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County of San Diego

CITIZENS’ LAW ENFORCEMENT REVIEW BOARD

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SPECIAL MEETING AGENDA

Tuesday, September 20, 2022, 5:30 p.m.

Remote Meeting Zoom Platform

<https://us06web.zoom.us/j/87378472502?pwd=c0FZOHcxclNjcjdxcmRUOWNSVFFpUT09>

Phone: +1 669 444 9171

Webinar ID: 873 7847 2502

Passcode: 956031

Pursuant to Government Code Section 54956 the Citizens’ Law Enforcement Review Board will conduct a special meeting at the above time and place for the purpose of transacting or discussing business as identified on this agenda. Any member of the public wishing to address the Board should submit an online “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 or 619-238-6776 if you have questions.

- 4. MINUTES APPROVAL (Attachment A)
- 5. PRESENTATION/TRAINING
 - a) None
- 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) – SDDS
 - It is recommended that the San Diego Sheriff's Department (SDDS) identify who answers the "Arresting Officer Questions" on the Receiving Screening Questionnaire during the Booking process.
 - ii. 21-055 / Frost – SDDS
 - It is recommended that the SDDS 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 – SDDS
 - It is recommended that the San Diego Sheriff's Department (SDDS) create a policy that mandates conducting all Detentions Investigative Unit (DIU) interviews in a private area, out of view from other inmates.
 - iv. 21-096 / Cernilia – SDDS
 - It is recommended that the San Diego Sheriff's Department (SDDS) 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.
 - v. 21-100 / Richardson – SDDS
 - 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 SDDS 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.
 - vi. 22-058 / Blue – SDDS
 - It is recommended that the SDDS 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.

- vii. Digital Scanning and Delivery of Non-Legal Mail to Incarcerated Persons – SDS D
 - Digitally scan all non-legal mail and ideally deliver to the incarcerated person addressed the mail via an electronic and non-physical method, e.g., kiosk, computer terminal, etc.
- viii. Physical Search or Scanning of All Persons in Detention Facilities, to Include Staff – SDS D
 - Physically search or body scan all persons entering a SDS D-operated detention facility, to include all SDS D employees, County employees, contractors, and those persons conducting county-related business. “All persons” also includes social and professional visitors and incarcerated persons (I/Ps) upon booking and transferring between facilities or re-entering a facility after having departed it for court, medical treatment, etc.
- ix. 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.
- x. 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. None

g) Sustained Finding Pending Responses

- i. 21-055 / Frost – SDS D

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)

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).

CASES FOR SUMMARY HEARING (10)

21-083/PARK

1. Misconduct/Procedure – Numerous unidentified deputies denied Incarcerated Person Park food and water during her incarceration.

POLICY RECOMMENDATIONS

1. It is recommended that deputies be required to notate in the Jail Information Management System (JIMS) each meal distribution in each housing unit, in conformance with California Title 15 Minimum Standards for Local Detention Facilities. If an incarcerated person misses a regularly scheduled facility meal and they are provided with a substitute meal and beverage, it will be notated in JIMS.
2. It is recommended that the completion or incompleteness (and reason for incompleteness) of all California Title 15 Minimum Standards for Local Detention Facilities requirements shall be noted in JIMS (showers, mail, etc.).

21-105/LENARZ

1. False Arrest – Deputy 1 arrested Lenarz on 01-28-21.
2. Misconduct/Procedure – Deputy 2 failed to interview Lenarz and/or conduct an investigation.
3. Misconduct/Procedure – An unidentified deputy failed to take a crime report.
4. Misconduct/Procedure – SDCS staff failed to provide a crime report to the complainant upon request.

21-107/BUCKELEW

1. Excessive Force – Deputy 2 picked Buckelew up by his shirt, “threw” him in a wheelchair, and “excessively” chained him on 02-13-20.
2. Misconduct/Discourtesy – Deputy 2 called Buckelew a “fucking piece of shit” on 02-13-20.
3. Misconduct/Discourtesy – Deputy 3 “spit” on Buckelew on 06-07-21.
4. Misconduct/Procedure – Deputy 18 turned off the module phones on 06-17-21.
5. Misconduct/Procedure – Deputies 4, 5, 6, 8, 11, 13, and 17 “violated” grievance procedures.
6. Misconduct/Procedure – Deputy 10 “denied” Buckelew access to a telephone on 08-22-21.

7. Misconduct/Discourtesy – Deputy 16 “antagonized, demeaned, disrespected, and/or was hostile” to Buckelew on 08-28-21.
 8. Misconduct/Procedure – Deputy 7 “refused” Buckelew access to his attorney on 09-13-21 and 09-14-21.
 9. Excessive Force – Deputy 9 “shoved” Buckelew to the floor on 09-14-21.
 10. Excessive Force – Deputy 14 “dragged” and then “dropped” Buckelew on 09-14-21.
 11. Misconduct/Procedure – Deputy 12 “ignored” Buckelew’s grievances on 09-14-21.
 12. Misconduct/Procedure – Deputies 1, 13, and 15 placed Buckelew in Administrative Segregation on 09-14-21.
 13. Misconduct/Procedure – Deputy 9 did not provide dayroom time to Buckelew on 09-24-21.
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21-108/MORENO

1. Misconduct/Procedure – Unidentified deputies failed to provide Moreno access to his counsel.
 2. Misconduct/Procedure – Unidentified SDSA staff did not accept and/or return Moreno’s telephone calls.
 3. Misconduct/Procedure – Unidentified SDSA staff failed to assist Moreno with her complaint.
 4. Misconduct/Procedure – A SDSA Detentions Assistant, failed to identify employees who neglected to help/assist Moreno.
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21-118/MONIGER (DEATH)

1. Death Investigation/In-Custody Medical – Robert Duane Moniger collapsed in his jail cell and despite lifesaving measures, he was pronounced deceased on 11-27-21.
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21-126/GUERRERO

1. Use of Force Resulting in Great Bodily Injury - Deputies 1, 2, 3, and 5 used force toward Pedro Guerrero while he was housed at the George Bailey Detention Facility (GBDF).
 2. Use of Force Resulting in Great Bodily Injury – Deputy 4 used force toward Pedro Guerrero while he was housed at the George Bailey Detention Facility (GBDF).
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22-011/ROJAS

1. Use of Force Resulting in Great Bodily Injury – Deputies 1-5 used force toward Omar Rojas while he was incarcerated at the Vista Detention Facility.
2. Misconduct/Procedure – Deputy 6 opened two cell doors simultaneously.

22-028/ELWOOD

1. Use of Force Resulting in Great Bodily Injury – Deputies 1-8 used force toward Nathan Elwood while he was incarcerated at the Vista Detention Facility.

22-036/ZHAO

1. Illegal Search & Seizure – Deputies 1 and 2 evicted Zhao on 02-17-22.
2. Misconduct/Procedure – Deputy 2 refused to accept legal documents from Zhao.
3. Misconduct/Procedure – Deputy 2 failed to communicate effectively or provide an interpreter to Zhao.
4. Discrimination – Deputies 1 and 2 failed to make allowances for Zhao’s disability.
5. Excessive Force – Deputies 1 and 2 “forcibly” evicted Zhao.

22-095/MORGAN

1. Illegal Search & Seizure – Deputies 1 and 2 scanned the interior of the Morgan home at 10:00pm.

End of Report