

**CITIZENS' LAW ENFORCEMENT REVIEW BOARD
POLICIES AND PROCEDURES GUIDELINES
Adopted AUGUST 14, 2018**

1. BOARD MEMBERS RESPONSIBILITIES

- a. Every two years, Board members are required to take the training and complete the State of California's Ethics Test. Information about the test will be provided to the Citizens' Law Enforcement Review Board ("CLERB") members by CLERB staff.
- b. Every year, Board members are required to fill out and hand in the State of California's Form 700, Statement of Economic Interests. The form and the due date for the form will be provided by CLERB staff.
- c. CLERB staff shall generate an Annual Report. The Board Chair shall provide an introductory column. Any Committee that completed its work in that year shall provide a summary of the work that had been completed.
- d. The Board Chair is the spokesperson for CLERB and has the authority to speak to the media on behalf of CLERB. If a Board Member is contacted by media, then that Board Member shall refer media requests to the Board Chair for response as soon as reasonably practicable.
- e. Board members shall not bring a weapon to the County Administration Center. This includes Board members who may have concealed carry permits.

2. BOARD OFFICERS

- a. At the regularly scheduled September, the Board Chair will announce that she/he will be forming a Nominating Committee and that Board members interested in serving on that committee shall notify the Board Chair.
- b. At the regularly scheduled October meeting, an ad hoc Nominating Committee shall be appointed by the Board Chair in accordance with the Rules and Regulations. The Committee shall consist of no more than four Board members, which shall, in no event, constitute a quorum of the Board, one of whom shall be named the Committee Chair. The purpose of this Committee is to nominate Board Officers.
- c. The Board Chair shall announce the Nominating Committee Chair and Committee members at the regularly scheduled October meeting under New Business.
- d. Board members should state their interest to the Nominating Committee Chair if they are interested in becoming an officer. This should be done in writing.
- e. The Committee shall convene during the month of October. This may be done by e-mail or in person.
- f. The Nominating Committee Chair shall present a slate of nominations for Board officers at the December meeting using the script provided in Appendix A.

3. BOARD MEETINGS

- a. CLERB's fiscal year is January 1 to December 31. The Board shall convene at a regularly scheduled meeting to be held on the second Tuesday of every month unless otherwise noticed.

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- b. CLERB meetings shall be run according to Robert's Rules of Order and in accordance with the Ralph M. Brown Act (Gov. Code §§ 54950 *et seq.*). County Counsel will advise if Robert's Rules of Order or the Ralph M. Brown Act are not being followed.
- c. When the Board votes in open session to approve the minutes, a voice vote is sufficient. For any other actions in open session, a show of hands is required. When the Board votes on case review in closed session, a show of hands is required. In either case, abstentions shall be recorded to keep a clear record of the vote.
- d. When a Board Committee is formed, any recommendations from the Committee will be presented at a CLERB Board meeting.
- e. When the Executive Officer seeks to hire staff, the Executive Officer shall make a recommendation to the Board in closed session. If the Board approves the hiring, the Board shall then reconvene into open session to announce the hiring. A recommendation to hire CLERB staff will be provided by the Executive Officer to the CLERB Board in closed session. If the CLERB Board grants the Executive Officer's recommendation to hire CLERB staff, then the Board shall reconvene open session and announce the decision accordingly.
- f. CLERB is governed by Rules and Regulations. These Rules and Regulations shall be reviewed and revised, if necessary, every four years. A Committee shall be formed by the Board Chair to review and revise, if necessary, the Rules and Regulations. The Committee shall consist of the Board Chair and no more than four other Board members, which shall, in no event, constitute a quorum of the Board, one of whom shall be named the Committee Chair. The Executive Officer shall also be a member of the Rules and Regulations Committee. Upon the Committee's review and revision if necessary:
 - i. The proposed revisions to the Rules and Regulation shall be presented at a CLERB open session meeting.
 - ii. Upon Board approval, County Counsel shall review the proposed changes and make recommendations.
 - iii. The recommended changes shall be submitted to the ad hoc Committee for review.
 - iv. The proposed revisions to the Rules and Regulations, with recommended changes, will be presented to the Board at an open session meeting for the Board's approval.
 - v. The Executive Officer shall coordinate with the County's Public Safety Group and Labor Relations to present the proposed revisions to the San Diego County Deputy Sheriff's Association and the San Diego County Probation Officers Association.
 - vi. Any recommended changes stemming from the San Diego County Deputy Sheriff's Association and San Diego County Probation Officers Association meetings shall be submitted to the ad hoc Committee for consideration.
 - vii. Any proposed revisions to the Rules and Regulations shall be presented to the Board at an open session meeting.
 - viii. Any recommendations shall be submitted to the ad hoc Committee for additional review.
 - ix. Any revisions shall be presented to the Board at an open session meeting for the Board's approval.
 - x. The Executive Officer will forward the finalized revisions to the Board of Supervisors for adoption.
 - xi. The Executive Officer shall publish the revised Rules and Regulations on the CLERB website and disseminate to Board Members at the next regularly scheduled CLERB meeting.

