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# County of San Diego

## CITIZENS' LAW ENFORCEMENT REVIEW BOARD

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The Citizens' Law Enforcement Review Board made the following findings in the closed session portion of its December 12, 2017 meeting, held at the San Diego County Administration Center, 1600 Pacific Highway, Room 302/303, San Diego, CA 92101. Minutes of the open session portion of this meeting will be available following the Review Board's review and adoption of the minutes at its next meeting. Meeting agendas, minutes, and other information about the Review Board are available upon request or at [www.sdcounty.ca.gov/clerb](http://www.sdcounty.ca.gov/clerb).

**CLOSED SESSION**

a) PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

**Discussion & Consideration of Complaints & Reports:** Pursuant to Government Code Section 54957 to hear complaints or charges brought against Sheriff or Probation employees by a citizen (unless the employee requests a public session). Notice pursuant to Government Code Section 54957 for deliberations regarding consideration of subject officer discipline recommendation (if applicable)

DEFINITION OF FINDINGS	
Sustained	The evidence supports the allegation and the act or conduct was not justified.
Not Sustained	There was <u>insufficient evidence</u> to either prove or disprove the allegation.
Action Justified	The evidence shows the alleged act or conduct did occur but was lawful, justified and proper.
Unfounded	The evidence shows that the alleged act or conduct did not occur.
Summary Dismissal	The Review Board lacks jurisdiction or the complaint clearly lacks merit.

### CASES FOR SUMMARY HEARING (16)

**ALLEGATIONS, RECOMMENDED FINDINGS & RATIONALE**

**15-045**

1. Death Investigation/In-Custody Accidental Death – While in the custody of the San Diego Sheriff's Department at the George F. Bailey Detention Facility, Ronnie Speratos fell from his bunk and apparently struck his head. He was transported to UCSD Medical Center where he died eight days later. The cause of death was progressive respiratory failure and sepsis, due to bronchopneumonia, due to complications of bacterial meningitis, due to left otitis media (ear infection) and mastoiditis with contributing causes of deep vein thrombosis with peripheral gangrene of digits and intracranial hemorrhage (subdural hematoma) secondary to fall. The manner of death was accident.

Board Finding: Action Justified

Rationale: There was no evidence to support an allegation of misconduct or negligence on the part of Sheriff's Department sworn personnel.

## 16-007

1. Death Investigation/Natural Death – While as an inmate at the Vista Detention Facility, Gilbert Gearhart became unresponsive after completing a meeting with legal counsel at the Vista Court House. He was transported to Tri-City Medical Center where he was pronounced dead shortly after arrival. The cause of death was acute myocardial infarct (heart attack), due to arteriosclerotic cardiovascular disease. The manner of death was natural.

Board Finding: Action Justified

Rationale: There was no evidence to support an allegation of misconduct or negligence on the part of Sheriff's Department sworn personnel.

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## 16-091

1. Misconduct/Procedure – Deputy 3 held the complainant in a holding cell for two days before he was housed.

Board Finding: Unfounded

Rationale: The complainant alleged that unidentified deputies held him in a holding cell for two days before he was housed. According to the Jail Information Management System (JIMS) records, the complainant was housed 26 hours after being booked into local custody. Detentions Policy Q.7, Inmate Processing, requires that inmates are received and processed efficiently and in accordance with established state and federal laws. There is, however, no set time limit for this processing as the time required to move an inmate from booking to housing can be prolonged depending on the facility activity and available personnel. According to a Department Information Source, no one deputy is responsible for moving an inmate from booking to housing, as multiple sworn and non-sworn employees are involved in this process. That withstanding, the JIMS record clearly documents that the complainant was not held in a holding cell for two days as alleged, demonstrating that this alleged act did not occur.

2. Misconduct/Procedure – Deputies 1 and 2 allegedly denied the complainant use of a telephone for over 24 hours after his initial phone call.

