

**MINUTES  
CITIZENS' LAW ENFORCEMENT REVIEW BOARD MEETING**

**Attachment A**

*January 9, 2018*

- Roll Call**
- The meeting was held at the County Administration Center and came to order at 5:29 p.m. All Board members were present except Delores Chavez-Harmes and Gary Brown.
- Minutes Approval**
- The December 2017 meeting minutes were approved by motion by Gary Wilson and seconded by James Lasswell. One correction was noted at the bottom of page one: "Mr. Arkin" was changed to "Ms. Arkin".
- Presentation/Training**
- N/A
- Executive Officer's Report**
- Overview of Activities, Workload Report & Case Progress:
    - As of December 2017, there were 14 new cases, 19 closed cases and 98 open cases.
    - There are 35 death cases and there is documentation to move forward on 11 of the 35 cases.
    - There has been a substantial increase in the number of cases that occurred from July 1, 2017 to December 1, 2017.
      - There were 49 cases as of June 23, 2017, Between June 24 and by December 31, 2017, there were 103 additional cases, bringing the year-end total to 152 cases.
      - Staff does not believe this to be a trend about things not being done correctly or an increase in allegations in the San Diego Sheriff's and/or Probation Department. Staff believes this to be a matter of being more consistent with documentation of cases reported to CLERB.
    - Attachment C – the due date is the date the report is to be signed by the investigator.
    - CLERB Cases tentatively scheduled for February 2018 agenda include:#16-076, #14-027, #16-109, & #16-010
- Board Chair's Report**
- N/A
- New Business**
- 2017 CLERB Year in Review and Look Ahead to 2018 presented by CLERB Chairperson, Sandra Arkin, and Executive Officer, Paul Parker.
  - 2017 CLERB Year in Review presented by Mr. Parker
    - Staff activities – Lynn Setzler was appointed Interim Executive Officer in January; the previous Administrative Secretary III left in May; Mr. Parker was appointed Executive Officer on June 23<sup>rd</sup>; Tamicha Husband was hired as the new Administrative Secretary III in August; and in September both Mr. Parker and Ms. Setzler attended the NACOLE Conference in Spokane, WA.
    - This overview is different from the Annual Report, as the Annual Report deals specifically with trends and allegations against the San Diego Sheriff's Department personnel, findings, policy recommendations, etc. This is CLERB's attempt at being more transparent and having more direct communication with the public, the media, the San Diego Sheriff's Department, and the Probation Department.
    - The ability to be transparent is different now than it was in the years 2000 through 2002 because case law is different. Due to the laws changing over the last 15 years, there are more strict guidelines as to what can be shared.
    - The CLERB Chairperson is the Review Board Spokesperson. This is a change from the longstanding delegated practice of the Executive Officer filling that role.
    - Staff makes recommendations to the Review Board and the Review Board is responsible for making the final findings.
    - Peace Officer Bill of Rights (POBR)
      - CLERB has one year from the date a signed complaint is received to complete an investigation.
      - Death Cases – the timeline is one year from the date the death reports are received from the investigating agency.
    - The Department Excellence Goals for CLERB are to close every case within one year whether it is a complaint or a death case and to do at least five Policy Recommendations. CLERB believes this will be both proactive and beneficial.
    - CLERB Summarily Dismissed several death cases in November.
      - Moving forward with these cases would have violated the POBR timeline.
      - Mr. Parker researched each case in an attempt to identify any and all POBR exemptions, but could not find any.
      - It would have been hypocritical to move forward with those investigations under the belief

that CLERB was violating the law when CLERB investigates and makes recommendations to the San Diego Sheriff's and/or Probation Department when sworn members violate the law and/or fail to follow the Policy and Procedure set forth.

