

MINUTES
CITIZENS' LAW ENFORCEMENT REVIEW BOARD MEETING
July 10, 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 Jordan Gascon and Darrel Harrison.
- Public Comments** ▪ N/A
- Minutes Approval** ▪ The June 2018 meeting minutes were approved by motion by G. I. Wilson and seconded by Delores Chavez-Harmes. Mr. Arkin was updated to Ms. Arkin throughout the document and the fifth dot point on page 2 under "Investigation" was updated to read "...finding **may**..." instead of "...finding **will**...".
- Presentation/Training** ▪ N/A
- Executive Officer's Report** ▪ Overview of Activities of CLERB Executive Officer and Staff for June 2018
- San Diego Medical Examiner Office (SDMEO) reports currently received by CLERB are still redacted. The SDMEO Investigative Report is no longer provided and the examination reports are redacted. Mr. Parker believes that this change has significantly reduced CLERB's ability to obtain an independent accounting of the ante mortem events, additional medical history, to include suicide history or attempts, and next-of-kin or witness information. As mentioned last month, Mr. Parker met with SDMEO personnel and a resolution was decided upon. It is in process, but not yet implemented. Mr. Parker will advise when it is implemented and the information received due to it.
 - The 2017 Annual Report has been printed and uploaded to the CLERB website.
 - As mentioned during the April 2018 CLERB meeting, Tamicha Husband identified an opportunity for CLERB to save \$8,400/year, or \$42,000 over the course of a five-year lease when she realized CLERB was paying \$700/month for parking at its W. Beech Street location, as opposed to parking for free at the County's Cedar Street Parking Garage two blocks away from the office. As of April 1, 2018, all CLERB employees started parking at the Cedar Street Garage, resulting in an immediate reduction in CLERB's monthly rent. Mr. Parker encouraged Ms. Husband to submit this cost-saving measure to the County's Do-It-Better-By-Suggestion (DIBBS) program for award consideration for her excellent idea. The DIBBS Committee approved the suggestion and Ms. Husband will be compensated for it in the near future.
 - CLERB's Enterprise Wide Goals and one Department Excellence Goal (DEG) for the upcoming Fiscal Year (FY) have been established. A Department uses Enterprise Wide Goals and DEGs as performance objectives roadmaps for the upcoming fiscal year and the Public Safety Group (PSG), the Board of Supervisors, and the CLERB use them as tools to evaluate the Department and individuals, oftentimes linking them to performance evaluation ratings and salary increases.
 - FY 17/18 goals and results were as follows:
 - Complete 100% of FY 16/17 complaint investigations within 365 days of filing.
 - **RESULTS:** Complaint investigations from FY 16/17 that were open and active on 07-01-17 and completed during the FY were completed within 365 days of filing. There were no One-Year Summary Dismissals of complaint cases during the FY.
 - Complete 100% of death investigations in which CLERB had received all death investigation materials from Calendar Years 2011-2016.
 - **RESULTS:** Twenty-two death cases from years 2011-2016 were Summarily Dismissed by the CLERB at its November 2017 meeting. Twelve additional death cases from years 2011-2016 were fully investigated and closed (as were eight 2017 death cases and one 2018 death case). With the exception of one 2015 death case and two 2016 cases that are open and well within their one-year POBR exemption investigation time frames, no other death cases from 2011-2016 are open.

- Present five policy recommendations to the Sheriff's and/or Probation Departments.
 - **RESULTS:** CLERB presented 14 policy recommendations to the Sheriff's Department during the FY. To put that accomplishment in perspective, CLERB presented a total of 14 policy recommendations during the preceding five FYs.
- FY 18/19 Enterprise Wide Goals are as follows:
 - Complete 100% of FY 17/18 complaint investigations within one year of receipt of signed complaint and 100% of death investigations within one year of notification of death, unless delayed by exemptions detailed in Government Code Section 3304.
 - Present eight policy recommendations to the Sheriff's and/or Probation Departments.
 - Present six presentations about CLERB/civilian oversight of law enforcement to the community.
- FY DEG is as follows:
 - Develop/implement an adult detention facility inspection and reporting process during FY 18/19 and conduct inspections of all San Diego County adult detention facilities in Calendar Year 2019.
- PSG has established the following additional general DEG applicable to all PSG Departments: Reduce agency and/or transaction time.
 - Mr. Parker has identified two possible actions that would possibly reduce CLERB's investigation time. One of the actions will require meetings with the Sheriff's and Probation Departments. Mr. Parker will provide additional information about these actions at a future meeting.
- Dr. Alfred Joshua, M.D., is no longer the Sheriff Department's Chief Medical Officer. The Department is currently recruiting for the vacancy. Mr. Parker will advise the CLERB when the position has been filled.
- Adam Landers, CLERB's PSG Human Resources liaison, has been promoted and accepted a job with SDSD. Adam was instrumental in Mr. Parker's hiring in June 2017, Ms. Husband's hiring in August 2017, and Lenore Aldridge and Aron Hershkowitz's hiring in March 2018. We thank him for all he has done for CLERB and wish him well in his new role. On July 13, 2018, Mr. Parker will sit on the interview panel to select Mr. Landers' replacement.
- The SDSD CLERB liaison, Sergeant Joel Stranger, has been promoted to Lieutenant, effective July 20, 2018. Sergeant Aaron Meleen will be the new CLERB liaison. Sergeant Stranger has made a difficult job easier with his knowledge and expeditious responses. It was obvious that he truly cared about and appreciated CLERB's role and mission. His actions benefitted the department and the community. We thank him for his dedicated service, congratulate him on his promotion, and wish him well in his new role.
- Investigative Workload Report for June 2018
 - There were 14 new cases (as compared to 13 for May 2017).
 - At the end of June there were 85 active cases (six in "lodged" status and 79 open and active).
 - There were 37 open death cases.
 - CLERB had documents for 18 cases and was awaiting documents on the remaining 19.
 - There were three new death cases in June (one possible in-custody natural, one in-custody unknown cause, and one traffic collision-related).
- 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 14 cases scheduled to reach their one-year time limitation by December 31, 2018; one of those cases is on tonight's agenda and at least six should be on August's agenda. If CLERB accepts staff's recommendations on those cases, seven cases due in calendar year 2018 will remain. One of those cases is a death.
 - Mr. Parker believes at least eight death cases will be on August's agenda.

Board Chair's Report

- The CLERB would like to congratulate Sergeant Stranger on his promotion and thank

him for his outstanding service to CLERB for the past many months. Sergeant Stranger will answer the questions from the last meeting when Item #10 is reached on tonight's agenda.