Board Finding: Unfounded

Rationale: The complainant alleged that Deputies 1 and 2 denied him access to a phone for over 24 hours after his initial phone call. According to PC§ 851.5, Arrestee Phone Calls, *“immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an arrested person has the right to make at least three completed telephone calls, as described in subdivision b. This subdivision provides the arrestee the right to free telephone calls within the local calling area, or at his or her own expense if outside the local calling area, to three of the following: an attorney of his or her choice or, if he or she has no funds, the public defender or other attorney assigned by the court to assist indigents, a bail bondsman, and a relative or other person.”* The Call Detail Report in the JIMS record documents that after the complainant was booked into jail on 9/25/2016 at 2:50AM, he made 17 phone calls from 10:31AM until 7:56PM on this same date. Most of these calls lasted approximately 5 minutes and an audio recording of the calls indicated that most of the calls were made to various Bail Bonds companies and family members. Additionally, Deputies 1 and 2 provided information during the course of CLERB's investigation that conflicted with information reported by the complainant. There is extensive documentation that the complainant was provided and utilized the phone system while in custody, demonstrating that the alleged act did not occur.

3. Excessive Force/Handcuffs – Deputy 1 allegedly placed handcuffs on the complainant excessively tight, causing injury to his wrists.

Board Finding: Not Sustained

Rationale: The complainant alleged that Deputy 1 placed handcuffs on him excessively tight. Deputies 1 and 2 provided information during the course of CLERB's investigation that conflicted with information reported by the complainant. The complainant was in custody for two days and failed to provide CLERB medical authorization to review medical records, leaving insufficient evidence to either prove or disprove the allegation.

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## 16-099

1. False Arrest – Deputies 1 and/or 2 arrested the complainant after she was allegedly attacked during a road rage incident.

Board Finding: Action Justified

Rationale: The complainant reported that she was falsely accused of assault with a deadly weapon when no weapon was found at the scene, nor was a search conducted to recover one after she gave permission for a vehicle search. The complainant said she was placed in jail for false accusations and subjected to pay a bond. According to the Arrest Report, the complainant was deemed to be the primary aggressor based upon witness statements; a weapon recovered from the scene, which the complainant denied having and/or using; and the associated injuries caused from the weapon. The victim reportedly punched the complainant's face in self-defense after he was assaulted by the complainant with a knife. The complainant was found not to be credible in her portrayal of these events and the actions of Deputies 1 and/or 2 were lawful, justified, and proper.

2. Discrimination/Racial – Deputies 1 and/or 2 did not investigate a hate crime.

Board Finding: Action Justified

Rationale: The complainant said she was involved in a road rage incident with a white male who shouted, “Nigger Bitch” and physically assaulted her. The CAD records corroborated that the complainant reported a road rage incident, but she did not disclose any information of a Hate Crime. An Arrest Report identified the complainant as the primary aggressor and suspect in this event. The victim identified in this incident provided statements that refuted those of the complainant and said he was called an, “ugly ass white boy.” Deputies also provided information during the course of CLERB's investigation that was considered in arriving at the recommended finding. There was a preponderance of evidence that the complainant was not credible in her recall of these events and that deputies acted appropriately with the information that was known to them.

3. Excessive Force – Deputies 1 and/or 2 placed a waist chain around the pregnant complainant's belly.

Board Finding: Action Justified

Rationale: The complainant reported that deputies placed a chain around her pregnant belly and transported her to a substation. Deputies confirmed that the pregnant suspect was handcuffed by a waist chain during transport to a detention facility. Sheriff's policy requires that all suspects be handcuffed. The evidence showed the conduct that occurred was lawful, justified and proper.

4. Misconduct/Procedure – Deputies 1 and/or 2 failed to provide their identifying information to the complainant.

Board Finding: Not Sustained

Rationale: The complainant said when she asked for the deputies identifying information, she was denied. Deputies provided information during the course of CLERB's investigation that was considered in arriving at the recommended finding. Sheriff's Policy & Procedure 2.20, Identification, requires deputies to furnish identifying information upon request, but there was no evidence to either prove or disprove this allegation.

