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# County of San Diego

## CITIZENS’ LAW ENFORCEMENT REVIEW BOARD

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[www.sdcounty.ca.gov/clerb](http://www.sdcounty.ca.gov/clerb)

### REGULAR MEETING AGENDA

#### Tuesday, November 8, 2022, 5:30 p.m.

Remote Meeting Zoom Platform

<https://us06web.zoom.us/j/82957000977?pwd=S3Q2aTFNSFINQ09HT0dZcXFFbnBJZz09>

Phone: +1 669 990-6833

Webinar ID: 829 5700 0977

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. ROLL CALL

#### 2. 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.

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

#### 4. PRESENTATION/TRAINING

- a) None

#### 5. 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) – SDSD
    - It is recommended that the San Diego Sheriff's Department (SDSD) identify who answers the "Arresting Officer Questions" on the Receiving Screening Questionnaire during the Booking process.
  - ii. 21-055 / Frost – SDSD
    - It is recommended that the SDSD 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 – SDSD
    - It is recommended that the San Diego Sheriff's Department (SDSD) create a policy that mandates conducting all Detentions Investigative Unit (DIU) interviews in a private area, out of view from other inmates.
  - iv. 21-083 / Park – SDSD
    - 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.
    - 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.).
  - v. 21-096 / Cernilia – SDSD
    - 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.
  - vi. 21-100 / Richardson – SDSD
    - 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 SDSD 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.

- vii. 22-011 / Rojas – SDSD
  - It is recommended that the San Diego Sheriff's Department (SDSD) revise Detention Services Bureau (DSB) Policy and Procedure (P&P), Section I.63 Facility Security – Housing Units to mandate that all high-level Incarcerated Persons will be housed in cells that have food flaps.
  - It is recommended that the SDSD revise DSB P&P, Section I.63 Facility Security – Housing Units to mandate that only one cell door is open at a time while deputies conduct daily facility operations, e.g., meal/medication distribution, cell searches, etc., in the housing modules.
- viii. 22-058 / Blue – SDSD
  - It is recommended that the SDSD 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.
- ix. Digital Scanning and Delivery of Non-Legal Mail to Incarcerated Persons – SDSD
  - 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.
- x. Physical Search or Scanning of All Persons in Detention Facilities, to Include Staff – SDSD
  - Physically search or body scan all persons entering a SDSD-operated detention facility, to include all SDSD 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.
- xi. Log Contraband Searches of Transportation Vehicles – SDSD
  - Revise SDSD DSB P&P I.57 to mandate the documentation of a transportation vehicle search before and after every transport.
  - Revise SDSD Green Sheet I.57.T.1 to mandate that the driver open and clear each compartment of the transportation vehicle before, not just after, each transportation and/or movement of I/Ps and document the pre- and post-I/P transportation and movement.
- xii. Provision of Eviction Documentation in Threshold Languages – SDSD
  - Create and provide an additional notice when posting or serving a "Notice to Vacate" to include a summary of interpreter services offered by the County of San Diego. Further, the notice should include information on how to access a summary of eviction timelines and processes, translated in the eight languages the County of San Diego has identified as having a substantial number of limited English-speaking persons.
- xiii. 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 Response
  - i. None
- g) Sustained Finding Pending Response
  - i. 21-100 / Richardson – SDSD
- h) Sustained Finding Response
  - i. 21-055 / Frost – SDSD (Attachment E)

## 6. BOARD CHAIR'S REPORT

## 7. NEW BUSINESS

- a) Continuance of Teleconferencing Meeting Option Pursuant to Government Code Section 54953(e)
- b) Teleconferencing Options Following the End of the COVID-19 Declared State of Emergency
- c) Policy Recommendation to the San Diego Sheriff's Department (SDSD): Address White Supremacy and Hate Groups in Law Enforcement (Attachment F)
- d) Policy Recommendation to the SDSD: Review Social Media Posts of Staff (Attachment G)
- e) Policy Recommendation to the San Diego County Probation Department (Probation): Address White Supremacy and Hate Groups in Law Enforcement (Attachment I)
- f) Policy Recommendation to Probation: Review Social Media Posts of Staff (Attachment J)
- g) Policy Recommendation to Probation: Create Policy Prohibiting Staff Participation in Law Enforcement Gangs (Attachment K)