- The CLERB staff has worked extremely hard over the past couple months to review cases and bring them to the Board in a timely fashion as evidenced by the large number of cases that we reviewed at the June Board meeting. The CLERB staff are to be commended for this work. Thanks to Mr. Parker, Lynn Setzler, Mr. Hershkowitz, Ms. Aldridge, and Ms. Husband on behalf of the entire Board. That is why the cookies for this meeting are gold stars.
- CLERB received a letter from one of the speakers at the June Board meeting. The speaker referenced the protests that have occurred this past year and the complaints that were lodged about the Sheriff Department's actions and responsiveness. In the letter, CLERB was thanked for the following:
 - CLERB's willingness to listen to their concerns;
 - CLERB's January Policy Recommendation to the Sheriff's Department;
 - Any part CLERB may have played in closing the loophole regarding TAR and the County Administration Center (CAC);
 - Positive Observations concerning the Sheriff's Department actions and responses during a recent event at the CAC; and
 - Any part CLERB may have played in making it safe to protest in San Diego County.
 - Mr. Brown: Madame Chair, I think the County commissions due to Mr. Parker's work in the past closed the loophole that was reported about on County property. I think that's another real big plus.

New Business

- Policy Recommendation to the San Diego Sheriff's Department: High Risk Entry Checklist
 - It is recommended that the SDSL review Policy and Procedure 6.111, High Risk Entries, and clarify any ambiguity pertaining to the completion of a High Risk Entry Checklist (Checklist) prior to serving an arrest warrant when there is no plan to enter a structure to do so. The first sentence of the Procedure Section mandates that "prior to serving a search warrant, arrest warrant, or conducting a 4th waiver search, the deputy responsible for the case will complete the Checklist." Despite the "Entry" caveat in the Policy and Procedure title and Checklist name, the procedure sentence quoted above appears to mandate Checklist completion on search warrants, arrest warrants, and 4th waiver searches, regardless of whether there is intent to enter a structure during the performance of the action. If the Department does not intend for the Checklist to be completed prior to serving an arrest warrant when there is no plan to enter a structure to do so, it is recommended that the first sentence of the Procedure section be revised to emphasize mandatory Checklist completion only if there is intent to enter a structure.
 - Lieutenant Gilmore: Mr. Parker, you reflected upon something that is a dynamic on how we write what we write in regards to Policies and Procedures. Quite often we'll find, because we are responsible for the Policies and Procedures of the Department, as well as, facilitating the development and publication of the approval process, we'll find that there is a policy section where there is a nuance that makes it read differently or it is not congruent with the procedure. We'll take a look at this and if there is something that we need to tweak to make that mirror the intent of the policy that will always be our goal; to refine and make things work. We'll look at it and see what the Command would like to do with it, but I don't disagree that whenever the Policy and Procedure don't support one another, it needs to be reflected upon. I'll be glad to do that.
 - Mr. Brown: It seems like the word "entry" really throws some confusion into this especially on the search warrant because in another section of the policy and procedure, section 6.116, and this is referring to service of a search warrant it says "deputies will not enter onto private property unless the entry is authorized by law". That's the end of the quote. So it seems clear that the notion is that it has to do with entering a structure; we miss entry. Usually if I am talking about entry I'm thinking about entering a building, but clearly, to me at least, under the search warrant it talks about entering onto a piece of property, not necessarily the

structure. When you go on the land, a search warrant I'm sure, you could be searching a vacant piece of land and still the policy would apply, entering onto private property. The same section, 6.116, states "supervisor will review high risk entry checklist and ensure high risk entries are offered to SED." So that all relates to the search warrant. I guess the impression I got, Mr. Parker, from the big presentation about the checklist was the idea that if you think you're going to get into a tough situation when you're serving a search warrant or a warrant of arrest or a 4th waiver search, please take the time to fill out that checklist. I think we have to keep in mind it's a checklist it's not like doing your taxes. It's something that I think probably a deputy would fill out in five minutes or less and then pass it along to the supervisor. So at least, what I am thinking here is at least there really is not ambiguity about what entry means. It does not necessarily mean into a structure. I guess the simplest, and I don't know how arrest warrants read, nor do I know about a 4th waiver search; now the question would be that a 4th waiver search warrant, I am assuming once again is to enter onto a property and usually into a home. Am I correct on that?

- Lieutenant Gilmore: Part of the search process is we search homes and we search properties.
- Mr. Brown: Okay and what other parts are you thinking about?
- Lieutenant Gilmore: Well you've named a number of different types of warrants in your discussion. I can serve an arrest warrant down here on the sidewalk. I am not going to complete an entry checklist for that. That is the part of this discussion that has not been real clear here. Sometimes we are doing operations that are actually out in a public place, so they're really excludable. When we say arrest warrant in the same sentence as search warrant we're potentially mixing some things up. We do serve arrest warrants on homes and we do serve them on businesses. We serve them a lot of different places. So that's, we have to set the arrest warrant statement aside and assume that when we serve an arrest warrant into a home or into a structure would be the more specific type. So we will kind of bring that back over to the search warrant issue. I guess my question to you is there's nuances about going onto land that are case law related, there are nuances recently I think with the Supreme Court in regards to nuances about making a search, at what point you're entering into an area that needs to have a warrant to cover you on it. That part right there is probably best served by each case by case analysis. When in doubt you talk to your legal advisor. I guess my question to you is that when we talk about this entry warrant, this checklist, it is to get into a building primarily so that nuance you brought up, I will have to look at it; about the potential for 6.116 to address specifically entering land.
- Mr. Brown: But the words the policy uses is "entry into private property."
- Lieutenant Gilmore: I will have to look into it because some of that stuff ties into where we have a legal right to be. For example where I have a legal right to be, if I am in a room making an arrest, I don't have a search warrant, but I have a legal right to be. Then there are different things that change how that looks. So I am going to have to look at 6.116 and read it and try to see it with the position you are looking at it from and see how well I understand it.
- Mr. Brown: I guess the service of the arrest warrant you know if you see somebody on a corner...I guess what hits me is under the section of the search warrant, I think the section is technically called warrant of arrest. It says you cannot, it talks about serving that warrant. There are a whole bunch of procedures. They're supposed to check the ability to house a person in the jail and that sort of thing.
- Lieutenant Gilmore: Well a judge's order is a judge's order and when we receive a judge's order with the exception of very minor offenses I don't have too much leeway in taking someone into custody. A warrant is a judge's order; just so we're clear about that.
- Mr. Brown: Yeah, but it seems to imply, that section seems to imply if an immediate, unless an immediate arrest is to be done they have to go through a bunch of paperwork. So and I think similarly if you are...well, the person on the corner is not on private property, okay, so I would think that this checklist is serving an arrest warrant and entering a structure as long as the property or the structure is private property. I guess what I am trying to get at is, is there a way to encourage people to the maximum extent possible, by people I mean deputies, to

make use of the checklist to assess risks and call in SED? I think the simplest way to avoid confusion would be simply to take out the word "entry" and call it a high risk checklist: and use the high risk checklist whenever practicable when you are doing any one of those three warrants. Now this says the checklist only applies to the serving of the 4th amendment waiver search, the search warrant, or the arrest, so obviously just like the language...it talks about service of a warrant of arrest. It says "unless an immediate arrest is about to be made you do this paperwork." Similarly if there is an immediate need to arrest somebody on the corner you don't mess with the checklist; if the person is standing right there, but if you are going to have any time available, I think we ought to. Basically for the safety of the deputies, for the safety of the people getting arrested or searched, and for the safety of the neighborhood. We know a case....