## POLICY RECOMMENDATION:

1. It is recommended that the San Diego Sheriff's Department (SDSD) revise its Patrol Manual, Policy 25, entitled, “Prisoner Transportation,” ~~to ensure that the language quoted in the manual is consistent with the referenced language of the cited Penal Code, specifically, by deleting from changing the word “prisoner” to “inmate” throughout Section D.2. the phrase, “per Penal Code 3407.” If SDSD wants to prohibit the use of leg irons, waist chains, or handcuffs behind the body of pregnant prisoners, then CLERB recommends drafting guidelines to mandate that prohibition.~~
2. It is recommended that the SDSD amend the “Pregnant Patient's Rights” as documented in SDSD Medical Records, to conform with Penal Code 3407, specifically, “A pregnant inmate in labor, during delivery, or in

recovery after delivery, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the inmate, the staff, or the public” rather than “You will be chained and handcuffed during labor and delivery.”

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#### 16-105

1. Misconduct/Procedure – Unidentified deputies conducted searches of the complainant’s cell on 10/29/16 and 11/4/16.

Board Finding: Action Justified

Rationale: The complainant said that as a Pro Per inmate, he discussed with staff that cell searches were to be conducted in his presence, per work product privilege CCP (Code of Civil Procedure) 2018.020 and 2018.030 and policy for Pro Per inmates. According to the complainant, “searches are to be conducted in the presence of Pro Per inmates and legal documents are to be scanned not read; video surveillance of 10/29/2106 7-800AM will show this Pro Per inmate’s cell was searched.” A review of the surveillance video was conducted, but was inconclusive due to the camera angle of the complainant’s cell door being obscured by a cement column. However, Sheriff’s records corroborated that in compliance with Detentions Policy I.41 Inmate Cell Searches, the complainant’s cell was examined and deputies discovered contraband hidden within the complainant’s legal documents. The evidence showed that the actions that occurred were lawful, justified and proper.

2. Misconduct/Procedure – Deputy 1 confiscated the complainant’s legal material(s) on 11/5/16.

Board Finding: Action Justified

Rationale: The complainant reported that on 11/5/2016 his legal reference books and/or documents were removed from his cell. Detentions Policy N.7, In Propria Persona Status (Pro Per Inmates) details the types of items that are permissible for Pro Per inmates, but stipulates they must be in “reasonable quantities.” During inspection, Deputy 1 discovered contraband hidden within the complainant’s legal materials. A Grievance Report documented that a majority of the complainant’s Pro Per property was moved from his cell to storage because the sheer amount of materials, approximately 16 cubic feet, constituted a fire hazard. Also, two legal reference books were removed from the complainant’s cell and placed into the law library. The books were determined to be the property of an inmate released from custody and per policy, books left behind are donated to the library. The evidence showed the alleged act did occur and was lawful, justified and proper.

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#### 16-106

1. Misconduct/Retaliation – Deputy 2 allegedly retaliated against the complainant by influencing Medical to inappropriately clear her for mainline housing.

Board Finding: Not Sustained

Rationale: The complainant alleged that Deputy 2 retaliated against her by influencing Medical to clear her for mainline housing. The complainant filed a grievance against Deputy 2 for allegedly interfering during her medical appointments. The grievance was addressed by command staff and believed to be resolved. The complainant, however, believed that Deputy 2 was upset about the grievance filed against her and retaliated by recommending to medical staff that the complainant be moved from a medical unit to mainline housing. The complainant provided no evidence supportive of this assertion. Deputy 2 provided information during the course of CLERB’s investigation that conflicted with information reported by the complainant. Medical housing and treatment provided to inmates is a function performed by medical staff. Sworn members of the sheriff’s department are not involved in the decisions related to an inmate’s medical treatment and housing decisions. Despite lacking authority to do so, absent audio or video evidence supportive of the complainant’s allegation, it could not be definitively determined whether or not Deputy 2 influenced Medical in any way. There is insufficient evidence to either prove or disprove the allegation.