4. CASE REVIEW

- a. Cases are investigated by staff with a recommendation for Findings for each Allegation.

- b. Cases for the upcoming Board meeting shall be mailed via U.S. mail to each Board member or shall be picked up at the CLERB office.
- c. When Board members review their cases, if there are questions about a particular case, they should call the Special Investigator who investigated that case within a reasonable timeframe prior to the next regularly scheduled Board meeting so that the Special Investigator will have sufficient time to research the inquiry and provide a response before the Board meeting.
- d. The case material file that the Special Investigators rely upon to make their Findings shall be made available for the Board to review by appointment with the assigned Special Investigator.

5. BOARD MEMBER EDUCATION

- a. New Board members shall be given an orientation in accordance with the Rules and Regulations and an Orientation Manual within three months of being sworn in to the Board. Items to be included in the Orientation and Orientation Manual shall include, but not be limited to:
 - o Board Policy and Procedure Manual
 - o Ralph M. Brown Act information
 - o CLERB Fiscal Year Budget
 - o California Penal Code section 832.5, which establishes a procedure to investigate complaints by members of the public
 - o Civil Service Commission Information
 - o CLERB Historical Perspective
 - o CLERB Mission Statement
 - o CLERB Policy and Procedure recommendations adopted by the Sheriff's Department and the Probation Department
 - o CLERB Rules and Regulations
 - o County Administration Codes
 - o County Counsel's Role and Outside Counsel's Role
 - o County Government Overview
 - o Countywide map of San Diego Sheriff's Department Divisions
 - o Legal/Litigation affecting CLERB
 - o Most recent Annual Report
 - o National Association of Civilian Oversight of Law Enforcement ("NACOLE") Code of Ethics
 - o Peace Officers Bill of Rights information
 - o San Diego County Charter Information establishing CLERB
 - o Fiscal Year Calendar
- b. Board members shall be given the opportunity to tour one of the local jails and/or detention facilities at least once during their first year of membership. Initial emphasis will be placed on arranging a tour of the downtown jail.
- c. New Board members shall participate in a ride-along with the Sheriff's Department within the first three months of joining the Board.
- d. Board members are encouraged to participate in any other ride-alongs, classes, trainings, and opportunities that may arise. This shall be coordinated by the Sheriff's Department Liaison or Probation Department Liaison.

- e. Board members may request to attend the annual National Association of Civilian Oversight of Law Enforcement (NACOLE) conference and will be selected based on the budget.