- Ms. Arkin: Excuse me, I am having a little trouble following what your intent is with this discussion because the proposed recommendation is that the policy and the procedure match up. I believe it is that simple. I am confused about what you are reading into this that I am not seeing.
- Mr. Brown: I guess to make them match one could simply also say we only mean entry and therefore if I was getting on a piece of property, vacant, that would not be covered. I think as a Board we could take a more active role in suggesting a policy that would recommend to the Sheriff not that there be internal consistency, yes there would be internal consistency, but that to the maximum extent practicable the deputy use this checklist whenever serving one of these warrants, one or more of these warrants.
- Delores Chavez-Harmes: Mr. Brown, it sounds to me that your focus is on the word "entry". It is sounding like "what is the definition of is" and it sounds to me like the entry is your hiccup where it may not necessarily need to be a hiccup. Entry onto a property could be your foot, on to, you know pass the sidewalk and on to the curb. Entry onto a property could be a step over a threshold onto a garage, it could be going through a window, it could be anything from the mineral of the ground to the 7 miles of air space above you, so rather than get caught up in the semantics of it, I think what our Sheriff's representatives are trying to tell us is that they have to take each case, each scenario and determine what is going to be lawful and what is going to be proper and within policy and all of those three things are all going to be; lawful, proper and within policy. So whether we call it entry or whether we call it approach, I think there are a lot of different semantics that we might be able to use, but the bottom line is they are going to be arriving and placing themselves on a piece of land or a building or a car or something. I don't think we need to worry about what "is" means.
- Mr. Brown: I am not worried about "is", but quite frankly I agree with you that I am worried about "entry".
- Mr. Parker: To Mr. Brown's point I think that, if I may, I think we can address 95% of what you are saying simply by putting the term "before any entry is made pursuant" which is what their policy says. If we could just put that in the first part of the procedure that takes away about 95% of what you are saying in that they won't have to fill it out if they just contact somebody on the street; if they don't enter anything, regardless. Now that would only be with the policy and I think I am with you with what you are saying. I think I understand where you are going. That is only under three circumstances though: search warrant, arrest warrant, and 4th waiver. I think what you are also saying is that you would like this policy to be more encompassing to direct the deputies to do it anytime there may be some kind of...
- Mr. Brown: No.
- Mr. Parker: That's where I'm coming from. So back to 95% of what you are saying, I think the simple, we can change the proposed recommendation, I think you folks haven't voted on it yet and just simply not make it so long under proposed recommendations and simply say the first sentence of the policy and procedure section shall reflect the phrase "before any entry is made pursuant" to an arrest warrant, search warrant or 4th waiver search, that I think, will address the issue.
- Mr. Brown: Mr. Parker if we could just, I am thinking of a specific situation. This came under the thing that said high risk entry checklist. That is where the confusion starts. So if we could just take the word, I agree with what you said, but

could I also add take out the word entry in that heading because I can think of a situation where deputies had plenty of time to complete the checklist and the response from them was they weren't thinking about serving a warrant and going into anything and by taking out the word entry, but having the sentence read just as you say, I think it my help eliminate the confusion. It wouldn't come under the heading of high risk entry.

- Kim-Thoa Hoang: May I? I think Lieutenant Gilmore may want to add to what I would like to suggest. What I would like to suggest is that this checklist has to do with risks attached to the entry of a structure or private property and that could be on the checklist whether this property was known to have occupants who are armed and dangerous, whether there was belief that there are firearms, the criminal records of persons involved here, known activities at that particular address, etcetera. So the checklist have to do with an entry. I am sure that the Sheriff has a lot of checklists pertaining to different types of high risks situations. This particular checklist has to do with the potential danger that deputies may face when entering a structure or a property. Lieutenant Gilmore do you have anything to add, to clarify?
- Lieutenant Gilmore: This tool, as I have used it, and I am sure my partners here have used it, is primarily to enter structures or areas that we need to measure the risk on when we have the time to go and deal with it. I will be glad to look at any policy recommendation the Board puts forward and bring it to my Command to see what their desire is to do with it. This isn't a form that is taken lightly and unfortunately we don't have checklist for a lot of stuff because a lot of stuff we do is dangerous quickly and we don't have the time to have the checklist for it. We will be glad to look at any policy recommendation and provide feedback, or response, or amendment as I mentioned to Mr. Parker a few minutes ago.
- Mr. Brown: Just for your research, I found my notes and it is section 6.52 and it's when any deputy attains an arrest warrant from the San Diego County Court, like you said, the following procedures will apply colon and I think it starts off with, I think an interesting phrase, "unless an immediate arrest is to be made the warrant along with a complete physical description, the case number and the subject's address will be forwarded to the Warrants Division, so that a case will be made, indexed and the proper stops", I don't know what stops are, "filed with CLETS in NCIC", so I don't know what all that means. A deputy may make the arrest with knowledge that a confirmed warrant exists and to me I guess that was just an example of going through some paperwork if you had the time. That phrase to me "unless an immediate arrest is to be made" and I am just thinking, Mr. Parker, if there were some language like about unless an immediate; well it talks here about an arrest warrant. So unless an immediate arrest warrant is made or an immediate search warrant you had to break into a house or go on land or you had to immediately do a 4th waiver search. Say I'm out on a 4th waiver and you see me out riding my bicycle at 1am and there's no warrant and you stop me just to see if I'm complying with my 4th waiver and you do a search, is that doing a 4th waiver warrant or is that just stopping me and I don't have 4th Amendment rights?
- Lieutenant Gilmore: That all depends. That drew up a lot of questions sir.
- Ms. Chavez-Harmes: Mr. Brown we are kind of going all over the floor here and we're almost going on twenty minutes on this subject, so is there a specific point or a question that we can research or?
- Mr. Brown: Mr. Parker I guess if you could say once again what you said maybe it would change what you've written enough.
- Mr. Parker: If I may, I'd like to just, I know what the Policy Recommendation we made is. Is it permissible for me to suggest changing the proposed Policy Recommendation right now for you folks to vote on? I think I have two sentences that will get this done.
- G.I Wilson: Lieutenant does the Sheriff's Department sometimes do 4th waivers in conjunction with the Probation Department?
- Ms. Arkin: I am going to respectfully stop you right now to see if what Mr. Parker has proposed to clarify this is acceptable to the Board because it sounds like the discussion is going into what if and right now what we are trying to figure out is how to make a Policy Recommendation that will comport with the procedure recommendation. I am going to ask Mr. Parker to read his sentences and see if

that will clarify things now.