2. Misconduct/Medical – Medical staff cleared the complainant for mainline housing when she was still in need of medical devices available only on the medical unit.

Board Finding: Summary Dismissal

Rationale: The complainant alleged that medical staff cleared her for mainline housing when she still needed medical devices available only on the medical unit. Medical housing decisions and treatment provided to inmates is a function performed by medical staff. Sworn members of the sheriff's department are not involved in the decisions related to an inmate's medical treatment, and as such, the Review Board lacks jurisdiction over this allegation of the complaint.

3. Misconduct/Procedure – Deputy 1 denied the complainant access to a Lieutenant or Captain to address her concerns.

Board Finding: Unfounded

Rationale: The complainant alleged that Deputy 1 denied her access to a Lieutenant or Captain to address her dissatisfaction with a grievance response. In a Grievance Report by a Lieutenant, he documented that he spoke with the complainant and addressed her concerns related to her grievance filed against Deputy 2, and her dissatisfaction with the subsequent grievance response by Deputy 1. Command staff believed the issue to have been resolved. The evidence showed that the complainant's concerns were elevated through the grievance process, and that the alleged act or conduct did not occur.

4. Misconduct/Discourtesy – Deputy 3 called the complainant a “piece of shit.”

Board Finding: Not Sustained

Rationale: The complainant alleged that Deputy 3 called her a “piece of shit.” Deputy 3 provided information during the course of CLERB's investigation that conflicted with information reported by the complainant. Absent audio or video evidence, or an independent witness to this alleged statement, there was insufficient evidence to either prove or disprove the allegation.

5. Misconduct/Procedure – Deputy 3 forced the complainant to walk down bus stairs without her cane while her hands were shackled to her waist.

Board Finding: Not Sustained

Rationale: The complainant alleged that Deputy 3 placed her cane at the foot of the bus stairs and forced her to walk down the stairs while her hands were shackled to her waist. Deputy 3 provided information during the course of CLERB's investigation that conflicted with information reported by the complainant. The complainant was seen by medical 3 days after this incident at which time she reported that she had fallen while getting out of the bus. There is, however, no documentation in medical of the complainant's claim that Deputy 3's actions contributed to her accident. Attempts to locate a witness identified by the complainant were unsuccessful. A deputy on scene at the time of the incident was questioned regarding his observations. The information he provided was considered in arriving at the recommended finding. Absent an audio or video recording of this incident, it could not be definitively determined whether or not the complainant was provided access to her cane prior to exiting the bus, leaving insufficient evidence to either prove or disprove the allegation.

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**17-003**

1. Misconduct/Procedure – Deputy 1 refused to take a stalking report from the complainant.

Board Finding: Action Justified

Rationale: The complainant reported that she went to a substation to file a stolen property report and a stalking complaint, but was ignored and refused services for the stalking. She said she presented evidence of the threats, but could not get any help. Crime Report #16154811 documented this incident as a Petty Theft. Deputy 1 conducted an investigation and based upon witness statements, determined that it did not meet the legal criteria required for PC§ 646.9. Stalking, or CCP§ 527.6. Harassment TRO. There was also a documented history of civil

and criminal proceedings presently and for years preceding this incident; however those matters are outside of CLERB's jurisdiction and were not investigated. The evidence showed that the actions taken by Deputy 1 were lawful, justified and proper.

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#### 17-004

1. Excessive Force/Fists – Deputies 1-7 assaulted the complainant's head with their fists and placed a mask on him.

Board Finding: Action Justified

Rationale: The complainant said he was assaulted by deputies. He explained that he was slightly drunk and his posture and attitude offended one of the deputies. He remembers that all of the punches were directed at his face and head. The complainant said he was so traumatized that he later attempted suicide because he could not understand why this happened to him. According to the Arrest Report, the complainant became argumentative and displayed aggressive behavior toward deputies during the booking process. When he refused to follow instructions, Deputy 7 attempted to guide the complainant. The complainant shoved the deputy's arm away, which then prompted a use of force. Deputy 7 reported applying two closed fist strikes to the complainant's face. A fist strike to a subject's face when reasonable and necessary is not prohibited by Sheriff's policy. This incident was captured on video surveillance and corroborated deputies' reports. Two deputies were injured when the complainant resisted all efforts of control. Deputy 4 applied a spit sock as a precautionary measure to the bleeding complainant. The evidence showed the actions taken and the force utilized to subdue the complainant was lawful, justified and proper.

