

# *County of San Diego*



## **2015 ANNUAL REPORT**

*“SERVING THE COMMUNITY AND THE JUSTICE SYSTEM FOR 25 YEARS”*

**2015 CLERB ANNUAL REPORT**

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***About the Citizens' Law Enforcement Review Board***

San Diego County citizens voted to establish the Citizens' Law Enforcement Review Board in November 1990. The Review Board was established to receive and investigate complaints of misconduct concerning peace officers performing their duties while employed by the Sheriff's Department or the Probation Department. The Review Board is also authorized to investigate any death that occurs in the custody of, or in connection with, actions of Deputies and Probation Officers. The Review Board is made up of 11 citizens who are appointed by the Board of Supervisors.

***Mission Statement***

To increase public confidence in government and the accountability of law enforcement by conducting impartial and independent investigations of citizen complaints of misconduct concerning Sheriff's Deputies and Probation Officers employed by the County of San Diego.

***2015 Board Members***

Loren Vinson, Chairperson  
Sandra I. Arkin, Vice Chairperson  
Debra DePratti Gardner, Secretary  
Gary R. Brown  
Delores Chavez-Harmes  
George DeLaBarre II  
Riley Gordon  
P. Darrel Harrison  
James B. Lasswell  
Clifford O. Myers, III  
Calixto J. Pena  
Lourdes Silva

***Staff***

Patrick A. Hunter, Executive Officer  
Lynn Setzler, Special Investigator  
Mark A. Watkins, Special Investigator  
Ana Marie Becker, Administrative Secretary III

***Office Information***

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**RÉSUMÉS OF  
REVIEW BOARD MEMBERS  
SERVING IN 2015**

**Loren Vinson**  
*Chairperson*

Following his service as a Naval Officer during the Vietnam War, Mr. Vinson worked for more than 28 years as a Probation Officer at the state and federal levels. He worked with both juveniles and adults in the San Diego County Probation Office as a Deputy Probation Officer and Senior Probation Officer from 1969 to 1975. He then joined the U.S. Probation Office in San Diego and served in both the Supervision and Investigation Divisions as a Probation Officer, Supervisor, and Division Chief. He retired in 1998 as the Deputy Chief Probation Officer in charge of the Investigation Division. After retirement, he taught a variety of Criminal Justice Administration courses as a part-time Adjunct Professor at three local colleges. Before being appointed to the Review Board, he completed eight years of service on the City of San Diego's Citizens' Review Board on Police Practices, where he chaired the training committee, authored an investigation manual, and was First Vice-Chair. Mr. Vinson holds a Master of Science degree in Criminal Justice Administration and a Bachelor of Arts degree in Political Science from San Diego State University.

Mr. Vinson lives with his wife in the Tierrasanta neighborhood of San Diego, where he currently serves as a member of the Tierrasanta Community Council.

**Sandra Arkin**  
*Vice Chair*

Sandra Arkin is a retired strategic planning consultant and facilitator. She is one of the founders of the original Children's Museum of San Diego and was on the Board of Directors for seventeen years, five of them as President. Among the other organizations Sandra has been involved with, either as a Board member or as a committee member, are the San Diego Historical Society, LEAD San Diego, San Diego Mediation Center, San Diego Foundation, Citizens' Review Board on Police Practices, and the San Diego Unified School District.

Sandra has a degree in biology from the University of Buffalo and earned a professional certificate from UCSD Extension in Art and the Creative Process. She

and her husband, University City residents, are the parents of two sons, two daughters-in-law, one grandson and one granddaughter. She is also a scale model miniature artist and enjoys travel, reading, and food - cooking it, reading about it, and eating it.

**Debra DePratti Gardner**  
*Secretary*

Mrs. DePratti Gardner, a resident of Jamul, is the President of DePratti, Inc., a real estate services company with emphasis in both private, and public sector developments. She has extensive experience in community development with the cities of Chula Vista and Inglewood, and as a Planner for JM Consulting Group in San Diego. A licensed Real Estate Broker, Mrs. DePratti Gardner also holds a number of real estate and planning certifications. She is active in local school, sports league, and church activities. She holds a Bachelor of Arts Degree in Urban Planning from University of California at San Diego, and a Master of Arts in Urban Planning from University of California Los Angeles.

**Gary R. Brown**

Mr. Brown has spent a majority of his career serving local governments as Community Development Director in Winston-Salem, North Carolina and Lakewood, Colorado; Assistant City Manager and City Manager in Tempe, Arizona, and most recently City Manager in Imperial Beach, California. He also worked for the federal Department of Housing and Urban Development and for a private company that cleaned-up environmentally contaminated properties and prepared them for development. He has a BA with honors in Political Science from the University of Florida and an MBA from Wake Forest University.

**Delores Chavez Harmes**

Delores Chavez Harmes is owner of Chavez Financial Offices (CFO), a firm that offers accounting, tax and business management services for the private sector and other certified public accountants & law firms. CFO services include evaluation, design and operation dependability of client accounting systems and procedures as well as internal accounting controls. She is renowned for investigating misappropriations, fraud, and embezzlement. A committed entrepreneur, Ms. Chavez formed and developed Adelante Construction Corporation, a general engineering construction company. Ms. Chavez's experience also includes developing a

migrant health care center in Yakima, WA, the Upper Valley Health Clinic and also established Women's Health Care Exclusively, which was one of the first of its kind in a medi-center approach to specialized health care provided for and by women. She served as President of Zonta International – La Jolla, an organization committed to advancing the status of women worldwide and was honored as "Young Career Woman of the Year" by the Business and Professional Women Foundation. She also serves on the boards of the San Diego League of Women Voters, County Federation of Republican Women, Valley Center Chamber of Commerce, and General Federation of Women's Clubs. She chairs the Latino GOP of San Diego County and CFRW Southern Division Latino Outreach. She also sits on the committee of U-T Latino Advisory Board and NFRW Latino Outreach. She is a member of the Hispanic 100 and is Vice-President of the Latino American Political Association.

### **George DeLaBarre II**

Mr. DeLaBarre is a Systems/Project Engineer for General Atomics Aeronautical Systems and has worked in the defense industry in San Diego since 1985. A graduate of Fallbrook High School, Mr. DeLaBarre holds degrees and graduated with honors from San Diego City College (Electronics Technology) and the University of Phoenix (Information Technology.) He served in the U.S. Navy as a Fire Control Technician and instructor in electronics, microcomputers, and submarine sonar training. Mr. DeLaBarre has served on the Serra Mesa Planning Group, the Serra Mesa Community Council, and the Serra Mesa Recreation Council. Mr. DeLaBarre served as an Assistant Scout Master for BSA Troop 278 and is an Elder at Peace Lutheran Church. Mr. DeLaBarre resides in Serra Mesa with his family.

### **Riley Gordon**

Retired from a long career in government, Mr. Gordon was the Deputy Director of the Discrimination Complaints Service, Department of Veterans Affairs, Office of Equal Opportunity in Washington, D.C., where he supervised the processing of complaints and conducted training in EEO investigation. He also served as a labor relations specialist in the Office of Labor Relations and Collective Bargaining for the District of Columbia as a negotiator and advisor. After retiring to San Diego, Mr. Gordon was recruited to serve on the Citizens'

Review Board on Police Practices (CRB) at the City of San Diego in May 1999. From June 2005 to June 2006, Mr. Gordon was the chairman of the 23-member CRB. In addition to his work in civilian oversight, Mr. Gordon has participated as a discussion leader for Brandeis University's National Women's Committee. Mr. Gordon has taught graduate courses in public administration, collective bargaining, public personnel administration, and fiscal administration at Roosevelt University's Graduate School of Public Administration. Mr. Gordon holds a Bachelor's Degree in Economics from Fisk University and a Master's Degree in Public Administration from Roosevelt University. He lives in Rancho Bernardo with his wife.

### **P. Darrel Harrison**

Mr. Harrison, a resident of La Mesa, is Program Director and Tenured Professor for San Diego Community College District's ABA-approved Paralegal Program (at both Miramar and City Colleges). He previously was Director of Administration at the San Diego Paralegal Institute, and Assistant Registrar at National University School of Law. A Marine Corps veteran, his professional and community affiliations have included the San Diego Mediation Center, Neighborhood House, Christmas in April Board of Directors, American Federation of Teachers Grievance Officer, and San Diego Community College District Pre-Law Advisor. He has served on numerous local, statewide, and national task forces and committees representing the San Diego Community College District. Mr. Harrison is a graduate of LEAD San Diego. He has a Bachelor of Business Administration Degree, a Juris Doctor Degree from Western Sierra Law School, and a Masters in Business Administration from National University.

### **James B. Lasswell**

Following twenty years of service in the U.S. Navy, Mr. Lasswell began his second career as a Defense Contractor providing professional services to the Federal Government and other Defense Contractors. After ten years of contracting work in the Washington DC area, he returned to his childhood home of San Diego, eventually co-founding INDUS Technology, a Service-Disabled Veteran-Owned Small Business (SDVOSB) that provides engineering, technical, financial, and program management services for government and industry clients. INDUS has grown from a start-up to over 200 employees. In addition to

his job as President and CEO, he currently serves on the National Board of Directors for the National Defense Industrial Association (NDIA) and is the Chairman of the Board of the San Diego Chapter. He previously served on the Board of Directors for the United Servicemen's Organization (USO) San Diego. He holds a Bachelor of Science Degree in electrical engineering from the United States Naval Academy, a Master of Science, Engineering Acoustics from the U.S. Navy Postgraduate School, a Master of Science Systems Management from the University of Southern California, and a Master in Business Administration from Virginia Polytechnic Institute.

**Clifford O. Myers III**

Mr. Myers recently retired from government service as the Director of Military and Civilian Manpower and Community Planning and Liaison Officer for the Marine Corps Recruit Depot, San Diego, CA. Prior, he was the Commandant of Cadets for a college preparatory boy's school in south Texas, grades 8-12. He also served in the United States Marine Corps for 33 years as an infantry officer. His tours in the Marine Corps allowed his family to live all over the world. He is very active in the community with Rotary Club 33, North Bay Redevelopment Project Action Committee, President of the FBI Citizen's Academy Alumni Association, Board officer of the Camp Pendleton Armed Services YMCA, past Board member of the American Red Cross, San Diego and Imperial Counties and the San Diego Chamber of Commerce. He holds a Bachelor degree in History and Political Science from Chaminade College of Honolulu and a Master of Public Administration from National University. He resides in Vista with his wife.

