complainant.
  2. Excessive Force – Deputies 1-4 used force to arrest the complainant.
  3. Illegal Search & Seizure - Deputies 2 and 5 towed the complainant’s vehicle.
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### **21-096/CERNILIA**

1. Misconduct/Procedure – Deputy 2 failed to assess a noise complaint.
2. Misconduct/Discourtesy – Deputy 2 was “unprofessional” in her interaction with the complainant.
3. Misconduct/Discourtesy – Deputy 1 was “unprofessional” in his interaction with the complainant.

### **POLICY RECOMMENDATION:**

1. It is recommended that the San Diego Sheriff's Department (SDSD) expand Policy and Procedures Section 6.131 entitled, “Body Worn Camera (BWC)” to incorporate the use of BWC to record all law enforcement-related contacts/interactions (i.e., telephonic calls for service, deputy call-backs, etc.), not just those contacts arising out of in-person scene responses or in-person deputy-initiated contacts.
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### **21-110/BOLDEN**

1. Use of Force Resulting in Great Bodily Injury – Deputies 1-3 used force toward Mark Bolden when being booked into the San Diego Central Jail.
  2. Excessive Force – Deputies 1 and 2 “tripped” the complainant while his hands were behind his back.
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### **22-008/RUIZ (DEATH)**

1. Death Investigation/In-Custody Medical - Rafael Ruiz died of natural causes at UCSD Medical Center on 02-11-22, following his incarceration at San Diego Central Jail (SDCJ).
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### **22-029/ACHKAR**

1. Use of Force Resulting in Great Bodily Injury – Deputies 1-3 used force toward Wissam Achkar while he was incarcerated at the George Bailey Detention Facility.
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### **22-048/WILLIAMSON**

1. Misconduct/Medical – Medical staff failed to treat Williamson.
  2. Misconduct/Procedure – The San Diego Sheriff's Department (SDSD) violated Williamson's constitutional rights.
  3. Misconduct/Procedure – SDSD provided unsanitary living conditions.
  4. Misconduct/Medical – Medical staff failed to provide medication and/or checks.
  5. Misconduct/Procedure – Unidentified jail staff ignored Williamson's request for medical treatment.
  6. Misconduct/Procedure – Unidentified deputies “condone and initiate” violence between inmates.
  7. Misconduct/Retaliation – Unidentified deputies removed Williamson's mattress.
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**22-069/LENNOX**

1. Misconduct/Procedure – Mail Processing Center deputies delayed and/or rejected Sawyer’s mail.
  2. Misconduct/Procedure – Mail Processing Center deputies “tampered” with Sawyer’s mail
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***End of Report***