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PAUL R. PARKER III

County of San Diego

CITIZENS’ LAW ENFORCEMENT REVIEW BOARD

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www.sdcounty.ca.gov/clerb

SPECIAL MEETING AGENDA

Thursday, June 29, 2023, 5:30 p.m.

County Administration Center
1600 Pacific Highway, Room 302, San Diego, 92101

(Free parking is available in the underground parking garage, on the south side of Ash Street, in the public parking spaces.)

-AND-

Zoom Platform

<https://us06web.zoom.us/j/85446975396?pwd=QkxCTEVOb1dEMW9pZnk0M1B5QUtSQT09>

Phone: +1 669 444-9171

Webinar ID: 854 4697 5396

Passcode: 758810

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. ROLL CALL

2. NEW BUSINESS

- a) Election of CLERB Officers
- b) Update on SB 519 (2023)
- c) 2023 CLERB Meeting Calendar [BOARD MEMBERS \(sandiegocounty.gov\)](http://www.sandiegocounty.gov)

July 11, 2023
August 15, 2023
September 19, 2023
October 17, 2023

November 14, 2023

December 12, 2023

3. 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

NOTICE: THE CITIZENS LAW ENFORCEMENT REVIEW BOARD (CLERB) MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY STAFF DO NOT LIMIT ACTIONS THAT THE CLERB MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE AGENDA AS DETERMINATIVE OF THE ACTION THE CLERB MAY TAKE ON A PARTICULAR MATTER.

CASES FOR SUMMARY HEARING (1)

22-076/(REDACTED)

1. Misconduct/Discourtesy – Probation Officer (PO) 1 used “profanity.”

Recommended Finding: Sustained

Rationale: Veronica B. (Veronica) submitted a complaint on behalf of her minor son, the aggrieved. Veronica alleged that while her son was detained at East Mesa Juvenile Detention Facility (EMJDF) on 06-22-22, PO 1 used profanity against the aggrieved. San Diego County Probation Department (SDCPD) Policy 903 Standards of Conduct, subsection 903.6.9 Conduct states that the “Use of obscene, indecent, profane or derogatory language while on-duty or in uniform in a discourteous or disrespectful manner” are illustrative of causes for disciplinary action. There were no audio recordings of this event. The aggrieved, and PO’s 1 and 2 all provided confidential statements to CLERB, which were considered in arriving at the recommended finding. Pursuant to SDCPD Policy 4.2. Confidentiality of Juvenile Court Records and Reports, subsection 4.2.1 Records are all Confidential, mandates confidentiality of Juvenile records and limits access to those with need to know/right to know. By extension, all Institutional Services records written or provided by facility staff are confidential (WIC§ 827). The evidence supports the allegation, and the act or conduct was not justified.

2. Misconduct/Intimidation – PO 1 “dared” the aggrieved to hit him.

Recommended Finding: Not Sustained

Rationale: Veronica B. reported that PO 1 told her minor son, the aggrieved, “I dare you to swing at me.” Veronica stated the officer provoked the aggrieved to hit him so the officer could assault her son. There were no audio recordings of this event and SDCPD Incident Reports refuted the allegation. PO’s 1, 2 and an additional PO, also provided confidential statements during CLERB’s investigation that were considered in arriving at the recommended finding. Pursuant to SDCPD Policy 4.2. Confidentiality of Juvenile Court Records and Reports, subsection 4.2.1 Records are all Confidential, and mandates confidentiality of Juvenile records and limits access to those with need to know/right to know. By extension, all Institutional Services records written or provided by facility staff are confidential (WIC§ 827). There was insufficient evidence to either prove or disprove the allegation.

3. Excessive Force – PO 2 placed his knee on the aggrieved’s neck.

Recommended Finding: Not Sustained

Rationale: Veronica B. reported that PO 2 placed his knee on the aggrieved's neck when he was handcuffed and on the ground. The complainant stated PO 2 pressed his knee onto his neck and pressed harder when the aggrieved complained. SDCPD Incident Reports, medical documents and Facility Surveillance video refuted the allegation. The aggrieved, PO's 1, 2 and an additional PO all provided confidential statements during CLERB's investigation that were considered in arriving at the recommended finding. Pursuant to SDCPD Policy 4.2. Confidentiality of Juvenile Court Records and Reports, subsection 4.2.1 Records are all Confidential, and mandates confidentiality of Juvenile records and limits access to those with need to know/right to know. By extension, all Institutional Services records written or provided by facility staff are confidential (WIC§ 827). The facility surveillance video was reviewed and was inconclusive due to obstructed views. There was insufficient evidence to either prove or disprove the allegation.

End of Report