**Calixto J. Pena**

A resident of Chula Vista, Mr. Pena is the Controller for Highland Partnership, Inc., a Chula Vista design/build general contracting firm. He is a member of the Construction Financial Management Association, and has been active in local school and church activities. Mr. Pena holds a Master of Business Administration degree Information and Decision Systems from San Diego State University, and a Bachelor of Science in Accountancy from National University, graduating Magna Cum Laude.

**Lourdes N. Silva**

Mrs. Silva is Department Human Resources Manager for the San Diego City Employee Retirement System. She has worked for the City of San Diego since 1984. Mrs. Silva is also actively involved in the community and volunteer activities, including: United Way of San Diego, SAY San Diego, Latino City Employees Association, and Mana of San Diego. She has participated in a variety of boards and committees in relation to her profession. Mrs. Silva graduated from San Diego State University with a Bachelor's of Science degree in Public Administration. Mrs. Silva resides in Chula Vista with her family.

**MESSAGE FROM THE CHAIR**

On behalf of the Board Members and Staff, I welcome the opportunity to submit this report to the public regarding the substantial accomplishments of the Citizens' Law Enforcement Review Board (CLERB) for the County of San Diego. The mandate of the Board is to provide independent oversight of the San Diego County Sheriff's Department and San Diego County Probation Department by reviewing complaints against sworn officers of the these agencies, ensuring that both the complainants and the individual officers are treated with fairness and respect.

It has been my honor to have served on the Board for a number of years. During that time, I have had the pleasure of working with outstanding volunteer Board Members and an Investigative Staff who are dedicated to the goal of reviewing and evaluating each complaint received with as much fairness and objectivity as humanly possible. This year has been no exception.

This report provides an accounting of the 87 cases presented to the Board and the considerable effort extended by volunteer Board Members to make the correct findings in each case, whether the case is relatively straight-forward or quite detailed and complex. Board Members and Staff Investigators have made every effort to ensure that each case is thoroughly and carefully examined, and that there is sufficient factual information to determine appropriate findings.

In the process of reviewing complaints, the Board has at times determined that a policy or procedure in the Sheriff's Department or Probation Department

appears to have contributed to an undesirable result. In such cases, the Board has not hesitated to bring this to the attention of the agency involved with our recommendations for review or change, and this has often resulted in positive changes in processes and procedures.

The citizens of San Diego can be justifiably proud of the extensive efforts expended by both the Board Members and Investigative Staff as reported in these pages, from the many cases reviewed to the recommendations for improvement of the law enforcement agencies. Their hard work, dedication, and professionalism stand as an example for the increasing number of civilian oversight agencies throughout the country.

**LOREN VINSON**  
**Chairperson – 2015**

## ***EXECUTIVE OFFICER'S SUMMARY***

Staff continued its work to ensure the timely completion of citizen complaint investigations, particularly with respect to completion of complaint investigations within one year of the date the signed complaint was received. Of the 118 cases closed during the year, 80 were fully investigated and 7 were referred to the Review Board for Summary Dismissal due to jurisdictional limits, or a participant's failure to cooperate with an investigation. Additionally, 31 cases were closed because the complainant did not submit their statement signed under penalty of perjury, which is mandated by CLERB rules.

While untimely due to a concentration for closing out cases within mandated time frames, the 2013 Annual Report was presented to the Review Board and released for publication in March of 2015.

### ***COMPLAINT DATA REVIEW***

#### ***Intakes***

The Review Board logged **129** complaints in 2015; a 10% decrease from the **144** complaints received in 2014.<sup>1</sup> Allegations totaled **451** in 2015; a 14% decrease from the **524** allegations in 2014. Death cases decreased in 2015, with **16** reported in 2015; a 11% decrease from the **18** in 2014.

Sheriff's facilities or units with double digit complaint totals decreased, with **5** in 2014 and **4** in 2015, (**2** complaints were recorded for unidentified sheriff units). Leading in complaint totals was the Sheriff's Department's largest detention facilities –

the San Diego Central Jail with **32** complaints (up from **28** in 2014), followed by the George Bailey Detention Facility with **14** complaints (down from **17** in 2014), Vista Station with **9** complaints (down from **11** in 2014), and San Marcos Station with **6** complaints (down from **11** in 2014). The Probation Department received **9** complaints in 2015; a 50% decrease from the **18** complaints in 2014. (See Table 1, Page 10.)

A review of Probation cases received in the preceding five years showed an average of 10 cases per year; with a low of 5 in 2012, and a high of 15 in 2013.

Traditionally, total complaints are broken into three segments by count and percentage: Sheriff's law enforcement, which includes Court Services and units that could not be identified from the complaint; Sheriff's jails; and the Probation Department. In 2015, Sheriff's law enforcement had **60** complaints or 47% of the total (compared to **68** or 47% in 2014); Sheriff's jails had **60** complaints or 47% (compared to **58** or 40% in 2014); and the Probation Department had **9** complaints or 1% of total (which was the same as **18** or 12% in 2014).

#### ***Closures***

The Review Board met **9** times and closed **118** cases during the year, compared to closing **142** cases in 2014; a 17% decrease in case closures. Of the **118** cases closed, **31** were *Procedurally Closed* (PC) by staff because a signed complaint was not returned by the complainant. This was an 8% decrease from the **34** cases that were Procedurally Closed in 2014. Overall however, PC cases accounted for 24% of the year's complaint total (129), which was the same as the 24% (144) in 2014. Another **20** cases were

<sup>1</sup> The average number of complaints over the last 5 years is 138. The highs and lows in the past ten years were 155 in 2012 and 105 in 2008. See Graph 1, Page 9.

submitted to the Review Board for *Summary Dismissal* following an abbreviated investigation of a signed complaint. Summary Dismissal cases were dismissed for lack of jurisdiction or because further investigation was not possible without the complainant's cooperation. This was an increase over the **14** Summary Dismissal cases submitted to and approved by the Board in 2014.

There were no cases submitted to the Review Board for One-Year Summary Dismissal; those are investigations that are not completed within statutory timelines.

The remaining **67** closed cases were fully investigated and submitted to the Review Board, compared to **94** fully investigated cases submitted in 2014; a 29% decrease. Included in the number of fully investigated cases were **9** death cases.

Of the **67** fully investigated cases, **10** cases, or 15%, included *Sustained* allegations, compared to **14** cases in 2014, or 15%, with *Sustained* allegations of the **94** fully investigated cases in 2014.

In 2015, the number of sustained findings was **15**, representing 3% of the **456** findings in fully investigated cases. The **15** sustained findings, involved allegations of Misconduct/Procedure (12), Illegal Search or Seizure (1), Excessive Force (1), and Death Case (1). (See Table 7, Page 16.)

At year's end there were **117** open cases; a 9% increase from the **106** open cases at the end of 2014.

Within those closed cases, a Civil Service Commission (CSC) appeal for CLERB Case 12-108 /

Malacara was heard in June 2015; the CSC upheld CLERB's Sustained finding.

### ***BOARD MEMBER / STAFF CHANGES***

Officers of the Review Board for 2015 included: Loren Vinson as Chair, Sandra I. Arkin as Vice Chair and Debra DePratti-Gardner as Secretary.

Calixto Pena (District 1) announced his resignation, creating a vacancy in District 1.

In June 2015, George DeLaBarre (District 4) and Riley Gordon (District 3) completed their terms on the Board. In July 2015, Lourdes Silva was appointed to fill the District 1 vacancy which resulted from the resignation of Calixto Pena; and in December 2015, Courtney Chase (District 3) and Kim-Thoa Hoang (District 4) were appointed to fill the vacancies of George DeLaBarre and Riley Gordon, respectively.

Deputy County Counsel Kristen Laychus went on a temporary leave of absence and Deputy County Counsel Emily Kuznicki was assigned to support the Review Board during her absence.

There were no changes to Staff of the Review Board in 2015.

### ***TRAINING***

The Review Board received a number of training opportunities during monthly Board meetings, including: Sheriff's Department Tow Procedures, Detentions Medical Services and Suicide Prevention, and the Sheriff's Department Interim Body-Worn Camera Policy. Probation orientation was conducted for new Review Board Members, and Review Board Members toured San Diego Central Jail, East Mesa Reentry Facility and George Bailey Detention

Facility. Sheriff Gore addressed the Review Board in June 2015.

The Executive Officer and Board Chair attended the Police Oversight Investigations Training in Los Angeles, hosted by the Los Angeles Police Department Inspector General's Office. Board Chair Loren Vinson and Executive Officer Patrick Hunter attended the 2015 National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference held October 4-8 in Riverside, CA.

### **COMMUNITY OUTREACH**

The Executive Officer participated on two panels at Thomas Jefferson School of Law, the first entitled *Bridging the Gap between Police Practices and Youth, and Communities of Color: A Vision of Change*; the second entitled, *Building Stronger Community-Police Relations*. The panels included representatives from: Thomas Jefferson School of Law faculty and Student Government; the American Civil Liberties Union San Diego-Imperial Counties; Probation Chief Mack Jenkins; San Diego County Public Defender's Office; the City of San Diego's Citizens' Review Board on Police Practices; and the San Diego Police Department. The Executive Officer also conducted informational presentations for the San Diego Psych—Law Society, and a gathering of community members associated with The Compassion Project in Southeastern San Diego.

Executive Officer Hunter, Board Chair Loren Vinson, and Immediate Past-Chair George DeLaBarre met with Women Occupy San Diego to provide the organization with an understanding of the Review Board. The Executive Officer also continued to provide a presentation entitled *Civilian Oversight of*

*Law Enforcement* for a National University Ethics Course.

In April, the Executive Officer and Board Chair made a presentation to a Venezuelan Delegation studying *Transparency and Accountability in Government*, during a San Diego visit hosted by the San Diego Diplomacy Council under the International Visitor Leadership Program.

The Executive Officer participated in new member orientations conducted by Command Staff from the Sheriff's and Probation Departments. The Executive Officer and Board Chair briefed the San Diego County Grand Jury on the role and mission of the Review Board. The Executive Officer continued to provide informational presentations at the San Diego Sheriff's Department Supervisors Training Course, Use of Force Training, and the Detentions/Court Services Academy.