- Mr. Parker: Currently we all have the proposed recommendation in front of us. I would like to propose that the Board consider the following proposed recommendation: it is recommended that the San Diego Sheriff's Department review policy and procedure 6.111 high risk entries and clarify any ambiguity pertaining to the completion of a high risk entry checklist prior to serving an arrest warrant when there is no plan to enter a structure to do so. CLERB proposes the verbiage to the first paragraph of the procedure section of 6.111 to read "Before any entry is made pursuant to serving a search warrant, arrest warrant or conducting a 4th waiver search, the deputy responsible for the case will complete the high risk entry checklist." That's it basically. That basically takes the Sheriff's Department procedure section and adds again, "Before any entry is made pursuant to". That's the verbiage it adds to the first section of their procedure which makes it fall right in line with their policy. The policy statement is "The high risk entry checklist shall be completed to determine the threat level before any entry is made pursuant to an arrest warrant, search warrant or 4th waiver search." That's the policy and again I think the proposed recommendation should be what I just laid out, which basically comports it.
- Ms. Hoang: Madame Chair I would like to move to adopt the proposed recommendation as revised by Mr. Parker just now.
- Motion: Adopt the proposed Policy Recommendation as revised. Motion made by Ms. Hoang and was seconded by Ms. Chavez-Harmes. The vote was unanimous and the motion carried.
- Ms. Arkin: Thank you Lieutenant Gilmore and Mr. Parker and everybody to get this going.

Unfinished Business

- CLERB Board Member Policies and Procedures Manual
 - Thank you to Susan Youngflesh for cleaning up this document.
 - The document was then sent to County Counsel who had additional suggestions that were just received.
 - The County Counsel suggestions were read to the Board Members.
 - County Counsel suggestions, as well as Board Member proposed changes, will be incorporated into the document and the revised document will be reviewed at the next meeting.
 - Current Draft

CLERB Board Policy and Procedure Manual
 - Proposed

CLERB Board Policy and Procedure Guidel
- San Diego County Grand Jury Report: San Diego County Citizens' Law Enforcement Review Board (CLERB), dated May 31, 2018: Proposed Responses to Findings and Recommendations

FINDINGS

- **Finding 01:** It is CLERB's mission and responsibility to investigate, review, and recommend policy changes to the Sheriff's or Probation Departments respectively.
Proposed Response: The CLERB agrees with this finding.
- **Finding 02:** The position of Executive Officer remained vacant at times, impeding the ability of remaining staff to handle investigative workloads.
Proposed Response: The CLERB agrees with this finding.
- **Finding 03:** Board and Investigative Unit shortages contributed to death cases not being investigated within POBOR time limitations, a responsibility CLERB did not meet resulting in 22 death cases being dismissed.
Proposed Response: The CLERB disagrees wholly with this finding. Staffing issues contributed to a case backlog, but the failure to properly prioritize death cases resulted in the subsequent dismissals. Additionally, a misinterpretation of POBOR led to the belief that death cases were not covered by the one-year time limitation.

- **Finding 04:** Lack of Board oversight of the Investigative Unit contributed to death cases remaining uninvestigated well beyond POBOR time limitations.
Proposed Response: The CLERB partially disagrees with this finding. The Board was informed that there was no time limitation of death cases.
- **Finding 05:** There exists a potential for bias toward the selection of Board membership when the Executive officer is involved in the selection process.
Proposed Response: The CLERB agrees with this finding.
- **Finding 06:** Removing CLERB from the Public Safety Group will provide additional independence from those departments that CLERB reviews.
Proposed Response: The CLERB agrees with this finding.
- **Finding 07:** County Counsel may have a conflict of interest when CLERB investigates issues that may raise liability to the County.
Proposed Response: The CLERB partially disagrees with this finding. A firewall exists between CLERB's County Counsel and other County Counsel who handle competing interests.

RECOMMENDATIONS

18-26: Funding another Special Investigator position thus allowing the Executive Officer more time to supervise the Special Investigators and conduct more community outreach.

Response: The San Diego County Board of Supervisors is responsible for this response.

18-27: Removing the CLERB Executive Officer from any involvement with consideration of applicants so as to avoid any question of bias in the selection of board members.

Response: This recommendation has been implemented.

Explanation:

The Executive Officer has not been involved in the consideration of appointing or re-appointing CLERB Members since September 2017.

18-28: Updating regulations for the section of Board Members in the CLERB Rules and Regulations manual.

Proposed Response: This recommendation has not been implemented, but will be implemented in the future.

Explanation:

Revisions and updates to all of CLERB's Rules and Regulations are in the process of final review. These revisions and updates will be completed by December 31, 2018.

18-29: Directing the Executive Officer to develop and monitor a checklist, including time limitations with possible exceptions, to track all case investigations.

Proposed Response: This recommendation has been implemented.

Explanation:

The Executive Officer implemented this recommendation in 2017.

18-30: Ensuring that the CLERB Board evaluate the performance of the Executive Officer annually as required in the CLERB Rules and Regulations.

Proposed Response: This recommendation has been implemented.

Explanation:

In June 2017, the Board of Supervisors approved a change to the Rules and Regulations, effective immediately, that an Annual Performance Review be conducted for the Executive Officer. In June 2018, the CLERB Board conducted the first Executive Officer annual evaluation in recent memory.

18-31: Filling open positions in the Investigative Unit as soon as they become vacant.

Proposed Response: This recommendation has been implemented.

Explanation:

Upon an opening in the Investigative Unit, the Executive Officer takes immediate steps to fill it. Oftentimes vacancies in government positions take many months to fill, however, the most recent Investigative Unit vacancy occurring in January 2018 was filled in March 2018.

18-32: Develop a Training Manual for the Investigative Unit.

Proposed Response: This recommendation has not been implemented but will be implemented in the future.

Explanation:

The Executive Officer has been in the process of authoring a Training Manual for the Investigative Unit, and has recently on-boarded and trained two new Special Investigators. The materials, plans, and structure used during this training will be the basis for the new Training Manual. A comprehensive Training Manual will be completed by December 31, 2018.

18-33: Moving CLERB from the Public Safety Group to another Group in the County to separate oversight from the same group that supervises the Sheriff and Probation Departments to avoid the possibility of a conflict of interest.

Proposed Response: The San Diego County Chief Administrative Officer is responsible for a response to this recommendation.