2. Excessive Force/Taser – Deputy 5 tased the complainant.

Board Finding: Action Justified

Rationale: The complainant said he was tased as he was being assaulted. Deputy 5 reported that due to the complainant's psychological intimidation, verbal non-compliance, active resistance and assaultive behavior, he deployed his Conducted Energy Device (CED) until it incapacitated the complainant and deputies were able to gain control and handcuff him. Surveillance video corroborated this information and the evidence showed the alleged act did occur and was lawful, justified and proper.

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#### 17-007

1. Misconduct/Procedure – Deputy 1 “ransacked” the complainant's cell searching for contraband.

Board Finding: Not Sustained

Rationale: The complainant reported that Deputy 1 “ransacked” her cell during a cell search for contraband, after alleging that the smell of drugs emanated from the complainant's cell. Sheriff's Policy I.41, Inmate Cell Searches, permit deputies to conduct unscheduled cell searches for the purpose of preventing violence, preventing escape or controlling contraband. These searches may result in some disarray, but deputies conducting these searches are instructed to make every reasonable effort to assure that the inmate's property is not destroyed or misplaced. Deputy 1 provided information during the course of CLERB's investigation that conflicted with information reported by the complainant. This information was considered in arriving at the recommended finding. There is sometimes only a slight distinction between “ransack” and “disarray.” Without before and after photos of the complainant's cell, or a preponderance of evidence to tip the scale, there was insufficient evidence to either prove or disprove the allegation.

2. Misconduct/Procedure – Deputy 1 confiscated erasers and wash rags without leaving a property receipt.

Board Finding: Not Sustained

Rationale: The complainant alleged that Deputy 1 confiscated wash rags, erasers and personal property purchased from the jail's commissary, without leaving a property receipt. Deputy 1 provided information during the course of CLERB's investigation that conflicted with information reported by the complainant. The investigation could

not determine whether or not Deputy 1 confiscated personal property from the complainant, leaving insufficient evidence to either prove or disprove the allegation.

3. Misconduct/Procedure – Deputy 1 refused to mail the complainant’s official court mail to the Superior Court.

Board Finding: Not Sustained

Rationale: The complainant alleged that Deputy 1 refused to mail out her official court mail. Deputy 1 provided information during the course of CLERB’s investigation that conflicted with information reported by the complainant. This information was considered in arriving at the recommended finding. There was insufficient evidence to either prove or disprove the allegation.

4. Excessive Force – Deputy 1 “poked” the complainant in the eye.

Board Finding: Action Justified

Rationale: The complainant alleged that an unidentified deputy “poked” her in the eye during a force incident. The complainant was using the dayroom telephone when Deputies 1 and 2 instructed her to end the phone call so that the unit could be locked down for an inmate count. The complainant refused, and when Deputy 1 attempted to handcuff her to escort her out of the housing module, she resisted and began fighting against Deputies 1 and 2. When deputies took the complainant to the ground in order to control her, she fell on top of Deputy 1, grabbed her by the hair and began banging her head on the concrete floor. The complainant then took jail issued keys that had fallen off of Deputy 2’s duty belt and “jammed” them into Deputy 1’s neck, before placing her hand in Deputy 1’s mouth and pulling on her teeth and jaw. In an effort to extricate herself from the complainant’s grasp, Deputy 1 bit the complainant’s hand and applied pressure to her eyes. It was not until other deputies arrived on scene, that Deputy 1 was freed and the complainant controlled. Detentions Policy I.89, Use of Force, allows detentions deputies to use any physical force necessary and objectively reasonable in the defense of self or others, and to overcome resistance. Deputy 1 was being violently attacked by the complainant and utilized department-approved, Use of Force control compliance techniques to defend herself. These actions were lawful, justified and proper.