### **POLICY RECOMMENDATIONS**

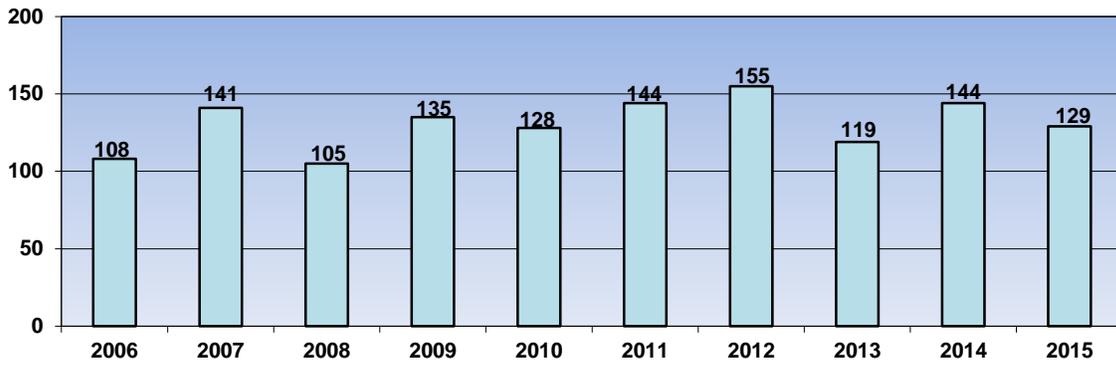
On October 13, 2015, the Citizens' Law Enforcement Review Board (CLERB) received a presentation concerning the Department's Body Worn Cameras Field Test/Evaluation Interim Policy and Procedure. After review, CLERB made recommendations to the Sheriff's Department to modify the policy as notated in Table 9 on page 21.

### **PATRICK HUNTER**

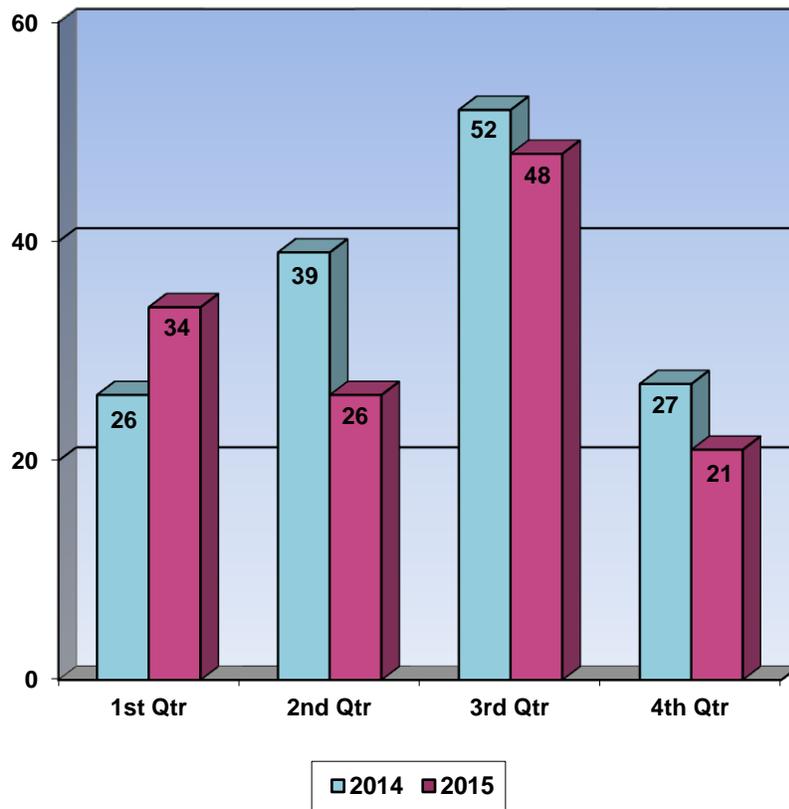
**Executive Officer**

**2010 -2015**

Graph 1: TOTAL COMPLAINTS RECEIVED BY YEAR: 2006-2015



Graph 2: COMPLAINTS RECEIVED BY QUARTER – 2014/2015



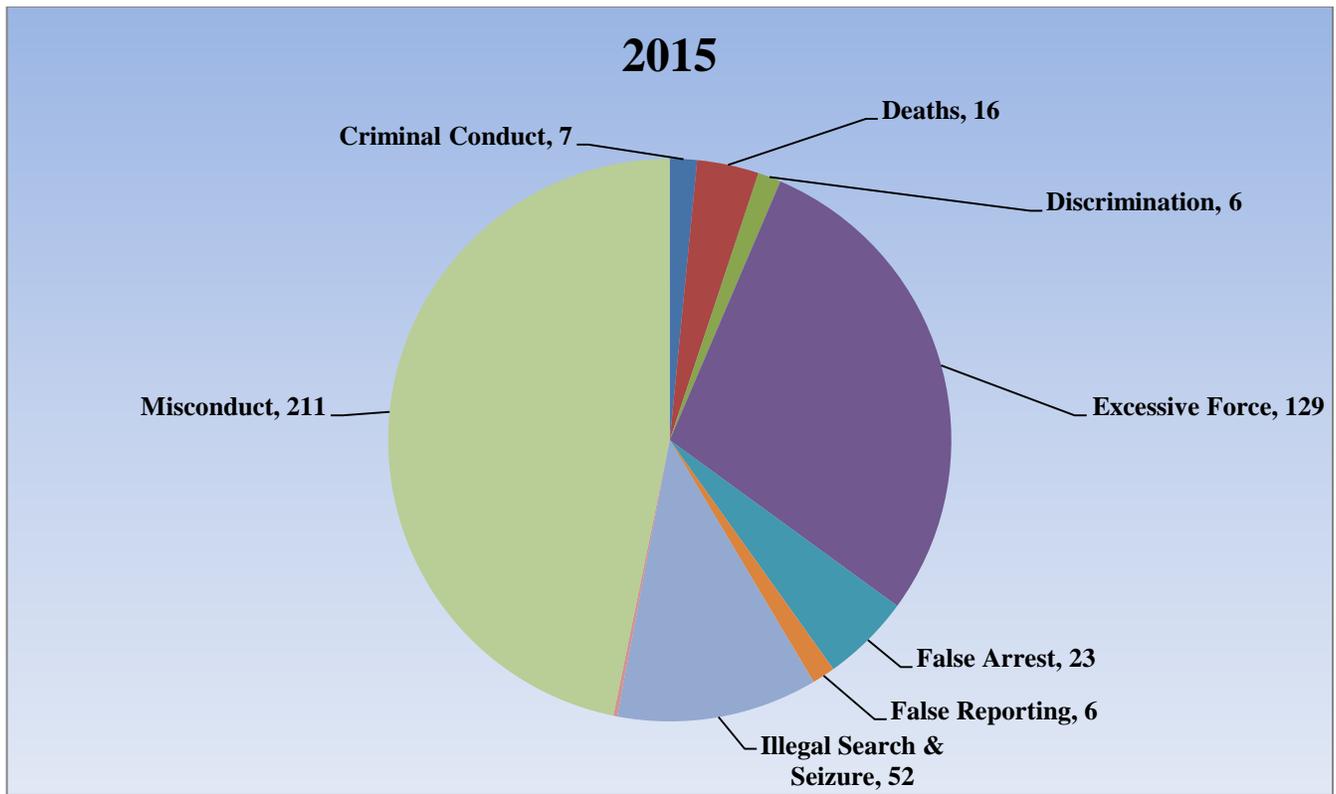
**TABLE 1: COMPLAINTS & ALLEGATIONS RECEIVED BY UNIT OR FACILITY IN 2015**

STATIONS/UNITS:	Complaint Totals	No Data	CC	Deaths	Discr.	EF	FA	FR	ISS	IDF	Misconduct	Allegation Totals
<b>LAW ENFORCEMENT</b>												
4S Ranch Substation	-	-	-	-	-	-	-	-	-	-	-	-
Alpine Station	2	-	-	1	-	-	-	-	-	-	3	4
Bonsall Office	-	-	-	-	-	-	-	-	-	-	-	-
Borrego Springs Office	-	-	-	-	-	-	-	-	-	-	-	-
Boulevard Office	-	-	-	-	-	-	-	-	-	-	-	-
Campo/Tecate Substation	-	-	-	-	-	-	-	-	-	-	-	-
CID: Child Abuse	1	-	1	-	-	-	-	-	-	-	-	1
County Administration Center (CAC)	-	-	-	-	-	-	-	-	-	-	-	-
Encinitas Station	8	-	-	1	1	3	-	-	5	-	15	25
Fallbrook Substation	3	-	-	-	-	-	-	-	2	-	9	11
Grossmont/Cuyamaca CCD	-	-	-	-	-	-	-	-	-	-	-	-
Imperial Beach Station	1	-	-	-	-	-	-	-	-	-	2	2
Julian Substation	1	-	-	-	-	-	-	-	-	-	3	3
Lakeside Substation	2	-	-	-	-	-	-	-	1	-	1	2
Lemon Grove Station	3	-	-	-	-	-	2	2	-	-	4	8
Pine Valley Substation	-	-	-	-	-	-	-	-	-	-	-	-
Poway Station	6	-	-	-	1	-	2	1	2	-	11	17
Ramona Substation	1	-	-	1	-	-	-	-	-	-	-	1
Ranchita Substation	-	-	-	-	-	-	-	-	-	-	-	-
Rancho San Diego	5	-	-	-	-	8	1	-	1	-	8	18
Rural Law Enforcement	1	-	-	-	-	3	4	-	-	-	1	8
San Marcos Station	6	-	1	-	-	13	-	-	19	-	9	42
Santee Station	5	-	-	3	-	4	6	-	6	-	3	22
SED	-	-	-	-	-	-	-	-	-	-	-	-
Valley Center Substation	1	-	-	-	-	1	-	-	-	-	1	2
Vista Station	9	-	-	-	-	7	2	-	7	1	22	39
<b>TOTAL</b>	<b>55</b>	<b>-</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>39</b>	<b>17</b>	<b>3</b>	<b>43</b>	<b>1</b>	<b>92</b>	<b>205</b>
<b>DETENTIONS</b>												
County Parole Alt Custody	1	-	-	-	-	-	-	-	-	-	1	1
DSB: Prisoner Transport	-	-	-	-	-	-	-	-	-	-	-	-
East Mesa Detention Facility	-	-	-	-	-	-	-	-	-	-	-	-
Facility 8 Detention Facility	-	-	-	-	-	-	-	-	-	-	-	-
George F. Bailey Detention Facility	14	-	1	3	3	15	-	-	-	-	26	48
JAIL PMD Inmate Classification	-	-	-	-	-	-	-	-	-	-	-	-
Las Colinas Detention Facility	6	-	-	-	-	4	-	-	-	-	9	13
San Diego Central Jail	32	-	1	2	-	48	1	2	8	-	59	121
South Bay Detention Facility	-	-	-	-	-	-	-	-	-	-	-	-
Vista Detention Facility	7	-	2	5	-	3	-	-	-	-	8	18
<b>TOTAL</b>	<b>60</b>	<b>-</b>	<b>4</b>	<b>10</b>	<b>3</b>	<b>70</b>	<b>1</b>	<b>2</b>	<b>8</b>	<b>-</b>	<b>103</b>	<b>201</b>
<b>COURT SERVICES</b>												
Court Services Bureau	2	-	-	-	-	19	1	-	-	-	1	21
<b>TOTAL</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>19</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>21</b>
<b>OTHER SHERIFF UNITS</b>												
Office of the Sheriff	-	-	-	-	-	-	-	-	-	-	-	-
Personnel Division	1	-	1	-	-	-	-	-	-	-	2	3
Unknown Sheriff Unit	2	-	-	-	-	1	-	-	-	-	2	3
<b>TOTAL</b>	<b>3</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4</b>	<b>6</b>
<b>PROBATION</b>												
Probation: Adult Services	9	-	-	-	1	-	4	1	1	-	11	18
Probation: Inst Services	-	-	-	-	-	-	-	-	-	-	-	-
Probation: Juvenile Services	-	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL</b>	<b>9</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>11</b>	<b>18</b>
<b>TOTALS:</b>	<b>129</b>	<b>-</b>	<b>7</b>	<b>16</b>	<b>6</b>	<b>129</b>	<b>23</b>	<b>6</b>	<b>52</b>	<b>1</b>	<b>211</b>	<b>451</b>