- Ms. Arkin: Thank you. Comments, questions, suggestions.
- Ms. Chavez-Harmes: Finding number three, the response. This is just for clarification for better understanding for me. We are saying that the staffing issues contributed to a case backlog. That really isn't all of why we had that problem and I think we are not being very truthful with this response. We had a problem because the Performance Review of our Executive Director was just kind of allowed to go through.
- Mr. Brown: Did we have one?
- Ms. Chavez-Harmes: Not in June of 2016. I mean if there was one, I don't know. That was the question I kept trying to find out and I never really got the answer for it. We ended up hearing from the Executive Director at the time...
- Mr. Brown: So do you think we should say there was no review of the Executive Director?
- Ms. Silva: I agree.
- Ms. Chavez-Harmes: It wasn't just because of staffing issues. It was because of staff problems.
- Ms. Arkin: What is the difference between an issue and a problem?
- Ms. Chavez-Harmes: Staffing issues to me implies that we are short-staffed. Staffing problems to me implies that there was dissension and there wasn't communication and it was problematic. So I just want to bring that up. So let's massage it a little bit because I don't feel that this is proper.
- Mr. Parker: I wasn't here at the time, however, I believe, if I may, the staffing issues contributed to the backlog, not just the death cases. I mean all cases. But this response is saying that the staffing issues did not contribute at all to the dismissals. It was the failure to properly prioritize death cases which resulted in the dismissals. I don't know if that helps. I am just throwing it out there to you.
- Ms. Chavez-Harmes: Okay, but we are saying that we disagree wholly with that finding and it wasn't because of our staff, it wasn't because of Ms. Becker or Ms. Setzler, or Mr. Watkins.
- Ms. Arkin: We are not discussing individuals.
- Ms. Chavez-Harmes: But that is what I am trying to get across, that there were

- individuals and as we're digging into it then...
- Ms. Silva: Maybe we can word it in a way that we can talk about that there were operational...I can't think of the word right now...operational deficiencies.
 - Ms. Chavez-Harmes: Do we need to come up with an alternative phrase now or can we just point out to you that these are issues that we have and then have you guys go back and prepare it separately and then bring it back to us again.
 - Ms. Arkin: I am a little confused because the finding relates specifically to the death cases not being investigated within the POBR time limits and that happened because we were given a misinterpretation of the fact that the death cases were in fact covered by the one year time limitation. We were not given information that was...that subsequently was proven to be a misinterpretation. So it doesn't refer to necessarily the case backlog and maybe that can be...
 - Ms. Chavez-Harmes: No, I think the finding doesn't need to be changed. It's the response.
 - Ms. Arkin: No, we can't change the finding...that's the Grand Jury's finding.
 - Ms. Chavez-Harmes: And we are saying wholly that we disagree with that finding. I don't disagree wholly with that finding at all.
 - Ms. Silva: Yeah, neither do I. I think there were operational deficiencies.
 - Ms. Arkin: Can you please wait until I call on you? Mr. Parker would like to say something, I can see him out the corner of my eye.
 - Mr. Parker: My interpretation of this finding is that the shortages of the Investigating Unit, the shortages, only the shortages contributed to the death cases not being investigated within the time limitations. That's the finding. So the response is that CLERB disagrees wholly. You don't think that the shortages had anything to do with it. You think other things. You think, you know...staffing issues contributed to the case backlog, okay, but the failure to properly prioritize the death cases that's one of the things that resulted in the dismissals. So I just want to make it clear that I interpret this finding as staffing had nothing to do with these cases going away and I think that's what we are talking about here and that's why we disagree. No, it wasn't staffing; it may have been other issues.
 - Mr. Brown: Mr. Parker you just said...could we write that rather than a euphemism like staffing issues because we wholly...you're saying shortages did not contribute to the case backlog; at least say that and failure to properly prioritize death cases resulted in subsequent dismissals.
 - Ms. Chavez-Harmes: Yeah and this misinterpretation. I don't believe that we misinterpreted anything. I think we were led down, I think we were lied to and that's different than us misinterpreting something.
 - Ms. Arkin: It is not saying that we misinterpreted, it is saying that a misinterpretation led to the belief that death cases...
 - Ms. Chavez-Harmes: I am uncomfortable with that.
 - Mr. Brown: But that's because they put it in a passive tense. Why can't we say staff was misinformed about the POBR?
 - Ms. Chavez-Harmes: Or misled...
 - Mr. Brown: Or misled, yeah. If that's what we believe. I quite frankly forget.
 - Ms. Chavez-Harmes: I would say initially CLERB was misled.
 - Mr. Brown: ...to believe that death cases were not covered by a one year time limitation, how about that?
 - Ms. Silva: I don't know if we were actually misled because that could have been what the Executive Director understood, as well, so it wasn't an intentional misleading, it was more of a misinterpretation of a policy or rule or guideline. So I don't know if it was their intent to mislead us. I wouldn't use the word misled, but...
 - Ms. Chavez-Harmes: I would.
 - Ms. Silva: And I disagree with that.
 - Ms. Arkin: Misled to me sounds nefarious and I don't believe that there was any intent to nefariously mislead the Board. I believe that it was a misinterpretation of POBR. It's as simple as that.
 - Ms. Chavez-Harmes: Well I disagree, for the record.
 - Ms. Arkin: Okay.

- Mr. Brown: Could we say the Board received a misinterpretation of POBR?
- Ms. Chavez-Harmes: Misinterpretation is trying to make light.
- Mr. Wilson: Erroneously informed?
- Ms. Silva: I like that because you have to prove the intent and I don't think we are here to prove intent; and I think intent is very strong, but we were given wrong information, so I kind of feel comfortable with that.
- Ms. Chavez-Harmes: We were misled, that was the information that was given to us.
- Ms. Arkin: I so strongly disagree with that term "misled" because it is attempting to place blame on somebody for lying and that is not what happened.
- Mr. Brown: Madame Chair, would you be okay with received an incorrect interpretation.
- Ms. Arkin: I think incorrect interpretation would be fine.
- Ms. Silva: Or erroneous, either or would be fine.
- Ms. Chavez-Harmes: The reason we have this Grand Jury Report is because 22 people died and it was just slipped off.
- Ms. Arkin: We know why we have the Grand Jury Report and we know about the 22 death cases and it is not something that we take lightly because 22 families...
- Ms. Chavez-Harmes: But we are massaging the verbiage so that it is light and I don't know what benefit that is going to do for anyone.
- Mr. Brown: I don't know if we are massaging it as much in that we are trying to be accurate and what I am hearing is the difference in that some people think mislead is an accusation, whereas, like I said, I don't remember.
- Ms. Chavez-Harmes: Semantics.
- Mr. Brown: I hear people saying they don't believe we were purposely misled.
- Ms. Chavez-Harmes: And I think for this to have gone to a Grand Jury, I think it's incumbent upon us to treat it with the gravity that there is.
- Ms. Silva: I think that if there would have been an investigation and there would have been disciplinary action and there would have done more in that aspect, I would probably agree, but we never went there.
- Ms. Chavez-Harmes: You didn't go there even when you were asked to. I called...
- Ms. Silva: Okay, let me finish and then you can continue. I am just saying that for me intent is very strong and unless I have evidence to prove that somebody intentionally lied and deceived, then I would agree. But in this case I can't prove that and so for me erroneous is an error. It is part of an interpretation. I think erroneous is a little bit better than misinterpretation because I get it, misinterpretation seems so soft but I can't prove the other way and that's why I am agreeing to change it.
- Ms. Chavez-Harmes: Well, so you know how I feel. I am going to move on to my next one which is finding four, our proposed response, "The CLERB partially disagrees with this finding. The Board was informed that there was no time limitation of death cases." But we knew as of June that there was so our partially disagreement on this one to me kind of flows with the prior one. A misinterpretation of POBR led to the belief that death cases were not covered by the one year limitation and that the Board was informed that there was no time limitation of death cases. I think these are my only two issues. On the second page 18-30, "Ensuring that the CLERB Board evaluate the performance of the Executive Officer annually as required in the CLERB Rules and Regulations. Proposed Response: This recommendation has been implemented; so moving forward we're good on that and Mr. Parker already addressed the training manual, so my two big issues are those two points.
- Ms. Arkin: And in 18-30, I was not exactly sure what date the Board of Supervisors approved it. Mr. Parker was going to check on that for me.
- Mr. Parker: It was June 2017; it was four days after I was hired, so just take the question mark out.
- Mr. Wilson: I have one little suggestion, you might consider number four be written a little more strongly and I would wholly disagree with that because the Board was erroneously informed, without a doubt. I would ask that the Chair consider making that a little bit stronger.