- CLERB staff instituted the "CLERB Cases by Case Number" and the "CLERB Cases by Due Date" public documents to ensure that CLERB and the public know the status of open cases.
- The Business Process Review has been completed and resulted in consistent documentation of cases and case prioritization.
- CLERB staff began work on a Policy and Procedures Manual, as it had none.
- 2018 CLERB Look Ahead presented by Mr. Parker
  - Staffing Assessment
    - Staffing remains the same as it was in the year 2000.
    - The need is hard to gauge due to all of the issues.
      - The CLERB is instituting consistent practices.
      - The vision is more dynamic investigations, e.g., scene responses, in-person interviews with complainants, etc.
      - Currently, the Executive Officer and the Investigators carry equal caseloads which prohibits true outreach and focus on administrative needs.
  - The CLERB plans to be more proactive and responsive versus reactive.
  - Legal review of the CLERB's Rules and Regulations has been completed. Once reviewed by the Executive Officer, they will go to the Rules and Regulations Subcommittee.
  - The CLERB is looking at producing real-time reporting of the Annual Report information rather than compiling the "old" information at the end of the year.
  - A major challenge will be looking at the Body Worn Camera footage, as well as, storing it.
  - CLERB staff will be attending the upcoming Force Science training in San Diego in two weeks and they will also be attending the NACOLE Conference in Florida in September.
  - CLERB's lease is up at the end of 2018.
  - Outlook
    - This is an important time for the CLERB as the relationship between the San Diego Sheriff's, Probation Department and the community is critical.
    - The CLERB will continue conducting and enhance independent investigations, reviewing P & P, and making recommendations. The goal is to assist the departments with the quality of service they provide and assist the community when there are issues.
    - The CLERB will strive to do all within its power, within legal parameters, to restore public trust and provide quality and timely oversight services.
    - The CLERB would like to thank the San Diego Sheriff's Department, Probation, the Public Safety Group, CLERB Staff, and CLERB Members for their support. In addition, thank you to the media for the coverage, as CLERB will use it to better itself and use the media in a more proactive fashion.
- 2018 CLERB Look Ahead presented by Ms. Arkin
  - The Rules and Regulations are making their way through the process. CLERB Members need to have a Meet and Confer with the San Diego Sheriff's Department.
  - Policies and Procedures are being developed for the CLERB Members in addition to the Orientation Packet. Ms. Arkin will appoint a committee to develop these policies and procedures in February 2018. Please email Ms. Arkin if you are interested in participating in this committee.
  - Ms. Arkin echoed Mr. Parker's thank you's to the San Diego Sheriff's Department, Probation, the Public Safety Group, the CLERB Staff, the CLERB Members and the media.
  - Ms. Arkin clarified that the CLERB does not recommend discipline.
- Policy Recommendation to the San Diego Sheriff's Department: Protest/Public Demonstration Events (Attachment D)
  - Staff presented three policy recommendations to the CLERB pertaining to Protest/Demonstration Events.
  - Lieutenant Gilmore: The San Diego Sheriff's Department received the Policy Recommendations and several steps were taken as we agree with staff's recommendations.
    - A critical debrief and advanced planning were developed.
    - There was discussion of an events management team with special training.
    - The plan is to provide the CLERB with updates to our policies.
      - Kim-Thoa Hoang: The recommendation is an invitation to the San Diego Sheriff's Department. How do you go about developing the policies, what timelines do you have, and could you provide a draft? Answer: The timeline has not yet been set. I do not foresee a problem with sharing a draft of the policy.
      - Ms. Hoang: Would you be willing to invite comments from other agencies? Answer:

Yes, because we collaborate with many different agencies.

- The motion was made to approve the policy recommendations by Ms. Hoang and seconded by Jordan Gascon. The vote was unanimous and the motion carried.

**Unfinished Business**     ▪   N/A

**Board Comments**       ▪   N/A

**Public Comments**

- CLERB Case #17-056 – Kara Sjoblom-Bay addressed the CLERB
- CLERB Case #17-056 – Lori Saldaña addressed the CLERB | Reminded everyone that it was Law Enforcement Appreciation Day. Stated there was no clear investigation regarding the Deputy with over a dozen complaints filed against him.
- CLERB Case #17-056 – Mohamed Abdallah addressed the CLERB | Stated that people were hurt and hospitalized during recent rallies.

**Sheriff/Probation Liaison Query**     ▪   N/A

The Board entered closed session at 6:07 p.m.

**Closed Session**       a) **DISCUSSION & CONSIDERATION OF COMPLAINTS & REPORTS**  
 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 to government Code Section 54957 for deliberations regarding consideration of subject officer discipline recommendation (if applicable).

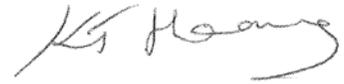
<b>CASE NO.</b>	<b>LAST NAME</b>	<b>CASE NAME</b>	<b>LAST NAME</b>
16-019	Perez	16-098	Moreno
17-002	Willey	17-039	Hulburt

The meeting was adjourned at 6:16 p.m.

*Minutes prepared by Tamicha Husband, Administrative Secretary*



PAUL R. PARKER III  
Executive Officer



KIM-THOA HOANG  
Secretary to the Board