**NOTES:**

- 1) CC= Criminal Conduct; Discr= Discrimination; EF= Excessive Force; FA= False Arrest; FR= False Reports; ISS= Illegal Search & Seizure; IDF= Improper Discharge of Firearm.
- 2) Allegation totals exceed complaint totals and are multiplied by the number of personnel involved.
- 3) Unknown Unit: Staff was unable to identify personnel or a command from the complaint

**GRAPH 3: ALLEGATION TOTALS FOR COMPLAINTS RECEIVED IN 2015**



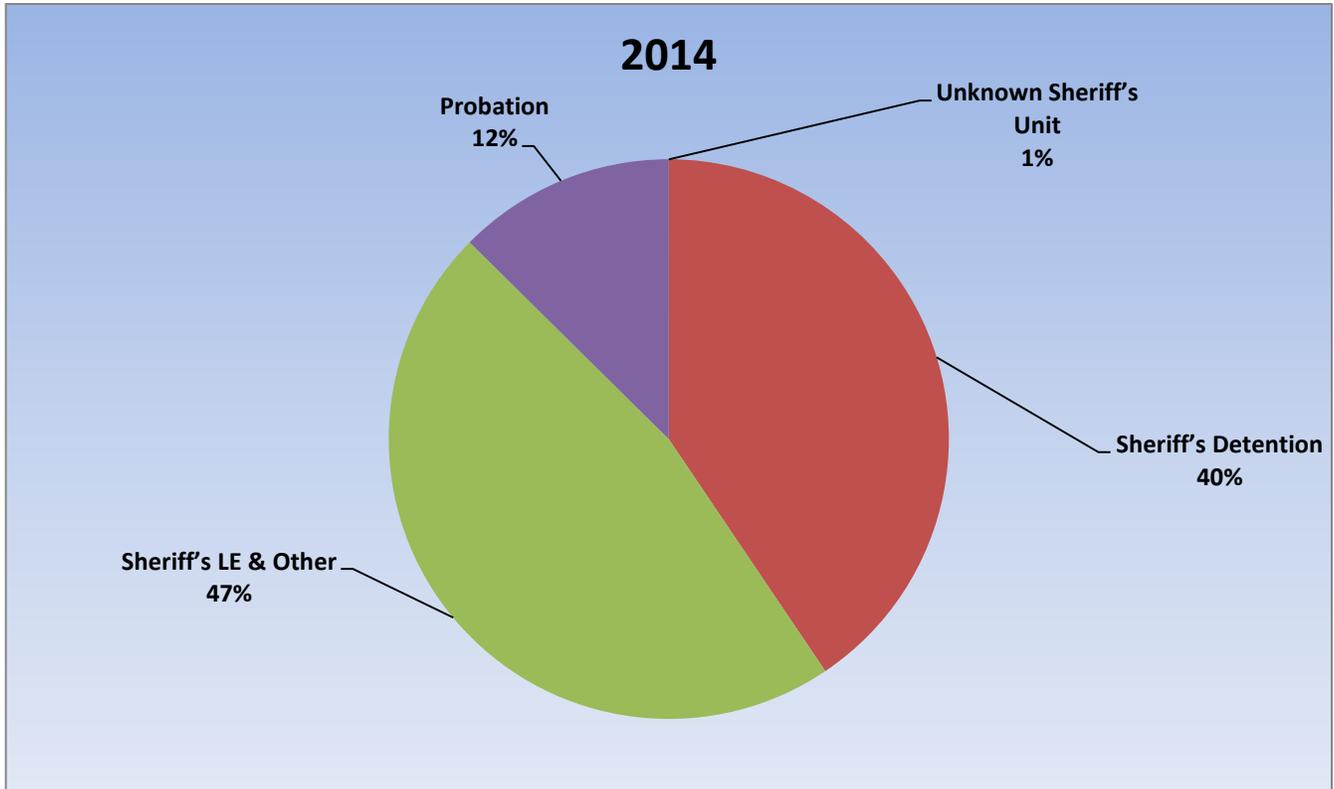
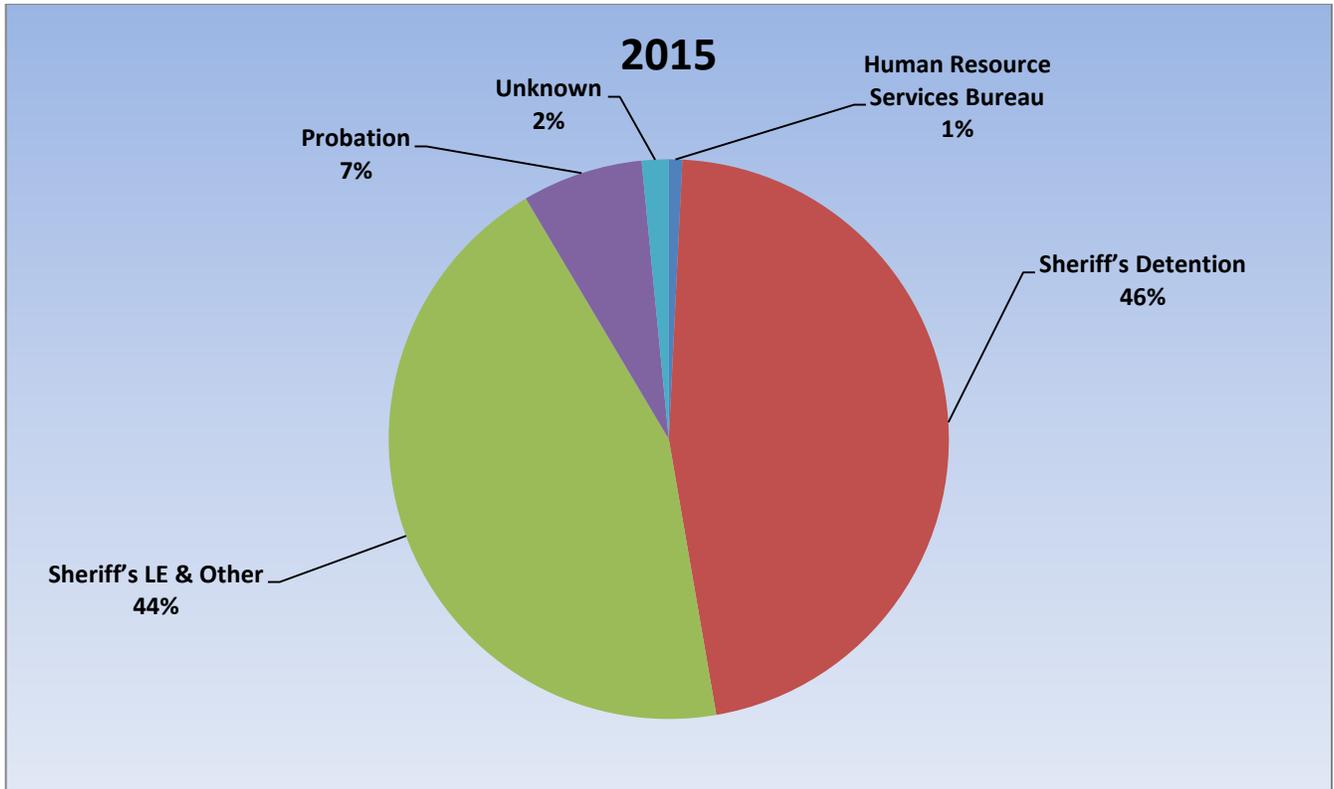
<b>Table 2: TOTAL COMPLAINTS BY MAJOR ORG / BUREAU</b>		
<b>Organization/Bureau</b>	<b>2014</b>	<b>2015</b>
Human Resource Services Bureau	0	1
Sheriff's Detention Facilities	58	60
Sheriff's Law Enforcement Services & Other	66	57
Probation Department-All	18	9
Unknown Sheriff's Unit	2	2
<b>TOTAL</b>	<b>144</b>	<b>129</b>

<b>Table 3: BREAKDOWN OF DISCRIMINATION ALLEGATIONS</b>		
<b>Description</b>	<b>2014</b>	<b>2015</b>
Other	1	0
Racial	5	3
Sexual/Gender	8	3
<b>TOTAL</b>	<b>14</b>	<b>6</b>