- Ms. Arkin: How would you make that a little bit stronger?
- Mr. Wilson: Instead or partially disagree, I would say wholly disagree and I would simply put that the Board was erroneously informed.
- Ms. Hoang: Regarding finding number three, I think what we are tasked to do today is to come up with a response to a finding that was already worded by the Grand Jury and to respond to whatever they said here which is the investigator shortages contributed to the death cases, etc. I believe that the response as drafted is appropriate with the one revision on the second sentence that it read, “additionally, an erroneous interpretation of POBR led to the belief that death cases were not covered by the one year time limitation.”
- Ms. Arkin: Any other comments on the findings and the recommendations.
- Mr. Brown: In finding seven it says County Counsel “may” have a conflict of interest. Since it’s not “does”, I think it is perfectly okay to say yeah it may and then we could agree with it. Because the language about a firewall. Our whole stock market collapsed because there was supposed to be a firewall between people who sold issues and those who drew up the prospectus.
- Ms. Chavez-Harmes: Your perception is that maybe a firewall exists.
- Mr. Brown: Well yeah, I would just say CLERB agrees with this finding because it says “may”. If the finding said County Counsel “does” have a conflict of interest, I might have a problem with it but since it just uses the word “may” I think we can simply agree with it.
- Ms. Silva: I agree.
- County Counsel: If I may, a couple of things here, first of all we are ethically prohibited from having conflicts of interests. If we did our Bar cards would potentially be in danger so we have established policies in our office which provide for simple things such as, we don’t have people who work on the same matters but on opposite sides of it sharing their printers, their offices are not near each other. They don’t share common supervision in some instances. We obviously all report to the same guy. The Grand Jury is a terrific example because we also advise the Grand Jury, so we have a lawyer in the office that is segregated to work on the Grand Jury matters and then the rest of us were put into departments like you folks. I would also suggest that CLERB does know a bit more about this than the “may” piece because where there is a conflict of interest you have outside counsel represent you. You meet with him, I believe from time to time in closed session. I understand that there may be a situation because you obviously aren’t in our office, but I can assure you that we go out of our way to avoid any potential conflict of interest. Besides one of the issues could be that if we had a conflict we would be conflicted out from defending the County. So there’s an incentive on both sides for the County not to be involved.
- Ms. Chavez-Harmes: So you’re okay with how the finding reads?
- County Counsel: I am okay with the response. I disagree...the statement that we may have a conflict of interest. Anything to your point is “may” is possible. It just means it’s possible, but I don’t read that as what the Grand Jury is saying here. I think the Grand Jury is suggesting that there is a conflict of interest and we would represent to you that we are careful to ensure that there is no such conflict within our office and that is why you are advised by outside counsel and we leave the room when that happens to ensure that that takes place.
- Ms. Chavez-Harmes: I would take out that a firewall exists and just reword it that efforts are made by CLERB’s County Counsel and other County Counsel with competing interests.
- Mr. Brown: ...to avoid conflicts or prohibit...
- Ms. Arkin: But they’re not just efforts, that’s the way they do it.
- Mr. Brown: And all I can say is that our society...I am not doubting what you say.
- County Counsel: I can assure you that we do more than efforts so it wouldn’t be correct to say that this is merely an effort. It is a strict policy. I believe that we suggested the language that is there. We were trying to do it in a way that they would understand that we are aware of that and there is a division between the office without going into it.
- Mr. Brown: I like what you said which is partially disagrees; we have rules of

conduct in place and whatever else you said, that would prohibit any conflicts of interests.

- County Counsel: It is your response, so you are certainly welcome to say it if you would like. I am just trying to provide you with some insight of what our office provides.
- Mr. Lasswell: I thought the finding itself was kind of the pinnacle of the discussion regarding the Board taking advice from County Counsel on the POBR issue and they highlighted the fact that there might be a conflict of interest there and that doesn't really read from the finding where you have to remember what you read back into that and I think that is what they are referring to is that in this case our County Counsel was part of the operation that might've erred in this particular case and that it would've been better for us to have received advice from outside counsel.
- Ms. Silva: I like the firewall exists. I think it is important for us to leave that there because people need to understand that that's extremely important because of the conflict and ethics, but I would also piggyback on yours because I think it's important when we say a firewall exists between CLERB's County Counsel and other Counsel, that I am not too sure of but I would like something to say or refer to "if a conflict does occur CLERB has outside legal counsel." I think that's important to mention.
- Mr. Brown: I just felt that in 18-32, I think I know what you mean. Instead of the words on-boarded, could you simply say hired?
- Ms. Silva: That's a good term Mr. Brown. I have a couple of questions on finding number five there is the potential for bias toward Board membership if the Executive Officer is involved in the selection process. I don't agree. It says CLERB agrees with this finding. I don't agree and I just want that on the record. I work with a lot of different Boards and I think that it's important to have the Executive Director or whatever the title is that may be knowledgeable about where we can recruit members of the Board and to take away that completely. I don't think it's a conflict. I don't think that it's bias because that decision isn't made solely with the Executive Director and I think the input of the Executive Director that works with us and works with the staff is important and I just want it on the record.
- Ms. Arkin: Well it was the Grand Jury. They thought from whomever they spoke with that there had been bias and that's why they are suggesting that the Executive Officer be eliminated from the selection not necessarily from identification or input, but from the selection.
- Ms. Silva: I don't know, I think it could work both ways and I think it's an important person. So that's just my personal disagreement. On finding number six removing CLERB from the Public Safety Group will provide additional independence from those departments that CLERB reviews. I agree with this finding and I agree with this finding for both transparency reasons and conflict. I strongly agree with that. And then recommendations 18-27 again where we are removing the CLERB Executive Officer from any involvement, I disagree again. And I believe there is just one more. On this one, 18-33, moving CLERB from the Public Safety Group to another Group within the County. So the response, and again I know that this is not our response; I know it says that the San Diego County Chief Administrative Officer is responsible for that. I agree with moving CLERB out of the Public Safety Group and I agree for transparency and conflict of interest issues.
- Mr. Brown: In terms of process, would you be hearing all of this and then do you have time to come back with another version or do you have to issue a response?
- Ms. Arkin: We have one more meeting; it's due August 29, 2018. It is up to the Board as to whether or not we adopt some of the changes that have been suggested and move on from that tonight or if you want us to come back again with a clean copy of what people have suggested. It's up to you.
- Mr. Brown: On 18-33 it is true that the County of San Diego Administrative Officer is responsible for responding, but could we add that the Board thinks it's a good idea? If the Board thinks so.
- Ms. Arkin: Couldn't we just say something like the Board agrees with this

