



San Diego County Sheriff's Department

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William D. Gore, Sheriff

October 30, 2019

Susan N. Youngflesh, Board Chairperson
Citizens' Law Enforcement Review Board
555 West Beech Street, Suite 505
San Diego, CA 92101-3819

CLERB CASE NUMBER: 18-081 / Earl McNeil

Dear Chairperson Youngflesh,

The Sheriff's Department welcomes and supports the Citizens' Law Enforcement Review Board's (CLERB) independent review of complaints alleging improper actions by members of this organization and in-custody deaths. We continuously strive to respond with professionalism and concern to the citizens we serve and the CLERB process provides invaluable input to that end.

On October 8, 2019, CLERB had a sustained finding related to actions of a former deputy on this department. Additionally, CLERB recommended the below changes to the San Diego County Sheriff's Department Policy and Procedures:

1. It is recommended that the Sheriff's Department develop policy to train deputies on the use of universal Personal Protective Equipment (PPE) including the donning and doffing of gowns, disposable gloves, and the use of full face shields when exposed to potential biological hazards, including blood and saliva.
2. It is recommended that the Sheriff's Department train deputies on how to inspect and if necessary, exchange new spit socks, with the use of PPE, for detainees wearing a spit sock, to prevent airway and breathing impairment by accumulated secretions, saliva or blood.
3. It is recommended that the Sheriff's Department add to the existing policy on Use of Force (Addendum F) a clause prohibiting deputies from adding additional items over spit socks to prevent respiratory compromise (ability to breathe) to inmates.
4. It is recommended that the Sheriff's Department add to the existing policy on Use of Force (Addendum F) a procedure in the use of a WRAP restraining device, to include the monitoring of vital signs, body position, with special emphasis in the position of the subject's head to avoid breathing impairment, which may affect the level of consciousness.

CLERB #18-081
Policy Response

We have reviewed the May 26, 2018 incident involving Earl McNeil. We appreciate the policy recommendations from CLERB and will examine your recommendations with our current policies to see how we can improve and update them to enhance the safety of our deputies and the community we serve.

In regard to the alleged policy violation, we do not see enough evidence to support CLERB's finding that the application of the Spit Sock or shielding with the t-shirt affected Mr. McNeil's breathing.

As the CLERB report indicates, Mr. McNeil successfully spit on a deputy and saliva was misting through both the spit sock and the spit hood. Throughout the incident, Mr. McNeil told National City Police Officers and Sheriff's Deputies he was HIV positive while he continued to spit at them. Per the CLERB report, former Sheriff's Deputy Frantz used the t-shirt to shield Mr. McNeil's mouth to prevent him from continuing to spit on deputies. We believe this to be a reasonable action considering the circumstances and actions taken by Mr. McNeil.

In closing, we appreciate the time and effort of the Citizen's Law Enforcement Review Board. I would like to thank you for your service to the citizens of San Diego County and the policy recommendations. It is our goal to provide the "highest quality public safety services" to everyone in San Diego County.

Sincerely,

WILLIAM D. GORE, SHERIFF

A handwritten signature in black ink, appearing to read "Scott Amos". The signature is fluid and cursive, written over a white background.

Scott Amos, Lieutenant
Division of Inspectional Services
Office of the Sheriff