5. Excessive Force/Fists – Deputies 2, 3, 4 and 6 punched the complainant in the face and body.

Board Finding: Action Justified

Rationale: The complainant reported that several unidentified deputies punched her in the face and body during a force incident. Deputies 2, 3, 4 and 6 reported using fist strikes to various parts of the complainant’s face and body in order to quell her attack against Deputy 1. At one point during this attack, Deputy 1 could not respond verbally when asked by Deputy 2 if she was okay. Deputy 2 had also observed droplets of blood where they were fighting when she asked Deputy 1 this question. Detentions Policy I.89, Use of Force, allows detentions deputies to use any physical force necessary and objectively reasonable in the defense of self or others, and to overcome resistance. Deputy 1 was being violently attacked by the complainant and deputies responding to a cover call utilized department approved Use of Force control compliance techniques to defend her. Their actions were lawful, justified and proper.

6. Excessive Force/Carotid Restraint – Deputy 3 put the complainant in a “choke hold.”

Board Finding: Action Justified

Rationale: The complainant alleged that an unidentified deputy put her in a “choke hold.” During the complainant’s attack against Deputy 1, Deputy 3 arrived on scene and attempted to place the complainant in a carotid restraint after she ignored multiple orders to let Deputy 1 go. A carotid restraint is a method of rendering a subject unconscious by restricting the flow of blood to the brain, and may be used on subjects who are actively resisting or assaultive. Deputy 3 attempted to use reasonable force in defense of Deputy 1; this action was lawful, justified and proper.

7. Criminal Conduct – Deputy 5 allegedly “touched” the complainant’s right breast while handcuffing her for transport.

Board Finding: Unfounded

Rationale: The complainant alleged that Deputy 5 “touched” her breast while handcuffing her. Deputy 5 provided information during the course of CLERB’s investigation that conflicted with information reported by the complainant and was considered in arriving at the recommended finding. Moreover, the location and functions of Deputy 5’s deployment on the date and time of this alleged incident, provided a preponderance of evidence against the likelihood of Deputy 5 contacting the complainant and committing this alleged act.

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### **17-009**

1. Criminal Conduct – Deputy 1 “groped” the complainant’s genital area and then put his hand under the complainant’s underwear, and “touched his butt, skin to skin.”

Board Finding: Summary Dismissal

Rationale: Surveillance video was reviewed from the location, date and time identified by the complainant but did not show the actions alleged. That withstanding, Deputy 1 left sworn status in June 2017 and is no longer a sworn member of the San Diego County Sheriff’s Department. The Review Board, therefore, no longer has jurisdiction over the subject matter of the Complaint. CLERB does not have authority to investigate this complaint based upon the following CLERB Rules & Regulations: Section 4: Authority, Jurisdiction, Duties, and Responsibilities of Review Board, Section 9: Screening of Complaints, and Section 15: Summary Dismissal.

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### **17-050**

1. Death Investigation/Natural Death – While as an inmate at the San Diego Central Jail, William Phillips was transported to Scripps Mercy Hospital after being found lying unresponsive in his cell. He was pronounced dead shortly after arrival. The cause of death was sudden cardiac arrest, due to hypertrophic cardiomyopathy, due to arteriosclerotic cardiovascular disease with contributing causes of obesity and chronic injection drug abuse. The manner of death was natural.

Board Finding: Action Justified

Rationale: There is no evidence to support an allegation of misconduct or negligence on the part of Sheriff’s Department sworn personnel.

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### **17-053**

1. Misconduct/Retaliation –Unidentified deputies acted in a “cruel and biased” manner against the complainant.

Board Finding: Summary Dismissal

Rationale: CLERB received a signed complaint on July 3, 2017, regarding an incident that had occurred in 2012. The complainant was contacted and reported that there was no contact with law enforcement within the past year. The Review Board lacks jurisdiction because the Review Board cannot take any action in respect to complaints received more than one year after the date of the incident giving rise to the complaint.