- recommendation?
- Ms. Chavez-Harmes: Or just say the Board has no objections to the recommendation.
 - Mr. Brown: I'd rather say we agree with it.
 - Ms. Silva: I agree that you do all the changes because I would like to see them one more time before and then we finally make the decision just to make sure at that point that we agree to the document.
 - Multiple Board Members: Or disagree
 - Ms. Arkin: One of the suggestions in finding 03, the response was changing misinterpretation to an erroneous interpretation.
 - Ms. Chavez-Harmes: I am still uncomfortable with that. I don't think interpretation has any part of that. We didn't misinterpret and we didn't interpret something differently. We were told information.
 - Ms. Arkin: We were told information that was erroneously interpreted.
 - Ms. Chavez-Harmes: We didn't interpret it wrong. We received erroneous information. We didn't interpret that erroneous information.
 - Ms. Arkin: And that's what it says: "An erroneous interpretation of POBR led to the belief that death cases were not covered by the one year time limitation."
 - Mr. Brown: Could we say led to the Board's belief? You are trying to say we didn't interpret it, we were told that. Can we say that the Board was presented with an erroneous interpretation?
 - Ms. Arkin: I think that would be okay.
 - Mr. Brown: If that describes what you...
 - Ms. Chavez-Harmes: The Board was provided with erroneous information. We did receive somebody's interpretation intentionally.
 - Mr. Brown: Well there's disagreement on that. One other comment on that one could we get back to Mr. Parker's statement; rather than saying staffing issues contributed to the case backlog, could we simply say the shortages did not contribute to case backlog.
 - Ms. Arkin: So if I have captured what people have said CLERB disagrees wholly with this finding, staff shortages did not contribute to a case backlog but the failure to properly prioritize death cases resulted in subsequent dismissals. Additionally, the Board was presented with an erroneous interpretation of POBR that led to the belief that death cases were not covered by the one year time limitation
 - Ms. Chavez-Harmes: Delete interpretation and insert information.
 - Ms. Arkin: It was interpretation.
 - Ms. Silva: Yeah, that is right.
 - Ms. Arkin: In finding four, I believe it's...
 - Ms. Chavez-Harmes: If you don't think it's right I shouldn't be the only one speaking up.
 - Mr. Brown: Right, right.
 - Mr. Lasswell: I think the only disagreement I have there is that you are leaning toward the intent of the misinformation and I don't think we're in a position where we can judge or see to that.
 - Ms. Chavez-Harmes: Well I'm just being factual. I'm not putting any opinion in it. I am not trying to make a determination of what the intent was or what it wasn't. These were the facts; the information that was given to us at the time and I realize there were a lot of Board members that weren't around at that time. But if we're honest, that was what was given to us.
 - Ms. Arkin: And it was given to us because it was erroneously interpreted.
 - Ms. Silva: And that's all we can prove right now.
 - Ms. Chavez-Harmes: That is not Ms. Silva.
 - Ms. Silva: I cannot prove intent.
 - Mr. Brown: I guess I lose track of things, but I can remember reading the interpretation and reading what they were interpreting and agreeing with the interpretation. Now it was wrong. I like the wording that it was an erroneous interpretation because I myself could have misinterpreted it innocently.
 - Ms. Silva: What does that word mean, when we just want to stop the discussion?
 - Mr. Brown: Call for the question.

- Ms. Arkin: That would be call for the question, but it hasn't been moved.
- Ms. Silva: I call for the motion.
- Ms. Arkin: There is no motion; nobody moved anything. If I am going to be bringing this back to you in August, then I want to make sure that I have consent of the Board for how changes need to be made because if we have to go through this again in August...we can't be late. We have to submit it. So if I can just make sure that generally we agree or at least some of the Board agrees with the wording that I just wrote, that is read, in finding four it was suggested that the Board add the word erroneously informed, in finding seven add this sentence to the end of our response "if a conflict does occur, CLERB has access to outside counsel, take out the question mark in 18-30, in 18-32 instead of "on-boarded", change it to hired, in 18-33 at the end of the response add the Board agrees with the recommendation.
- Mr. Wilson: I have one question for those who were here, just yes or no, was this a legal opinion on this POBR issue?
- Ms. Chavez-Harmes: Clarify your question.
- Mr. Brown: Did the attorney advise us?
- Mr. Wilson: What, well yeah. Was a legal opinion given on this?
- County Counsel: If I may, there were multiple opinions given, I believe by multiple counsel, both internal and out. It has been a couple of years, some of the advice was provided in different forms as well. We wouldn't be able to discuss the advice in open session. That's the history.
- Ms. Arkin: Mr. Brown let's wrap it up; is everyone is okay with the wording that I've captured.
- Mr. Brown: I guess rather than information, I would move that we use erroneous interpretation.
- Ms. Arkin: That's what I have written.
- Mr. Brown: Oh, I thought you said information. Sorry.
- Ms. Arkin: Are you talking about finding three?
- Mr. Brown: Yes ma'am.
- Ms. Arkin: I will read it one more time, CLERB wholly disagrees with this finding; staff shortages did not contribute to a case backlog, but the failure to properly prioritize death cases resulted in subsequent dismissals. Additionally, the Board was presented with an erroneous interpretation of POBR that led to the belief that death cases were not covered by the one year time limitation. So we will write this up again and clean it up.
- Ms. Youngflesh: I just have one more comment. On finding seven you said if there was a conflict of interest we have outside counsel, should it be clarified that if we are made aware that we have a conflict that we have outside counsel. Not just a conflict occurs because we would have to know to contact outside counsel. And then if we are made aware...and then I have a couple because you know I am nit-picky about consistency and grammar, but do you want me to address them right now or offline as far as formatting?
- Ms. Arkin: Are they quick?
- Ms. Youngflesh: They're quick.
- Ms. Arkin: Okay.
- Ms. Youngflesh: 18-26 response should be bolded, also 18-33 response should be bolded to be consistent with the others, on 18-30 you said Executive Officer Annual Evaluation. If we want to be consistent with the policies we just discussed it should be Annual Review.
- Ms. Arkin: Review or Evaluation. I think we are using evaluation.
- Ms. Youngflesh: And that's it thank you.
- Ms. Arkin: And I guess going back to finding seven, if we are made aware of a conflict.
- Mr. Lasswell: I like the term that if we believe that a conflict might exist
- Ms. Youngflesh: I would agree with that. It's just that there has to be some kind of acknowledgement that we know of a conflict or have reasonable belief that there is conflict.
- County Counsel: May I offer a couple of words to that, could you say if we believe or are informed that there is a conflict. We try to point that out any time we see that as well, for obvious reasons.