6. EXECUTIVE OFFICER

- a. The Board shall hire an individual to serve as the Executive Officer of CLERB. The Executive Officer shall be an unclassified employee. The Executive Officer shall be responsible for:
 - i. Managing and providing administrative, investigative, analytical, and advisory services to the Board.
 - ii. Formulating policy and operational procedures and providing administrative direction to the Staff.
 - iii. Acting as a liaison between CLERB, various County departments, and the public.
 - iv. Presenting candidates for any staff opening to the Board for appointment.
 - v. Overseeing, evaluating, and terminating, if necessary, staff members.
 - vi. Supervising assigned staff members and establishing work standards and objectives.
 - vii. Reviewing complaints to determine if they fall under CLERB's jurisdiction and set the priority of investigations in accordance with CLERB's Rules and Regulations.
 - viii. Completing investigations and meeting deadlines that fall under CLERB's jurisdiction.
 - ix. Working with the Board on Policy recommendations to the Sheriff and Chief Probation Officer.
 - x. Other additional duties as is provided by the Board.
- b. When the position of Executive Officer is vacant, the Board Chair shall form an ad hoc Executive Search Committee consisting of the Board Chair and no more than four other Board members, which shall, in no way, constitute a quorum, one of whom will be named Committee Chair. From there, the following process could be used:
 - i. Working with the County's Public Safety Group, a job description shall be created and the job opening posted in various locations such as the County of San Diego website, the NACOLE website, and other appropriate sites.
 - ii. Applications shall be collected and scored by the Human Relations manager for the Public Safety Group.
 - iii. The top tier of applicants will be contacted and invited to a first interview in San Diego. The Ad Hoc Executive Search Committee will conduct these interviews.
 - iv. Once the final candidates are identified they will be interviewed by the entire Board in closed session.
 - v. Upon selection and approval of the Executive Officer, the Board will reconvene in open session to announce the hiring, subject to a background check being completed.
 - vi. The Human Relations Manager of the Public Safety Group will be responsible for ensuring that the new Executive Officer complete all background checks, have a physical examination, and enter into negotiations for salary, benefits, and starting date.
- c. The Executive Officer will have an Annual Performance Evaluation according to the following steps:
 - i. The Board Chair shall conduct the Annual Performance Evaluation of the Executive Officer.
 - ii. The Annual Performance Evaluation of the Executive Officer shall be completed annually prior to June 30.
 - iii. The Annual Performance Evaluation shall be approved in closed session by Board Members present at the meeting prior to it being communicated to the Executive Officer.
 - iv. Every year and no later than April 15, the Board Chair shall request feedback from stakeholders concerning the upcoming Annual Performance Evaluation of the Executive Officer to various stakeholders. A suggested format, sent by the Board Chair by email as a blind carbon copy ("bcc") to the stakeholders, is outlined in Appendix B.

- v. The stakeholders shall include but not be limited to:
 - 1. All Board members;
 - 2. CLERB staff;
 - 3. San Diego County Public Safety Group pertinent personnel;
 - 4. County Counsel;
 - 5. Sheriff and Probation Department liaison personnel; and
 - 6. Any other stakeholders that the Board Chair deems fit to give input on the Executive Officer's performance in the past year
- vi. No later than May 15, the Board Chair shall draft the Annual Performance Evaluation taking into consideration any input received.
- vii. At or before the June Board meeting, the Board Chair shall report the contents of the Board Chair's final Annual Performance Evaluation of the Executive Officer in closed session and without the presence of the Executive Officer or CLERB staff.
- viii. After discussion and approval by the Board, the Board Chair shall meet with the Executive Officer and shall discuss the performance evaluation and the proposed goals for the Executive Officer for the next 12 months.
- ix. The Executive Officer may submit to the Board Chair a response within three days from the Executive Officer's meeting with the Board Chair.
- x. The Board Chair shall finalize the Annual Performance Evaluation of the Executive Officer, including the goals for the next year, and will have the evaluation process signed by the Executive Officer prior to June 30.
- xi. At the discretion of the Board Chair, the Board Chair may use or base her/his written Annual Performance Evaluation on the County Unclassified Performance Evaluation form which is available from the Public Safety Group.
- xii. Any pay increase or merit raise shall be determined by the County and may be based on the results of the Annual Performance Evaluation.

APPENDIX A
Format to Elect CLERB Board Officers

The following language shall be recited, and format adhered to for the nomination and election of CLERB Board Officers.

The Nomination of Board Officers

BOARD CHAIR: "Will the Nominating Committee please present their report nominating a new slate of officers."

COMMITTEE CHAIR: "The Nominating Subcommittee submits the following nominations:

For Chair: _____ and _____ *(if more than one)*

For Vice-Chair: _____ and _____ *(if more than one)*

For Secretary: _____ and _____ *(if more than one)*"

BOARD CHAIR: "For Chair, _____ and _____ *(if more than one)* have been nominated by the Nominating Committee. Are there further nominations for Chair?"

If a Board member nominates another person: " _____ " is nominated."

If there are no additional nominations, then the Board Chair shall state:

BOARD CHAIR: "If there are no more nominations for the office of Chair, we will close nominations and proceed to elect a Chair. Hearing no further nominations, nominations for the office of Chair are closed."

