

**MINUTES
CITIZENS' LAW ENFORCEMENT REVIEW BOARD MEETING
May 8, 2018**

Attachment A

- Roll Call**
- The meeting was held at the County Administration Center and came to order at 5:30 p.m. All Board members were present except Delores Chavez-Harmes, Gary Brown, James Lasswell, Robert Spriggs Jr., and Gary Wilson.
- Minutes Approval**
- The April 2018 meeting minutes were approved by motion by Jordan Gascon and seconded by Darrel Harrison.
- Presentation/Training**
- N/A
- Executive Officer's Report**
- Overview of Activities of CLERB Executive Officer and Staff for April 2018
 - Lenore Aldridge and Aron Hershkowitz are progressing nicely in training and have been handling all Intakes for the past month. They each have a caseload of approximately 25.
 - The remodel of CLERB's workspace is complete.
 - The San Diego Sheriff's Department (SDSD) hosted a Force Options Simulator for Board Members and staff at Miramar. Paul Parker, Lynn Setzler, Lenore Aldridge, Aron Hershkowitz, Tamicha Husband, Gary "GI" Wilson, and Susan Youngflesh attended. Mr. Parker recognized Lieutenant Chris Cross, Sergeants Joel Stranger and Aaron Meleen, and Deputy Matthew Hemphill for taking the time to share their knowledge and experiences.
 - Ms. Aldridge and Mr. Hershkowitz attended an overview of the SDSD presented by SDSD Sergeant Joel Stranger.
 - Ms. Aldridge and Mr. Hershkowitz attended an overview of the Probation Department presented by Ross Lewin.
 - Mr. Parker, Ms. Setzler, Ms. Aldridge, and Mr. Hershkowitz met with SDSD Sergeants Stranger and Joseph Navarro to conduct an in-depth review of all SDSD documentation available for CLERB to review/request during the course of its investigations.
 - Mr. Parker presented a 30-minute overview of CLERB at April's Chief Administrative Officer's Executive Leadership Team Meeting. It was an opportunity to provide an overview of CLERB, discuss its role, challenges, and future and introduce staff, the Board Chair, and the San Diego Sheriff's Department and Probation Department CLERB liaisons to the County's Executive Team.
 - Mr. Parker presented an overview of CLERB at the Past Grand Jurors' Association's April Luncheon.
 - Mr. Parker answered questions and provided information about civilian oversight of law enforcement and CLERB to three civilian oversight boards and/or jurisdictions looking to establish independent oversight boards/functions: Orange County, California; Providence, Rhode Island; and Austin, Texas.
 - Mr. Parker, Sergeant Stranger, and Lieutenant David Gilmore had discussions to explore different options for CLERB's receipt of body worn camera (BWC) video footage. The SDSD currently provides all BWC footage pertaining to CLERB's cases but with the dramatic increase all parties are anticipating, we are attempting to identify more efficient, timely, and less costly options. Mr. Parker will advise the CLERB when the final process is formalized.
 - Due to a recent change in San Diego Medical Examiner Office (SDMEO) practices, SDMEO reports currently received by CLERB are redacted. The SDMEO Investigative Report is no longer provided and the examination reports are redacted. CLERB has subpoena authority and has subpoenaed records in all open CLERB death cases with hopes that reports received via subpoena response will be complete. Mr. Parker believes that this change will not necessarily result in delayed completion of CLERB's death investigations but it