- Mr. Brown: What if we are erroneously informed?
- Ms. Arkin: If we believe or are informed...
- Ms. Arkin: You guys...you know Ms. Husband copies the minutes verbatim.
- Mr. Brown: Madam Chair, Ms. Silva you had a comment about something else and it struck a chord with me. Do you recall what we haven't covered?
- Ms. Silva: No, I said all the comments.
- Mr. Brown: You sure, I mean did we make the change that you wanted us to?
- Ms. Silva: A couple of them were comments and a couple of them were me not agreeing.
- Mr. Brown: Cause I agreed with one of them.
- Ms. Arkin: Mr. Parker and I will continue to clean this up and it will be in your next Board packet. We have to approve it at the August Board meeting, no choices.
- Ms. Silva: Would it be helpful if we would read it when we get the Board packet? Send comments to you?
- Ms. Arkin: Yes.
- Mr. Brown: Could that violate the Brown Act?
- County Counsel: If I may, I would prefer that you not do that because those comments need to be in open session.
- Ms. Arkin: I was responding to should we read it ahead of time.
- County Counsel: Okay.

Board Comments

- N/A

**Sheriff/Probation
Liaison Query**

- Ms. Arkin: Sergeant Stranger you have the answers to the questions that were asked at the last meeting.
- Sergeant Stranger: The first couple here are going to relate to suicide prevention and focus committee that was formed.
 - Mr. Brown asked if anyone had thought about reaching out to the families of the inmates as well as involving inmates. He also made a statement "if you somebody who looks like they are depressed say something." He was wondering if we considered that. I have suggested that to the Board and it has been considered and it continues to be considered. There are issues though with adult inmates who aren't under conservatorship. Discussing mental illness with family members and others could cause HIPAA issues so reaching out proactively may not be possible. But I can tell you that we do now if a family member calls in or in an inmate informs the deputies that a certain inmate is having issues that information is definitely acted on. Another question related to that committee was are there any writings such as minutes, summaries, or recommendations by the team. I confirmed there definitely are. Again some of them may involve HIPAA issues where they discuss certain cases; those probably cannot be shared. Policy recommendations or ideas being passed around, etcetera could probably be shared with you. Mr. Brown made two other suggestions; both of them were relayed to that committee and will be discussed.
 - Mr. Gascon asked a question talking about one of our Policy Recommendation responses to PERT training where we discussed that we offer PERT training to all of the law enforcement deputy sheriffs. There are two versions of the training. One is an 8-hour class and one is a 24-hour class. The question was why do we only mandate the eight-hour class. I would like to point out that this training that we conduct is not required by anyone. This is something that the Sheriff's Department did proactively to train everybody, so we are already going above and beyond. The 24-hour class is an option to some of the deputies because the class is geared more towards the deputies that are going to be working with PERT. Other patrol deputies who are not working with PERT receive the 8-hour training, which covers different mental illnesses. I think one of the big issues with that with doing the 24-hour class would be the logistics with over 2500 sworn members. Taking 2500 people out of their assignments for 24-hours is very difficult. We also undergo training every two years which is required. I believe it is 36-hours and we all have to go. During the last two cycles of that training mental illness was covered in addition to 8-hours of PERT training.
 - The next question had to do with our Temporary Area Restrictions (TARs). Mr.

Brown asked if the department was proactively working with our contract cities. I spoke to a Commander at the Law Enforcement Services Bureau; as a department we are not currently proactively reaching out to all of the contract cities, but each contract city is supervised by a Captain. He could not speak to what the individual Captains were doing, but he did reassure me that if we had specific information regarding a protest event being planned in a contract city, that would definitely be something that we would discuss with the city and leave it up to the Captain to handle that situation.

- There were a couple of general questions about handling protests or information gathering, intelligence tracking and certain groups that are involved in tactics, if we could discuss those. We would not be able to do that after looking into tactics is not something that the department is willing to discuss in an open forum at this time.
- Ms. Arkin: Thank you soon to be Lieutenant. Mr. Wilson would you like to ask your questions from earlier regarding 4th Waiver?
- Mr. Wilson: Lieutenant, does the Sheriff’s Department work in conjunction with Probation on executing 4th Waivers?
- Lieutenant Gilmore: Yes, sir, sometimes we do.
- Mr. Wilson: Who has the lead?
- Lieutenant Gilmore: When we are working as a team, we sit down together and work things out together. Depending upon what the project is, for example, sometimes Probation gives us bodies to help out with an event and sometimes we give them bodies to help out with an event. For example, they were having the Avocado Festival in Fallbrook and Probation lent some agents to the occasion to help us in regards to potential probation violators in the area. It was our event so we were leading, however, there are times when they ask for help when they are checking up on their different people and we assist them; follow the program that they have laid out. That is the way that works typically.
- Mr. Wilson: I was wondering, whoever the lead is, do they have the high risk who makes that call, would it be the Sheriff’s Department or Probation.
- Lieutenant Gilmore: Fortunately with Probation, since we are both County Agencies, we work together quite often. So when Sheriff’s deputies are involved with going into a house, we share resources. I am not sure what resources Probation has, but when we are going to be a participant working with someone, we do bring our resources, especially our checklists to supplement whatever the program has and I would not be surprised if Probation did not have a checklist that they use when they need to deal with things.
- Mr. Wilson: I was just wondering who had the call. If Probation had the lead, they would have the call, if you had the lead, you would have it.
- Lieutenant Gilmore: Well, I am sure they can answer this as well, but we work together as a team. So if you’re on a team you have a voice. So if there is something unsafe, every member of the team has the ability to make the statement.
- Ms. Arkin: Does anyone else have any questions of a general nature for the either the Sheriff’s Department or the Probation Department? No, then I will ask County Counsel to read us into closed session.

The Board entered closed session at 7:35 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).

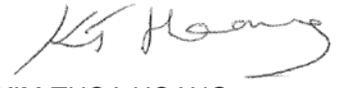
CASE NO.	LAST NAME	CASE NAME	LAST NAME
17-066B	Stevenson	17-115	Silva
18-020	Chism	18-070	Randall
18-082	Little		

The meeting was adjourned at 7:47 p.m.

Minutes prepared by Tamicha Husband, Administrative Secretary



PAUL R. PARKER III
Executive Officer



KIM-THOA HOANG
Secretary to the Board