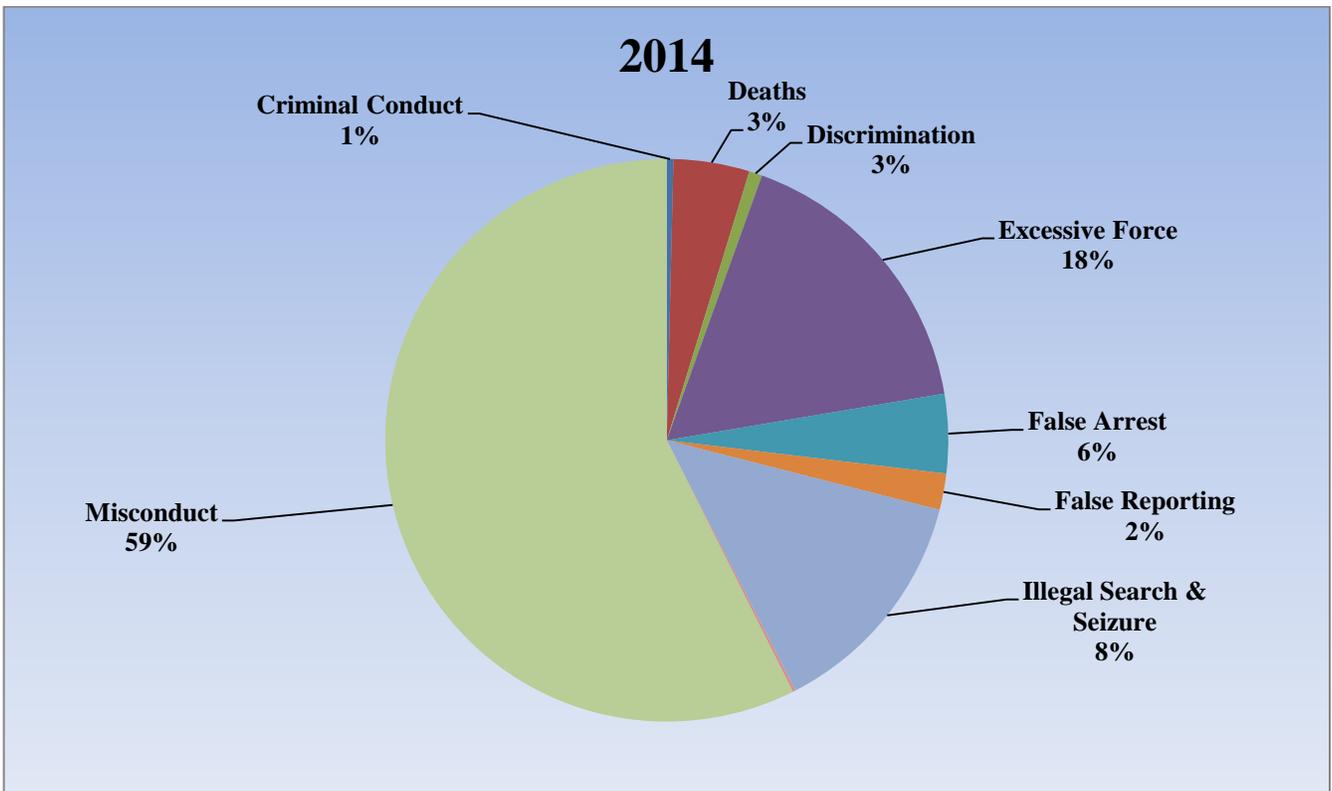
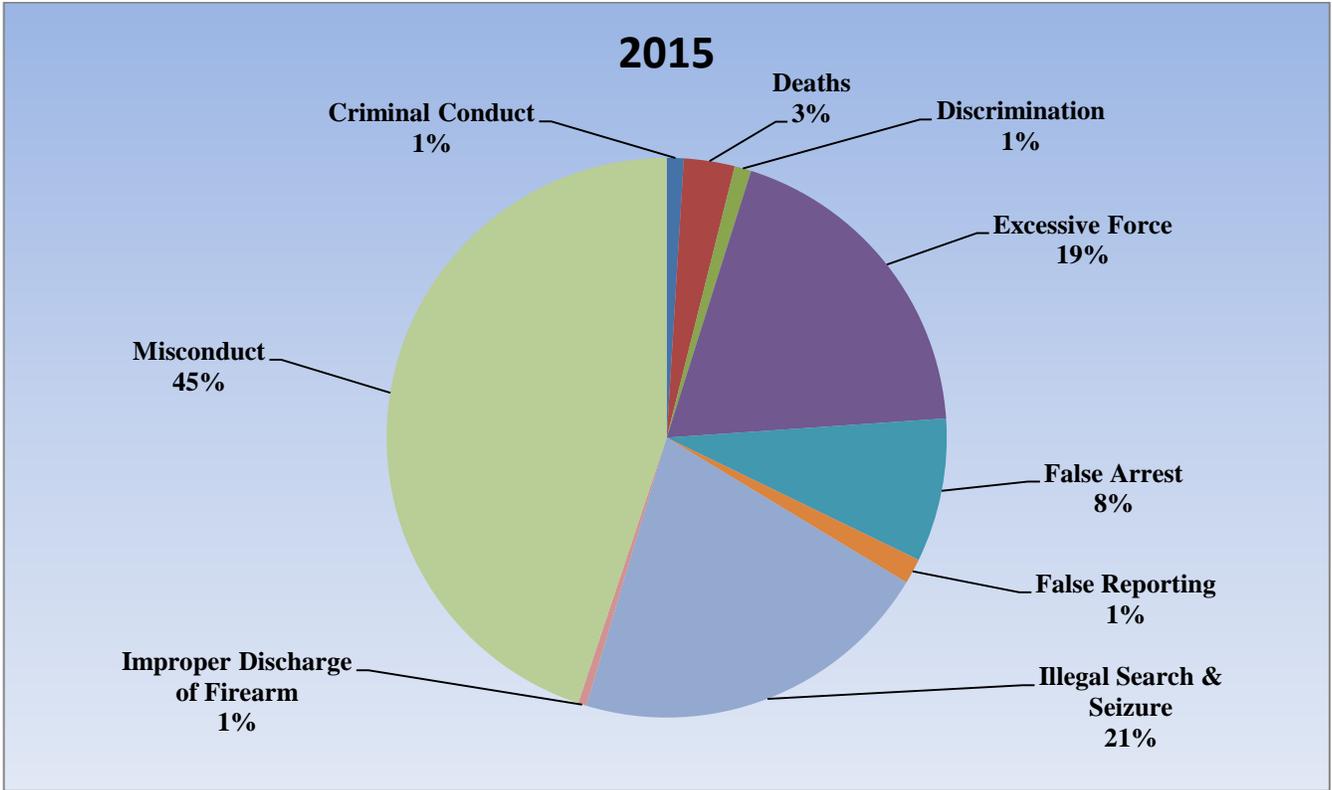
<b>Table 4: BREAKDOWN OF MISCONDUCT ALLEGATIONS</b>		
<b>Description</b>	<b>2014</b>	<b>2015</b>
Discourtesy	59	40
Harassment	3	2
Intimidation	15	4
Medical (info only)	6	6
Person	1	0
Procedure	219	155
Retaliation	2	2
Truthfulness	7	2
<b>TOTAL</b>	<b>312</b>	<b>211</b>

<b>Table 5: BREAKDOWN OF EXCESSIVE FORCE ALLEGATIONS</b>		
<b>Description</b>	<b>2014</b>	<b>2015</b>
Baton/Impact Weapon	3	0
Carotid Restraint	3	0
Drawn Firearm	6	11
Fists	8	20
K-9 Bites	1	1
Kicks	3	3
Less Lethal Munitions	3	1
OC Spray	1	3
Other	52	68
Pepperball Launcher	1	1
Poss Restraint (EF)	0	1
Taser	3	10
Tight Handcuffs	2	10
Unspecified	7	0
<b>TOTAL</b>	<b>93</b>	<b>129</b>