- will significantly reduce CLERB's ability to obtain an independent accounting of the antemortem events, additional medical history, to include suicide history or attempts, and next-of-kin or witness information.
- There have been increasing issues with the vendor's availability to deliver the food for the CLERB meetings. Mr. Parker and Ms. Husband are researching options.
 - CLERB's lease at 555 W. Beech Street will be renewed for five years if there is an early termination clause. With the continued assessment of caseload and the upcoming annual jail inspection function, Mr. Parker will request additional staffing, as needed. If CLERB receives additional staffing there will be no room at the current location, thus the need for an early termination clause in the lease.
 - On the Monday prior to a CLERB meeting, Ms. Husband will send a meeting reminder email to each Board Member, even ones who had previously indicated they would not be attending the meeting. There is no need to respond to Ms. Husband's reminder email. Mr. Parker encourages Board Members to respond to the email he sends each Board Member two weeks prior to the meeting so that he can confirm there will be a quorum.
 - The National Association of Civilian Oversight of Law Enforcement (NACOLE) Annual Conference will be held in St. Petersburg, Florida from September 30 thru October 4, 2018. Mr. Parker believes there is funding for five people to attend. He would like to have Ms. Aldridge and Mr. Hershkowitz attend with him, thus leaving two spots for Board Members. Board Members interested in attending should let Mr. Parker know prior to June 1, 2018.
 - The June CLERB Meeting location may be moved to Bayside 1, 2, and 3 as the regular meeting room may be occupied by the Board of Supervisors. The decision will be made on the day of the meeting and within an hour of the meeting time.
 - Investigative Workload Report for April 2018
 - There were 17 new cases (as compared to 5 for March 2017).
 - At the end of March there were 107 active cases (12 in "lodged" status and 95 open and active).
 - There were 38 open death cases (three cases are on tonight's agenda). CLERB currently has documents for 23 cases and is awaiting documents on the remaining 15).
 - There were three new death cases in April.
 - Case Progress and Status Reports
 - Mr. Parker discussed the two reports: "CLERB Reports by Due Date" and "CLERB Reports Due by Case Number."
 - There are 12 cases scheduled to reach their one-year time limitation by August 1, 2018; three of those cases are on tonight's agenda and the majority, if not all, of the remaining ones will be on June's agenda.
 - Now that Ms. Hershkowitz and Ms. Aldridge are starting to "hit their strides," Mr. Parker and Ms. Setzler can begin focusing on their respective caseloads on a more regular basis, thus resulting in four people working the open cases. Mr. Parker anticipates that the June agenda will contain many cases and the 2017 Annual Report.
 - SDDS Sustained Finding Response
 - 17-030/Gerhart
 - CLERB's findings that a deputy disclosed confidential information when responding to a child welfare check will be shared with the Fallbrook Substation Commander. If deemed appropriate, the case will be referred to the SDDS Internal Affairs Unit.
 - Kim-Thoa Hoang: Can County Counsel advise us regarding the subpoena to the Medical Examiner's Office since it is another County Department? Shiri Hoffman: Yes; County Counsel representing CLERB is "ethically walled" from County Counsel representing other County departments.
 - Jordan Gascon: In looking forward at the possible jail inspections, how would we

increase staff, if possible? Ms. Arkin: We will discuss it at a later meeting as we will probably need to form a committee.

Board Chair's Report

- N/A

New Business

- Disability Rights California (DRC) Report
 - Mr. Parker gave a brief overview and description of the 18 Recommendations of the Disability Rights Report.
 - Disability Rights California (DRC) is the state's designated protection and advocacy system charged with protecting the rights of people with disabilities in California.
 - The DRC also has the legal authority to inspect/monitor conditions in any facility that holds people with disabilities.
 - In 2015, the DRC opened an investigation into conditions at San Diego County jails.
 - The 39-page final DRC report and a 25-page report from its experts were published on April 25, 2018.
 - The report contained 18 recommendations in the following four interconnected aspects:
 - Over-Incarceration of People with Mental Health Needs
 - Five recommendations
 - Improving Suicide Prevention in Jails
 - Two recommendations
 - Improve Mental Health Treatment, End the Harmful Use of Solitary Confinement
 - Ten recommendations
 - Lack of Meaningful Independent Oversight of Jail System
 - One recommendation
 - The DRC cited CLERB's growing number of death cases over the years and the 22 summarily dismissed death cases in November 2017, of which eight were in-custody suicides, in addition to other issues, to conclude that CLERB does not provide adequate of effective oversight of jail operations.
 - The DRC recommended the creation of an entity that provides independent oversight of jail operations.
 - The entity should have the authority and duty to monitor treatment of inmates with mental health needs, suicide prevention, and other aspects of jail operations affecting inmates with disabilities with periodic reporting to the Board of Supervisors and outreach to the public.
 - The San Diego Sheriff's Department (SDSD)'s 18-page response and eight-page expert report were released in conjunction with the DRC report.
 - SDSD noted that suicide prevention is a top priority and that there was only a single inmate suicide in 2017.
 - SDSD disagreed with the use of "Average Daily Population" (ADP) to calculate suicide risk, as the number of inmates passing through the SDSD-operated detention facilities far exceeded ADP.
 - SDSD believed that when comparing data from different jail systems the suicide rates should be standardized to average racial proportions, SDSD-operated jails had the highest percentage of white inmates of the other system and white inmates are six times as likely to commit suicide than African-American inmates and three times as likely to commit suicide than Hispanic inmates.
 - SDSD disputed DRC's reported number of actual "suicide attempts," as in 2017 it stopped classifying "acts of self-harm"

as “suicide attempts.”