2. Misconduct/Procedure – Deputy 1 alleged that a minor in the complainant’s custody had bruises.

Board Finding: Summary Dismissal

Rationale: See Rationale #1

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### **17-061**

1. Death Investigation/Natural Death – While as an inmate at the San Diego Central Jail, Moises Valdez was transported to UCSD Medical Center after being found lying unresponsive in his bunk. His condition continued to deteriorate and he was pronounced dead later that day. The cause of death was complications of acute

intraparenchymal brain hemorrhage in the setting of thrombocytopenia with contributing conditions of clinical history of human immunodeficiency virus and hepatitis C infections. The manner of death was natural.

Board Finding: Action Justified

Rationale: There was no evidence to support an allegation of misconduct or negligence on the part of Sheriff's Department sworn personnel.

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### **17-063**

1. Death Investigation/Natural Death – While as an inmate at the San Diego Central Jail, Christopher Dunlop was transported to UCSD Medical Center after complaining of abdominal pain. His condition rapidly deteriorated upon arrival at the hospital and he was pronounced dead later that day. The cause of death was complications of bowel obstruction with perforation, due to abdominal adhesions with internal hernia, due to remote rectal cancer. The manner of death was natural.

Board Finding: Action Justified

Rationale: There is no evidence to support an allegation of misconduct or negligence on the part of Sheriff's Department sworn personnel.

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### **17-064**

1. Death Investigation/Natural Death – While as an inmate at the Las Colinas Detention Re-Entry Facility, Mary Penn was transported to Sharp Grossmont Hospital after complaining of severe abdominal pain. Her condition continued to deteriorate and she was pronounced dead later that day. The cause of death was complications of gastrointestinal bleed with a contributing condition of hepatic cirrhosis. The manner of death was natural.

Board Finding: Action Justified

Rationale: There was no evidence to support an allegation of misconduct or negligence on the part of Sheriff's Department sworn personnel.

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### **17-132**

1. Misconduct/Procedure – An unidentified deputy placed the complainant in a cell/holding tank that was without a toilet or water and had urine on the floor.

Board Finding: Summary Dismissal

Rationale: On November 22, 2017, CLERB received a written request from the complainant to withdraw his signed complaint in accordance with CLERB rules: 5.7 Withdrawal of Complaints.

2. Misconduct/Procedure – Unidentified deputies did not respond to the (naked?) complainant's knocks for clothes and the air inside the cell was cold.

Board Finding: Summary Dismissal

Rationale: See Rationale #1

3. Misconduct/Procedure – Unidentified deputies ignored the complainant's call(s) for help on the intercom while he was threatened and intimidated by his cellmate.

Board Finding: Summary Dismissal

Rationale: See Rationale #1

4. Misconduct/Procedure – Unknown staff refused the complainant’s request for documentation of his custody time and release from custody.

Board Finding: Summary Dismissal

Rationale: See Rationale #1

5. Misconduct/Procedure – Unidentified deputies placed the complainant into a “suicide” (safety) cell for 24 hours where he was only given a sandwich and one hot tray.

Board Finding: Summary Dismissal

Rationale: See Rationale #1

6. Misconduct/Procedure - An unidentified deputy used his hands to pinch and rotate the complainant’s nipples during laundry exchange and told him to get naked.

Board Finding: Summary Dismissal

Rationale: See Rationale #1

7. Misconduct/Procedure – Medical staff told other inmates to make the complainant comply with their request(s) for medical attention; the inmates used fear and intimidation in an attempt to make the complainant compliant.

Board Finding: Summary Dismissal

Rationale: See Rationale #1

8. Misconduct/Procedure – Unknown staff denied the complainant a bus pass upon his release from custody.

Board Finding: Summary Dismissal

Rationale: See Rationale #1

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*End of Report*