**GRAPHS 4 & 5: COMPLAINT PERCENTAGES BY MAJOR ORG / BUREAU – 2014/2015**



GRAPHS 6 & 7: ALLEGATIONS BY PERCENTAGE – 2014/2015



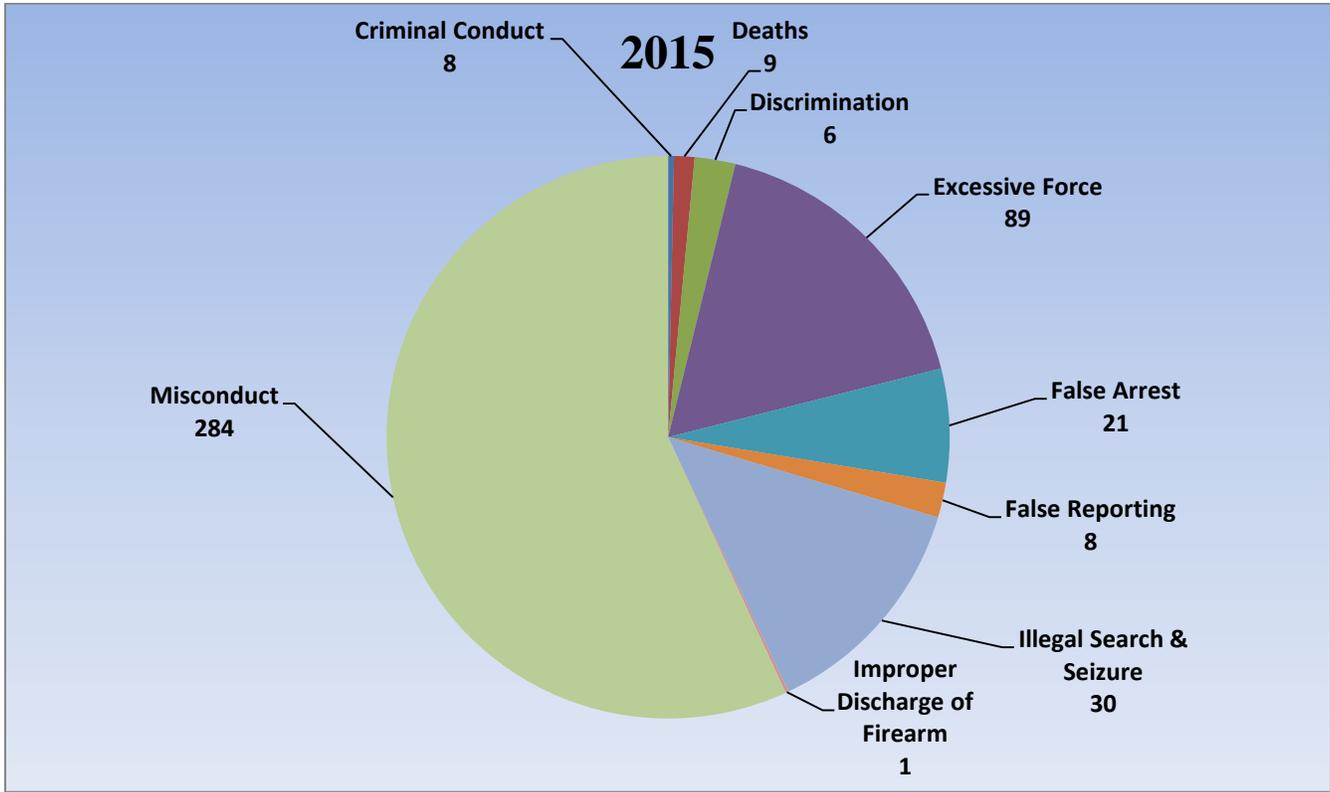
**TABLE 6: COMPLAINTS & ALLEGATIONS CLOSED BY UNIT OR FACILITY IN 2015**

STATIONS/UNITS	Complaint										Allegation Totals
	Totals	CC	Deaths	Discr.	EF	FA	FR	ISS	IDF	Misconduct	
<b>LAW ENFORCEMENT</b>											
4S Ranch Substation	2	-	-	-	2	1	-	2	-	2	7
Alpine Station	2	-	-	-	-	-	-	12	-	17	29
Bonsall Office	-	-	-	-	-	-	-	-	-	-	-
Borrego Springs Office	-	-	-	-	-	-	-	-	-	-	-
Boulevard Office	-	-	-	-	-	-	-	-	-	-	-
Campo/Tecate Substation	-	-	-	-	-	-	-	-	-	-	-
CID: Child Abuse	2	1	-	-	-	-	-	-	-	7	8
County Administration Center (CAC)	1	-	-	-	-	1	-	-	-	-	1
Encinitas Station	5	-	-	-	2	1	-	1	-	7	11
Fallbrook Substation	-	-	-	-	-	-	-	-	-	-	-
Grossmont/Cuyamaca CCD	-	-	-	-	-	-	-	-	-	-	-
Imperial Beach Station	1	-	-	-	-	-	-	-	-	3	3
Julian Substation	2	-	-	-	-	-	-	-	-	8	8
Lakeside Substation	-	-	-	-	-	-	-	-	-	-	-
Lemon Grove Station	4	-	-	-	-	2	2	1	-	6	11
Pine Valley Substation	-	-	-	-	-	-	-	-	-	-	-
Poway Station	5	-	-	1	-	2	-	-	-	7	10
Ramona Substation	-	-	-	-	-	-	-	-	-	-	-
Ranchita Substation	-	-	-	-	-	-	-	-	-	-	-
Rancho San Diego	3	-	-	-	1	1	-	-	-	4	6
Rural Law Enforcement	-	-	-	-	-	-	-	-	-	-	-
San Marcos Station	11	1	1	-	4	4	1	2	-	35	48
Santee Station	4	-	-	1	-	4	-	5	-	31	41
SED	-	-	-	-	-	-	-	-	-	-	-
Valley Center Substation	1	-	-	-	1	-	-	-	-	2	3
Vista Station	10	-	1	-	4	-	-	2	1	18	26
4S Ranch Substation	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL</b>	<b>53</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>14</b>	<b>16</b>	<b>3</b>	<b>25</b>	<b>1</b>	<b>147</b>	<b>212</b>
<b>DETENTIONS</b>											
DSB: Prisoner Transport	-	-	-	-	-	-	-	-	-	-	-
East Mesa Detention Facility	1	-	2	-	-	-	-	-	-	-	2
Facility 8 Detention Facility	-	-	-	-	-	-	-	-	-	-	-
George F. Bailey Detention Facility	12	1	-	1	17	-	1	-	-	30	50
JAIL PMD Inmate Classification	-	-	-	-	-	-	-	-	-	-	-
Las Colinas Detention Facility	4	-	-	-	10	-	-	-	-	18	28
San Diego Central Jail	22	1	2	2	37	-	-	3	-	35	80
South Bay Detention Facility	-	-	-	-	-	-	-	-	-	-	-
Vista Detention Facility	8	-	3	1	4	-	1	-	-	13	22
<b>TOTAL</b>	<b>47</b>	<b>2</b>	<b>7</b>	<b>4</b>	<b>68</b>	<b>-</b>	<b>2</b>	<b>3</b>	<b>-</b>	<b>96</b>	<b>182</b>
<b>COURT SERVICES</b>											
Court Services Bureau	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>OTHER SHERIFF UNITS</b>											
Office of the Sheriff	-	-	-	-	-	-	-	-	-	-	-
Personnel Division	1	1	-	-	-	-	-	-	-	2	3
Unknown Sheriff Unit	1	-	-	-	-	-	-	-	-	1	1
<b>TOTAL</b>	<b>2</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3</b>	<b>4</b>
<b>PROBATION</b>											
Probation: Adult Services	13	3	-	-	1	4	3	2	-	25	38
Probation: Juvenile Services	3	-	-	-	6	1	-	-	-	13	20
<b>TOTAL</b>	<b>16</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>7</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>-</b>	<b>38</b>	<b>58</b>
<b>TOTALS:</b>	<b>118</b>	<b>8</b>	<b>9</b>	<b>6</b>	<b>89</b>	<b>21</b>	<b>8</b>	<b>30</b>	<b>1</b>	<b>284</b>	<b>456</b>

**NOTES:**

- 1) CC= Criminal Conduct; Discr= Discrimination; EF= Excessive Force; FA= False Arrest; FR= False Reports; ISS= Illegal Search & Seizure; IDF= Improper Discharge of Firearm.
- 2) Allegation totals exceed complaint totals and are multiplied by the number of personnel involved.

**GRAPH 8: ALLEGATION TOTALS FOR COMPLAINTS CLOSED IN 2015**



**TABLE 7: FULLY INVESTIGATED CASES / FINDINGS BY DATE CLOSED - 2015**  
*(Procedurally Closed & Summary Dismissal Cases are listed separately in Table 8 below.)*

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
12-055	Edwards ( <b>Death</b> )			1			01-13-15
12-108	Malacara ( <b>Death</b> )	1					01-13-15
14-010	Zulauf	1	2			1	01-13-15
14-022	Thornton			19			01-13-15
14-013	Goggans		9	11			03-10-15
14-016	Otero			2			03-10-15
14-021	Ojeda			2			03-10-15
14-098	Ewers			1		3	03-10-15
14-127	Carver			1			03-10-15
14-137	Scata ( <b>Death</b> )			2			03-10-15
14-143	Miller			4			03-10-15
14-023	Hagins	1	1	1		10	04-14-15
14-025	Montoya			2	1		04-14-15
14-026	Madueno		2	2			04-14-15
14-031	Molter		1	2			04-14-15
14-033	Figuroa		1	2			04-14-15
14-038	Lobatos		3	5			04-14-15
14-119	Winkler			1			04-14-15

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
15-006	Vega	3					04-14-15
15-012	Wilmoth			2			04-14-15
15-019	Kornbluth		1				04-14-15
15-023	Rasekhi			2			04-14-15
13-025	Reyes (Death)			2			05-12-15
14-037	Coyle		1	1		2	05-12-15
14-045	Avelar		2	24			05-12-15
14-091	Martin			1			05-12-15
14-111	Ibarra				1		05-12-15
15-014	Cecena				1		05-12-15
15-033	Khelaf			1	1		05-12-15
14-040	Corza			11			06-09-15
14-042	Baydo			6	1		06-09-15
14-043	Moline	2	1				06-09-15
14-044	Reedy			2			06-09-15
14-052	Rains			2	4		06-09-15
14-057	Silva		1	2			06-09-15
15-007	Pines				1		06-09-15
14-046	Thomason		1		2		07-14-15
14-047	Foley		3	4			07-14-15
14-053	Glasser			1		1	07-14-15
14-059	Abell-Shepard		2	3			07-14-15
14-060	Brown		5		3		07-14-15
14-069	Cain			1			07-14-15
14-076	Scott		1	1			07-14-15
14-077	Burns			1	4		07-14-15
14-083	Aubry	1				1	07-14-15
14-089	Bahl		3		2		07-14-15
14-095	Alvarez		2	1			07-14-15
14-117	Benoit			3			07-14-15
14-068	Hatchett			2			09-08-15
14-071	Herrmann			1		1	09-08-15
14-072	Giles		6	2		2	09-08-15
14-073	Orozco	1	9	3			09-08-15
14-074	Foster	1	3			1	09-08-15
14-075	James	2		11	1		09-08-15
14-078	Jones			1	1	1	09-08-15
14-079	Hart		2	1		1	09-08-15
14-082	Kunsmann		2		1		09-08-15
14-085	Rinaldi			2			09-08-15
14-086	Eshbach		2	1		2	09-08-15
14-087	Romero		3	1			09-08-15
14-088	Hollon		2	2			09-08-15
14-104	Sanfilippo			7			09-08-15
13-075	Inge (Death)			1			10-13-15

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
14-099	Esparza			2	1		10-13-15
14-100	Schubert			1	2		10-13-15
14-105	Stampley		7	1	2		10-13-15
14-114	Morales	2				1	10-13-15
14-115	Harrell		2	1	3		10-13-15
14-118	Macias			2			10-13-15
14-132	Ojeda			1			10-13-15
15-022	Franklin		1	1			10-13-15
14-004	Rodda (Death)			2			11-10-15
14-109	Moreno		1	2			11-10-15
14-113	Roth		1	4			11-10-15
14-124	Gallagher				2		11-10-15
14-125	Huerta			6			11-10-15
14-130	Weck		4	1		3	11-10-15
14-138	Pasqual			1			11-10-15
14-142	Dabaghian			1			11-10-15
15-103	Peacock			2			11-10-15
<b>TOTALS</b>	<b>80</b>	<b>15</b>	<b>87</b>	<b>192</b>	<b>34</b>	<b>30</b>	<b>456 findings/ 9 meetings</b>

**TABLE 8: ONE YEAR SUMMARY DISMISSAL / SUMMARY DISMISSAL / PROCEDURALLY CLOSED CASES BY DATE – 2015**

CASE #	COMPLAINANT	FINDINGS			DATE CLOSED
		ONE YEAR SUMMARY DISMISSAL *	SUMMARY DISMISSAL	PROCEDURALLY CLOSED	
14-139	Floyd			X	01-06-15
14-084	Weir		X		01-13-15
14-120	Torbert		X		01-13-15
14-140	Garrett		X		01-13-15
15-005	Raybuck			X	02-03-15
15-011	Kuhlmeyer			X	02-17-15
15-009	Coset			X	02-18-15
15-013	King			X	02-25-15
15-010	Robinson			X	02-26-15
15-015	Kiezun			X	03-05-15
15-018	Brink			X	03-09-15
15-020	Nunez-Alvarez			X	03-09-15
15-024	Winkler			X	03-16-15
14-136	Taylor		X		04-14-15
15-025	Tyler			X	04-13-15
15-031	Dye			X	04-14-15
15-029	Walters			X	04-15-15
15-042	James			X	05-20-15
14-048	Salwin		X		06-09-15