- SDSL provided responses to each recommendation.
 - Mr. Parker wrote the response to Recommendation #18, which pertained to the creation of a new entity that provides independent oversight of jail operations.
 - Section 4.7 of CLERB’s Rules and Regulations authorizes the annual inspection of adult detention facilities that shall be concerned with the conditions of inmate detention, care, custody, training, and treatment on the basis of, but not limited to, the minimum standards established by Title 15.
 - CLERB has never conducted these inspections and has focused solely on investigating complaints of misconduct and death investigations.
 - SDSL supports the funding and staffing of CLERB to ensure the annual inspections occur.
- The full report and all of its accompanying documents may be located via the following link <https://www.disabilityrightsca.org/public-reports/san-diego-jail-suicides-report>
- Mr. Harrison: We have made a number of assertions and requests regarding the video quality in these facilities. The videos are always of poor quality. I would recommend that we continue to pursue that the facilities improve video quality.
- Ms. Hoang: I felt encouraged that the report was done. It is an example of how the system should work. I appreciate the San Diego County Sheriff’s response. I believe this report is a must read for all of the board members. I would like to thank Mr. Parker and the San Diego County Sheriff’s Department.
- Sandra Arkin: We will add an item to next month’s agenda to create a committee regarding the jail inspections and include investigators.
- Mr. Harrison: Maybe there are some models that we can look at from around the Country. Mr. Parker: The DRC Report recommends some agencies that we could reference.
- CLERB Board Members Policies and Procedures Manual – Draft
 - The CLERB Board Members reviewed and discussed the Draft CLERB Board Members Policies and Procedures Manual. Extensive suggestions and revisions were provided to the CLERB Chairperson and a revised document will be discussed at the next meeting.

Unfinished Business ▪ N/A

Board Comments ▪ Ms. Youngflesh: Mr. Wilson and I attended the San Diego County Sheriff’s Department Force Option Simulator Training on Wednesday, May 2, 2018, along with CLERB staff.

Public Comments ▪ CLERB Case # 17-056: Marsha Gresko addressed the CLERB

**Sheriff/Probation
Liaison Query** ▪ Ms. Hoang: Can we ask about the DRC Report? Lieutenant Gilmore: Aside from the extensive response from the San Diego County Sheriff’s Department and the extensive report from Colleen Kelly, PhD, there is not much more I can offer you.

▪ Ms. Hoang: What about the newly formed task force and the Suicide Prevention Focused Response Team? Lieutenant Gilmore: I am aware of their existence, however, I am not privy to the detailed actions of those teams.

▪ Ms. Hoang: I would like to request a presentation at the next meeting regarding recommendation #10 in the DRC Report. Lieutenant Gilmore: I will make a note and see what I can do.

▪ Ms. Arkin: If you could please make those arrangements with Mr. Parker. Lieutenant Gilmore stated, “Yes, ma’am, I will do that.”

- Mr. Gascon: When will CLERB Case Number 17-056 be on the agenda? Ms. Arkin: It will be on the June 2018 agenda.

The Board entered closed session at 6:37 p.m.

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 to government Code Section 54957 for deliberations regarding consideration of subject officer discipline recommendation (if applicable).

CASE NO.	LAST NAME	CASE NAME	LAST NAME
16-093	Helton	17-029	Pressley
17-057*	Moorehead	17-062	George
17-111	Antos	18-062	Elkins

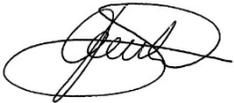
*17-057 – continued

Staff was released at 6:41 p.m.

- b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION
 Notice pursuant to Government Code Section 54957
 Title: Executive Officer, CLERB

The meeting was adjourned at 7:00 p.m.

Minutes prepared by Tamicha Husband, Administrative Secretary



PAUL R. PARKER III
 Executive Officer



KIM-THOA HOANG
 Secretary to the Board