"For Vice-Chair, _____ and _____ *(if more than one)* have been nominated by the Nominating Committee. Are there further nominations for Vice-Chair?"

If a Board member nominates another person the BOARD CHAIR shall state: " _____ " is nominated."

If there are no additional nominations, the Board Chair shall state as follows.

BOARD CHAIR: "If there are no more nominations for the office of Vice-Chair, we will close nominations and proceed to elect a Vice-Chair. Hearing no further nominations, nominations for the office of Vice-Chair are closed."

"For Secretary, _____ and _____ *(if more than one)* have been nominated by the Nominating Committee. Are there further nominations for Secretary?"

If a Board member nominates another person then the Board member shall state: " _____ " is nominated."

If there are no additional nominations, then the Board Chair shall state as follows.

BOARD CHAIR: "If there are no more nominations for the office of Secretary, we will close nominations and proceed to elect a Secretary. Hearing no further nominations, nominations for the office of Secretary are closed."

The Election of Board Officers

A. The Election of the Board Chair

BOARD CHAIR: "The nominees for Chair are [in the order that they were nominated]:
_____"

BOARD CHAIR: "All those in favor of electing _____ to the office of Chair raise your hand. (*Hands raised*) All those opposed? (*Hands raised*)"

If six or more votes the BOARD CHAIR shall state: "The Ayes have it, and _____ is elected to the office of Chair."

If less than six votes the BOARD CHAIR shall state: "The Nays have it, and _____ is not elected."

If the candidate does not receive six votes, the aforementioned process shall be repeated for any other nominees.

B. The Election of the Board Vice-Chair

BOARD CHAIR: "The nominees for Vice-Chair are [in the order that they were nominated]:
_____"

BOARD CHAIR: "All those in favor of electing _____ to the office of Vice-Chair raise your hand. (*Hands raised*) All those opposed? (*Hands raised*)"

If six or more votes the BOARD CHAIR shall state: "The Ayes have it, and _____ is elected to the office of Vice-Chair."

If less than six votes the BOARD CHAIR shall state: "The Nays have it, and _____ is not elected."

If the candidate does not receive six votes, the aforementioned process shall be repeated for any other nominees.

C. The Election of Board Secretary

BOARD CHAIR: The nominees for Secretary are [in the order that they were nominated]:
_____"

BOARD CHAIR: "All those in favor of electing _____ to the office of Secretary raise your hand. (*Hands raised*) All those opposed? (*Hands raised*)"

If six or more votes the BOARD CHAIR shall state: "The Ayes have it, and _____ is elected to the office of Secretary."

If less than six votes the BOARD CHAIR shall state: "The Nays have it, and _____ is not elected."

If the candidate does not receive six votes, the aforementioned process shall be repeated for any other nominees.

APPENDIX B

Format to gather information for the Executive Officer's annual performance review

Email to Stakeholders from Board Chair: "I am in the process of gathering input in order to create a Performance Evaluation for the CLERB Executive Officer. There are four areas in particular for which I am seeking your advice and input.

All responses will remain confidential. The final report will be written as a composite of all the input I receive. I plan to present the draft report at the May Closed Session meeting. All Staff will be excused from that meeting. The completed evaluation will be presented in Closed Session to the Board at the June Board meeting. After the Board approves the final report, I will meet with (EO Name) to provide her/him with our performance review. She/he will then have three days to respond if she/he desires to do so.

If you have any questions or concerns about the manner in which I am providing (EO Name) with her/his performance review, please do not hesitate to contact me. Thank you in advance for your participation."

PLEASE RETURN YOUR INPUT TO ME NO LATER THAN APRIL 30

Part 1. (EO Name) created a number of performance goals. I have asked her/him to provide me with information concerning her/his success in completing those goals. The Executive Officer's responses are attached to the bottom of this email. Please provide any information you can concerning her/his success in achieving their goals.

Part 2. To the best of your ability, please evaluate (EO Name) in the following areas:

- Leadership
- Results in achieving performance goals
- Interpersonal relationships
- Problem solving
- Staff development
- Organizational acumen

Part 3. Please identify (EO Name)'s outstanding achievements.

Please identify any areas that you feel need to be improved upon.

Please add any additional information you feel is important in order to provide (EO Name) with a thorough, fair, and honest evaluation.