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County of San Diego

CITIZENS’ LAW ENFORCEMENT REVIEW BOARD

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www.sdcounty.ca.gov/clerb

REGULAR MEETING AGENDA

Tuesday, July 11, 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/88407992719?pwd=KzVteWFGNTc4ejZaeVNkQzg4dHpNdz09>

Phone: +1 669 900-6833

Webinar ID: 884 0799 2719

Passcode: 983684

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 also 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.

3. MINUTES APPROVAL (Attachments A1 and A2)

4. PRESENTATION/TRAINING

- a) Family Liaison Program Overview by San Diego Sheriff's Department Lieutenant Joseph Jarjura

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 Recommendations Pending Response, Listed by Department in Order of Date Sent to Department

Sheriff's Department (8)

- i. Provision of Eviction Documentation in Threshold Languages
Recommendation Sent to SDSA on 10-23-22
- 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.
- ii. Proactive Review of Employee Social Media
Recommendation Sent to SDSA on 11-17-22
- Add the following, or words to that effect, to the SDSA Policy and Procedures (P&P) Section 7.14 "Social Media:"
 - Management will routinely review employees' publicly available social media posts and department-issued cellphones and computers to ensure there is no biased content or other activity that would tend to indicate discriminatory conduct, as such conduct undermines the credibility and legitimacy of SDSA and creates doubt that all communities will be served equitably.
- iii. 21-117 / Tuck
Recommendation Sent to SDSA on 12-16-22
- It is recommended that the SDSA implement a policy that provides guidelines for handcuffing. These guidelines should cover, at minimum, such topics as the proper placement of handcuffs; checking to ensure the handcuffs are not so tight as to cause injury, and mandatory engaging of the double-locking function when tactically safe. A comprehensive handcuffing policy should also provide guidelines covering the documentation of injuries and/or complaints of pain allegedly due to handcuffs and the provision of medical treatment to prisoners claiming said injuries.
- iv. Search or Scan All Persons Entering Detention Facilities
Recommendation Re-Submitted to SDSA on 01-18-23
- Physically search or body scan all persons entering a SDSA-operated detention facility, to include all SDSA 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.
- v. Publicly Release Reviews Conducted by the Critical Incident Review Board (CIRB)

Recommendations Sent to SDSD on 02-03-23

- Upon completion of the Critical Incident Review Board (CIRB) proceedings of an in-custody death, publicly release the CIRB Final Report.
- If unwilling to release the CIRB Final Report, consider establishing a separate public process for internally reviewing deaths and making necessary changes, as recommended in California State Auditor (CSA) Report 2021-109 entitled, “San Diego Sheriff’s Department.”
- Clarify the role of CIRB, specifically reconciling what is listed on the SDSD website with SDSD P&P Section 4.23. Is CIRB’s purpose to assess “civil exposure” and avoidance of “potential liability...in the future,” is it to make the facilities safer for all, or is it both?
- Codify any implemented changes into SDSD P&P Section 4.23.

Probation Department (4)

i. Use of Technology to Monitor Health and Safety of Inmates

Recommendations Sent to Probation on 04-12-22

- 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.

ii. White Supremacy and Extremist Groups in Law Enforcement

Recommendation Sent to Probation on 11-17-22

- Amend Probation Policy and Procedures (P&P) Section 903.6.4, “Relationships,” or create a new, stand-alone P&P that captures the following, or words to that effect:
 - Employees shall not participate and/or associate, whether in-person, electronically, or via social media, with groups or individuals who espouse beliefs which discriminate against an entire class of people, typically for their immutable characteristics. Such participation or association undermines the credibility and legitimacy of the Probation Department and creates doubt that all communities will be served equitably.

iii. Prohibition of Law Enforcement Gangs

Recommendation Sent to Probation on 11-17-22

- Comply with Penal Code §13670, “Law Enforcement Gangs” by implementing a policy prohibiting participation in a law enforcement gang.

f) Policy Recommendation Responses

i. 21-096 / Cernilia (Attachment E)

Recommendation Sent to SDSD on 10-02-22

- It is recommended that the 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.

ii. 21-100 / Richardson (Attachment F)

Recommendation Sent to SDSD on 10-02-22

- 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.

g) Sustained Finding Pending Response

Sheriff's Department (3)

- i. 22-109 / Bandy
- ii. 22-116 / Gutierrez
- iii. 22-143 / Lowder

h) Sustained Finding Response

- i. None

6. BOARD CHAIR'S REPORT

7. NEW BUSINESS

- a) None

8. UNFINISHED BUSINESS

- a) Update on SB 519 (2023)

9. BOARD MEMBER COMMENTS

10. SHERIFF/PROBATION LIAISON QUERY