CASE #	COMPLAINANT	FINDINGS			DATE CLOSED
		ONE YEAR SUMMARY DISMISSAL *	SUMMARY DISMISSAL	PROCEDURALLY CLOSED	
14-081	Odanga		X		07-14-15
15-056	Pete			X	07-09-15
15-064	Kerzic			X	08-05-15
15-074	Quince			X	08-19-15
15-079	Lopez			X	08-27-15
15-080	Franklin			X	08-27-15
15-068	Rogers		X		09-08-15
15-085	Smith			X	09-08-15
15-092	Seymour			X	09-21-15
15-094	Guffey			X	10-01-15
15-101	Ferguson			X	10-09-15
15-102	Johnson			X	10-09-15
15-096	Drake			X	10-09-15
15-098	Zarate			X	10-12-15
15-099	West			X	10-12-15
15-106	Karakeosian			X	10-14-15
15-113	Eisenmann			X	11-12-15
15-121	Torres			X	12-08-15
15-124	Huff			X	12-24-15
<b>TOTALS</b>	<b>38</b>	<b>0</b>	<b>20</b>	<b>78</b>	

\* Court decisions applicable to the Review Board and Government Code Section 3304(d) of the Public Safety Officers' Procedural Bill of Rights require that an investigation of a misconduct that could result in discipline be completed within one year of discovery of the misconduct, unless statutory exceptions apply. A review of the complaint showed no statutory exceptions applied, and the Review Board approved Summary Dismissal.

**TABLE 9: POLICY RECOMMENDATIONS - 2015**

CASE #	NAME	SUMMARY OF POLICY RECOMMENDATIONS	DATE TO BOARD	DEPT. RESPONSE
N/A	Board initiated	<p>On October 13, 2015, the Citizens' Law Enforcement Review Board (CLERB) received a presentation concerning the Department's Body Worn Cameras Field Test/Evaluation Interim Policy and Procedure. After a thorough review of the Interim Policy and Procedure, CLERB makes the following recommendations to the Sheriff's Department:</p> <p><b>Section O      Reviewing Impounded Digital Evidence</b></p> <p>                         O.1      CLERB recommends that deputies write their reports prior to reviewing any digital evidence, and then if necessary, submit supplemental or amended reports after the review.</p> <p>                         O.3      Add CLERB to Section O.3, to ensure that digital evidence will be made available for CLERB administrative investigations.</p> <p><b>Section N      Retention of Digital Evidence</b></p> <p>                         CLERB recommends that Section N be modified to read: All recordings related to any criminal proceeding, claim filed, pending litigation, or an administrative investigation/personnel complaint, shall be preserved until the matter is resolved and/or in accordance with the law, or <u>for a period of at least two years</u>, whichever period of time is greater.</p>	11-10-15	<p>01-26-16</p> <p>The Sheriff's Department responded that the recommendations related to Section O.1 and Section N would continue to be considered during the course of the pilot program, as they evaluated best practices from various agencies and digital storage requirements for body worn camera files.</p>

**TABLE 10: CLERB TWO-YEAR ADOPTED/APPROVED OPERATIONAL BUDGET**

LINE ITEM CATEGORY	2015-2016	2016-2017
Salaries & Fringe Benefits	\$527,585	\$532,199
Services & Supplies	\$132,097	\$132,109
<b>Total Expense</b>	<b>\$659,682</b>	<b>\$664,308</b>
<b>General Revenue</b>	<b>\$659,682</b>	<b>\$664,308</b>
<b>Employee positions</b>	<b>4</b>	<b>4</b>

**GLOSSARY OF TERMS & DEFINITIONS**

**Action Justified:**

The investigation showed the alleged act did occur, and was lawful, justified and proper.

**Not Sustained (Insufficient Evidence):**

There was insufficient evidence to either prove or disprove the allegation.

**Procedurally Closed:**

A lodged case is closed by the Executive Officer when it is not returned with a signature under penalty of perjury.

**Summary Dismissal:** Action taken by the Review Board on a filed complaint:

- (a) The Review Board has no jurisdiction over the complaint or an allegation; or
- (b) The Review Board has no jurisdiction because the complaint was not timely filed; or
- (c) The complaint was so clearly without merit that no reasonable person could sustain a finding based on the facts.

**Sustained:**

The evidence supports the allegation and the act or conduct was not justified.

**Unfounded:**

The investigation showed the alleged act or conduct did not occur.

**Lodged versus Filed Complaints:**

A complaint is “lodged” or recorded and given a case number when a person contacts the Review Board to complain about an incident and is sent a complaint form. The complaint is “filed” when the person returns the complaint form signed under penalty of perjury.

**Preponderance of the Evidence:**

Evidence that has more convincing force than that opposed to it. “Preponderance of the evidence” is the standard of proof used in the Review Board’s investigations.

**Summary Hearings:**

The Review Board considers the staff reports on complaint investigations in Summary Hearings in closed session.

**APPENDIX A:**

**CHARTER OF THE COUNTY OF SAN DIEGO**

**Section 606: Citizens Law Enforcement Review Board.**

- (a) The Board of Supervisors, by ordinance, shall establish a Citizens Law Enforcement Review Board consisting of not less than nine (9) nor more than fifteen (15) members nominated by the Chief Administrative Officer and appointed by the Board of Supervisors. Members of the Citizens Law Enforcement Review Board shall serve without compensation for terms not to exceed three years as established by ordinance, and members shall be appointed for not more than two consecutive full terms. County employees and persons employed as peace officers or custodial officers shall not be eligible to be members of the Citizens Law Enforcement Review Board.
- (b) Members of the Citizens Law Enforcement Review Board shall serve at the pleasure of the Board of Supervisors, and they may be removed at any time by a majority vote of the Board of Supervisors.
- (c) Vacancies on the Citizens Law Enforcement Review Board shall be filled for the balance of the unexpired term in the same manner as the position was originally filled.
- (d) The Citizens Law Enforcement Review Board shall have the power to subpoena and require attendance of witnesses and the production of books and papers pertinent to its investigations and to administer oaths.
- (e) The Citizens Law Enforcement Review Board may appoint in accordance with its established procedures such personnel as may be authorized by the Board of Supervisors. Notwithstanding any other provision of this Charter, any authorized executive director and investigators of the Citizens Law Enforcement Review Board shall be in the classified or the unclassified service as determined, by ordinance, by the Board of Supervisors.
- (f) The Board of Supervisors, by ordinance, shall establish the duties of the Citizens Law Enforcement Review Board and its duties may include the following:
  - (1) Receive, review and investigate citizens complaints which charge peace officers or custodial officers employed by the Sheriff's Department or the Probation Department with (A) use of excessive force, (B) discrimination or sexual harassment in respect to members of the public, (C) the improper discharge of firearms, (D) illegal search or seizure, (E) false arrest, (f) false reporting, (G) criminal conduct or (H) misconduct. All action complaints shall be in writing and the truth thereof shall be attested under penalty of perjury. "Misconduct" is defined to mean and include any alleged improper or illegal acts, omissions or decisions directly affecting the person or property of a specific citizen by reason of:
    - 1. An alleged violation of any general, standing or special orders or guidelines of the Sheriff's Department or the Probation Department; or
    - 2. An alleged violation of any state or federal law; or
    - 3. Any act otherwise evidencing improper or unbecoming conduct by a peace officer or custodial officer employed by the Sheriff's Department or the Probation Department.
  - (2) Review and investigate the death of any individual arising out of or in connection with actions of peace officers or custodial officers employed by the Sheriff's Department or the

Probation Department, regardless of whether a citizen complaint regarding such death has been filed with the Citizens Law Enforcement Review Board.

- (3) Prepare reports, including at least the Sheriff or the Probation Officer as recipients, on the results of any investigations conducted by the Citizens Law Enforcement Review Board in respect to the activities of peace officers or custodial officers, including recommendations relating to the imposition of discipline and recommendations relating to any trends in regard to employees involved in citizen complaints.
  - (4) Prepare an annual report to the Board of Supervisors, the Chief Administrative Officer, the Sheriff and the Probation Officer summarizing the activities and recommendations of the Citizens Law Enforcement Review Board, including the tracking and identification of trends in respect to all complaints received and investigated during the reporting period.
  - (5) Notify in writing any citizens having filed a complaint with the Citizens Law Enforcement Review Board of the disposition of his or her complaint. The Chief Administrative Officer shall also receive appropriate notification of the disposition of citizen complaints.
  - (6) Review and make recommendations on policies and procedures of the Sheriff and the Probation Officer.
  - (7) Establish necessary rules and regulations for the conduct of its business, subject to approval of the Board of Supervisors.
  - (8) Perform such other duties as the Board of Supervisors, by ordinance, may assign to the Citizens Law Enforcement Review Board.
  - (9) Established rules and procedures for receipt of complaints from detention facility inmates.
- (g) In the event that a County Department of Corrections is established, the Citizens Law Enforcement Review Board shall have the same powers and duties in respect to that Department, its Director, and its peace officer and custodial officer employees, as the Citizens Law Enforcement Review Board has in respect to the Sheriff, the Probation Officer and their departments and employees.

(Added, Effective 12-26-90)

**APPENDIX B:**

**SAN DIEGO COUNTY ADMINISTRATIVE CODE  
ARTICLE XVIII - CITIZENS LAW ENFORCEMENT REVIEW BOARD**

**SEC. 340. PURPOSE AND INTENT.**

It is the purpose and intent of the Board of Supervisors to establish a Citizens Law Enforcement Review Board of the County of San Diego to advise the Board of Supervisors, the Sheriff and the Chief Probation Officer on matters related to the handling of citizen complaints which charge peace officers and custodial officers employed by the County in the Sheriff's Department or the Probation Department with misconduct arising out of the performance of their duties. The Citizens Law Enforcement Review Board is also established to receive and investigate specified citizen complaints and investigate deaths arising out of or in connection with activities of peace officers and custodial officers employed by the County in the Sheriff's Department or the Probation Department. In addition, the Citizens Law Enforcement Review Board is to make appropriate recommendations relating to matters within its jurisdiction, report its activities, and provide data in respect to the disposition of citizen complaints received by the Citizens Law Enforcement Review Board. It is the purpose and intent of the Board of Supervisors in constituting the Citizens Law Enforcement Review Board that the Review Board will be advisory only and shall not have any authority to manage or operate the Sheriff's Department or the Probation Department or direct the activities of any County officers or employees in the Sheriff's Department or the Probation Department. The Review Board shall not decide policies or impose discipline against officers or employees of the County in the Sheriff's Department or the Probation Department.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

**SEC. 340.1. CITIZENS LAW ENFORCEMENT REVIEW BOARD.**

The Board of Supervisors hereby establishes the Citizens Law Enforcement Review Board of the County of San Diego, hereinafter referred to as "Review Board."