## 8. UNFINISHED BUSINESS

- a) Adoption of CLERB Vision Statement (Attachment L)
- b) Adoption of CLERB Member Code of Conduct (Attachment M)

## 9. BOARD MEMBER COMMENTS

## 10. SHERIFF/PROBATION LIAISON QUERY

## 11. CLOSED SESSION – TIME CERTAIN: 7:30 P.M.

### 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 (6)**

#### **21-065/JORDAN**

- 1. Excessive Force – Deputies 1 and 2 “rubbed” a rash “raw”.
  - 2. Misconduct/Procedure – Unidentified deputies administered a “shot” without Jordan’s consent on 05-24-21.
  - 3. Excessive Force – An unidentified lieutenant “maced” Jordan on 06-18-21.
  - 4. Misconduct/Procedure – Unidentified staff placed Jordan in a cell with no water pressure and did not provide him a lunch on unidentified dates.
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## **22-041/POCKLINGTON**

1. Misconduct/Procedure – Deputy 1 “expedited evictions” to receive political endorsements.
  2. Misconduct/Procedure – Deputy 1 used eviction requests as “leverage” against politicians [redacted] for Deputy 2.
  3. Misconduct/Procedure– Deputy 2 “expedited evictions” to receive political endorsements.
  4. Discrimination/Racial – SDSD evicted a black mother of two small children.
  5. Misconduct/Procedure – Mayor Todd Gloria, City of San Diego, and Chair Nathan Fletcher, Board of Supervisors, San Diego County, requested expedited evictions.
  6. Misconduct/Procedure – Deputy 4 “directed evictions” for Deputy 1.
  7. Misconduct/Procedure – SDSD leadership engaged in “corruption”.
  8. Misconduct/Procedure – Deputy 3 prioritized evictions based on political influence.
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## **22-049/MONTANO**

1. Use of Force Resulting in Great Bodily Injury – Deputies 1-4 used force toward Diego Montano at the Jamul Casino on 03-21-22.
  2. Excessive Force – Deputies 1-4 used force toward Diego Montano at the Jamul Casino.
  3. False Arrest – Deputy 2 arrested Diego Montano at the Jamul Casino.
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## **22-062/DOODA**

1. Misconduct/Procedure – Deputy 1 refused Dooda’s entry to a courthouse.
  2. Excessive Force – Deputy 2 “pushed” Dooda as he exited a Courthouse on 04-12-22.
  3. Misconduct/Intimidation – Deputy 2 threatened Dooda with force.
  4. Misconduct/Procedure – Deputy 2 denied Dooda’s entry to a Courthouse.
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## **22-090/FENTON**

1. Illegal Search/Seizure – Deputy 1 evicted Fenton on 04-06-22.
  2. Misconduct/Retaliation– Deputy 1 returned to Fenton’s home on 04-06-22, “saying no one files a complaint against me.”
  3. Misconduct/Discourtesy – Deputy 1 ordered unidentified deputies to line up to view Fenton walk in front of them as they “laughed.”
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**22-122/ROBINSON**

1. Misconduct/Harassment – Multiple white male San Diego Police Department (SDPD) officers “touched and damaged” Robinson’s vehicle on 09-24-22.
  2. Misconduct/Procedure – Unidentified SDPD personnel refused to take and/or provide Robinson with a police report on 09-24-22.
  3. Discrimination – Multiple white male SDPD officers “discriminated” against Robinson due to her race, sex disabilities, and being “homeless” on/around 09-24-22.
  4. Misconduct/Harassment – An SDPD Officer stopped and “harassed” Robinson on/around 4th Avenue, in downtown San Diego on 09-29-22.
  5. Misconduct/Harassment – An unidentified “mixed Latino male” SDPD officer “stalked” and “harassed” Robinson and her child around his school on 09-29-22.
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***End of Report***