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

**SEC. 340.2. NUMBER OF MEMBERS.**

The Review Board shall consist of eleven (11) members.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

**SEC. 340.3. NOMINATION AND APPOINTMENT.**

(a) The Board of Supervisors shall appoint all eleven members to the Review Board, all of whom shall be residents and qualified electors of the County. Members shall be nominated by the Chief Administrative Officer. In making nominations the Chief Administrative Officer shall attempt to reflect in Review Board membership comprehensive representation of age, sex, socioeconomic status, racial and ethnic background and geographical distribution, including representation of both the unincorporated areas and the cities that contract with the County for law enforcement by the Sheriff's Department. The list of nominees submitted to the Board of Supervisors shall include a statement of the qualifications of each person nominated.

(b) Public notice and publicity shall be given of intention to appoint members to the Review Board. An application form shall be provided to members of the public.

(c) County employees and persons employed as peace officers and custodial officers shall not be eligible to be members of the Review Board.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

**SEC. 340.4. TERM OF OFFICE.**

(a) Each member shall serve a term of three years; provided, however, that the terms of the initial members of the Review Board shall be determined as follows:

At the first meeting of the Review Board, the eleven members shall draw lots to determine which four members will serve a three year term, which four members will serve a two year term, and which three members will serve a one year term.

(b) A member shall serve on the Review Board until a successor has been appointed. A member shall be appointed for no more than two consecutive full terms. Appointment to fill a vacancy shall constitute appointment for one term. The term for all members shall begin on July 1 and end on June 30. The term of all persons who are the initial appointees to the Review Board shall be deemed to commence on July 1, 1991. (Added by Ord. No. 7880 (N.S.), effective 5-2-91)

#### **SEC. 340.5. REMOVAL.**

Members of the Review Board serve at the pleasure of the Board of Supervisors and may be removed from the Review Board at any time by a majority vote of the Board of Supervisors. (Added by Ord. No. 7880 (N.S.), effective 5-2-91)

#### **SEC. 340.6. VACANCIES.**

A vacancy shall occur on the happening of any of the following events before the expiration of the term:

- (1) The death of the incumbent.
- (2) The resignation of the incumbent.
- (3) The ceasing of the incumbent to be a resident of the County of San Diego.
- (4) Absence of the member from three consecutive regular meetings of the Review Board, or
- (5) Failure to attend and satisfactorily complete the required training course within three months of the beginning of a member's term or of the member's appointment to fill a vacancy.

When a vacancy occurs the Board of Supervisors and, where appropriate, the member shall be notified of the vacancy by the Chairperson. Vacancies shall be filled in the same manner as the position was originally filled. Vacancies shall be filled within forty-five days and, subject to the provisions of this article, shall be filled for the balance of the unexpired term.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

#### **SEC. 340.7. ORGANIZATION.**

(a) *Officers.* The Review Board shall select annually from its membership a Chairperson, a Vice-Chairperson and a Secretary.

(b) *Rules.* The Review Board shall prepare and adopt necessary rules and regulations for the conduct of its business, subject to approval of the Board of Supervisors. A current copy of the rules and regulations shall be filed with the Clerk of the Board of Supervisors.

(c) *Quorum.* A majority of members currently appointed to the Review Board shall constitute a quorum. A majority of members currently appointed to the Review Board shall be required to carry any motion or proposal.

(d) *Minutes.* The Review Board shall keep written minutes of its meetings, a copy of which shall be filed with the Clerk of the Board of Supervisors.

(e) *Meetings.* The Review Board shall establish a regular meeting schedule and shall give public notice of the time and place of meetings. All meetings shall be held in accordance with the requirements of the Ralph M. Brown Act (Government Code, section 54950 et seq.).

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

#### **SEC. 340.8. COMPENSATION.**

Members of the Review Board shall serve without compensation, except they shall be reimbursed for expenses incurred in performing their duties in accordance with provisions of the County Administrative Code regulating reimbursement to County officers and employees.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

#### **SEC. 340.9. DUTIES AND RESPONSIBILITIES.**

The Review Board shall have the authority to:

(a) Receive, review and investigate citizen complaints filed against peace officers or custodial officers employed by the County in the Sheriff's Department or the Probation Department which allege: (A) use of excessive force; (B) discrimination or sexual harassment in respect to members of the public; (C) the improper discharge of firearms; (D) illegal search or seizure; (E) false arrest; (F) false reporting; (G) criminal conduct; or (H) misconduct. The Review Board shall have jurisdiction in respect to all citizen complaints arising out of incidents occurring on or after November 7, 1990; provided, however, that the Review Board shall not have jurisdiction to take any action in respect to complaints received more than one year after the date of the incident giving rise to the complaint, except that if the person filing the complaint was incarcerated or physically or mentally incapacitated from filing a complaint following the incident giving rise to the complaint, the time duration of such incarceration or physical or mental incapacity shall not be counted in determining whether the one year period for filing the complaint has expired. All action complaints shall be in writing and the truth thereof shall be attested under penalty of perjury. "Citizen complaints" shall include complaints received from any person whatsoever without regard to age, citizenship, residence, criminal record, incarceration, or any other characteristic of the complainant. "Misconduct" is defined to mean and include any alleged improper or illegal acts, omissions or decisions directly affecting the person or property of a specific citizen by reason of:

1. An alleged violation of any general, standing or special orders or guidelines of the Sheriff's Department or the Probation Department; or
2. An alleged violation of any state or federal law; or
3. Any act otherwise evidencing improper or unbecoming conduct by a peace officer or custodial officer employed by the Sheriff's Department or the Probation Department.

The Review Board shall have no authority pursuant to this subdivision to take action in regard to incidents for which no citizen complaint has been filed with the Review Board.

(b) Review and investigate the death of any individual arising out of or in connection with actions of peace officers or custodial officers employed by the County in the Sheriff's Department or the Probation Department, regardless of whether a citizen complaint regarding such death has been filed with the Review Board. The Review Board shall have jurisdiction in respect to all deaths of individuals coming within the provisions of this subdivision occurring on or after November 7, 1990; provided, however, that the Review Board may not commence review or investigation of any death of an individual coming within the provisions of this subdivision more than one year after the date of the death, unless the review and investigation is commenced in response to a complaint filed within the time limits set forth in subdivision (a) of this section.

(c) Prepare reports, including at least the Sheriff or the Probation Officer as recipients, on the results of any investigations conducted by the Review Board in respect to the activities of peace officers or custodial officers, including recommendations relating to the imposition of discipline, including the facts relied on in making such recommendations, and recommendations relating to any trends in regard to employees involved in citizen complaints. The Review Board is not established to determine criminal guilt or innocence.

(d) Prepare an annual report to the Board of Supervisors, the Chief Administrative Officer, the Sheriff and the Probation Officer summarizing the activities and recommendations of the Review Board including the tracking and identification of trends in respect to all complaints received and investigated during the reporting period.

(e) Notify in writing any citizen having filed a complaint with the Review Board of the disposition of his or her complaint. The Chief Administrative Officer shall also receive appropriate notification of the disposition of citizen complaints. Such notifications shall be in writing and shall contain the following statement: "In accordance with Penal Code section 832.7, this notification shall not be conclusive or binding or admissible as evidence in any separate or subsequent action or proceeding brought before an arbitrator, court, or judge of California or the United States."

(f) Establish necessary rules and regulations for the conduct of its business, subject to approval of the Board of Supervisors.

(g) Review and make recommendations on policies and procedures of the Sheriff's Department and the Probation Departments to the Board of Supervisors, the Sheriff, and the Chief Probation Officers.  
(Added by Ord. No. 7880 (N.S.), effective 5-2-91; amended by Ord. No. 7914 (N.S.), effective 6-27-91; amended by Ord. No. 9737 (N.S.), effective 10-27-05; amended by Ord. No. 9782 (N.S.), effective 7-20-06)

**SEC. 340.10. REVIEW BOARD INVESTIGATIONS.**

Citizen complaints received by the Review Board shall be transmitted forthwith to the Sheriff or the Probation Officer.  
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

**SEC. 340.11. SUBPOENAS.**

The Review Board shall, pursuant to the Charter of the County of San Diego, section 606(d), have the power to subpoena and require attendance of witnesses and the production of books and papers pertinent to its investigations and to administer oaths.  
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

**SEC. 340.12. STAFF ASSISTANCE.**

The Review Board shall appoint such personnel as may be authorized by the Board of Supervisors.  
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

**SEC. 340.13. TRAINING REQUIREMENTS.**

All members shall attend and satisfactorily complete a training course within three months of the beginning of the member's term or of the member's appointment to fill a vacancy. The training requirements shall be established by the Chief Administrative Officer. Failure to attend and satisfactorily complete the training course within the prescribed time shall result in the member's removal from the Review Board and shall automatically create a vacancy on the Review Board.  
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

**SEC. 340.14. RECORDS.**

Any personnel records, citizen complaints against County personnel in the Sheriff's Department or the Probation Department, and information obtained from these records, which are in the possession of the Review Board or its staff, shall be confidential and shall not be disclosed to any member of the public, except in accordance with applicable law. Copies of records and complaints of the Review Board shall be made available to the Sheriff or the Probation Officer upon completion of the investigation of the Review Board unless prohibited by applicable law.  
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

**SEC. 340.15. COOPERATION AND COORDINATION.**

In the discharge of its duties, the Review Board shall receive complete and prompt cooperation from all officers and employees of the County. The Review Board and other public officers, including the Sheriff, the District Attorney, and the Grand Jury, shall coordinate their activities so that the other public officers and the Review Board can fully and properly perform their respective duties.  
(Added by Ord. No. 7880 (N.S.), effective 5-2-91)