

MINUTES
CITIZENS' LAW ENFORCEMENT REVIEW BOARD MEETING
October 10, 2017

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 Lourdes Silva.
- Minutes Approval**
- The August 2017 meeting minutes were approved by motion by Delores Chavez-Harmes and seconded by Jordan Gascon.
- Presentation/Training**
- N/A
- Executive Officer's Report**
- Paul Parker summarized the Investigative Workload & Classification Report for September 2017.
 - Tamicha Husband, our Administrative Secretary III, who has been here for one month is working on streamlining our processes. She is doing a wonderful job.
 - Trainings: Mr. Gascon, Mark Watkins, Mr. Parker and Ms. Husband attended the Force Options Simulator training hosted by Sergeant Stranger on September 26, 2017; Lynn Setzler, Mr. Watkins and Mr. Parker will attend the Body Worn Camera training on October 31, 2017. Again, thanks to Sergeant Stranger for arranging these two trainings. Ms. Setzler, Mr. Watkins and Mr. Parker will attend the Force Science Certification, which will be held January 22-26, 2018, in San Diego. Mr. Parker gave a presentation to the Sheriff's Detention Academy on October 10, 2017, and Mr. Parker is scheduled to speak at the Sheriff's Department Supervisors Academy on October 26, 2017.
 - The Sheriff's Department has an innovative naloxone program, which is a lifesaving program.
 - We continue to review our internal processes. The goal is to complete the review of the Administrative processes by November 1, 2017, and to complete the review of the Investigative processes by January 1, 2018. As a part of this process, Mr. Parker will not be the approver of his reports. Mr. Watkins or Ms. Setzler will review the reports.
- Board Chair's Report**
- Per County Counsel, these items can only presented for information with no discussion.
- Mr. Parker and Sandra Arkin met with Chief Probation Officer Adolfo Gonzalez and Assistant Chief of Probation Reuben Littlejohn for a Meet and Greet to introduce Mr. Parker to the Department. Among the items discussed were:
 - Probation's philosophy about policies and procedures.
 - New approaches in dealing with youth in the system.
 - Ways to be proactive in high-risk communities to prevent youth from entering the juvenile justice system in the first place.
 - An enhanced focus on rehabilitation.
 - An invitation for Chief Gonzalez to come to a Board meeting in 2018.
 - Mr. Parker and Ms. Arkin made a presentation about CLERB to a delegation from Turkey at the San Diego Diplomacy Council. Thanks to Ms. Husband for securing a box of logo items for them.
 - Mr. Parker and Ms. Arkin met with new Board members Gary (GI) Wilson and Susan Youngflesh to give them an informal introduction to CLERB before their formal orientation.
 - The Sheriff will be making a presentation to the new Board members (Mr. Gascon, Ms. Youngflesh, Mr. Spriggs, and Mr. Wilson) to orient them to the Sheriff's Department.
- New Business**
- Introduction of New Board Members
 - Gary Wilson and Susan Youngflesh
 - Ms. Youngflesh: Associate General Counsel with the San Diego City Retirement System, in the legal industry for about 14 years; Deputy District Attorney with the Washoe County DA's Office, in-house council for The Hartford, and a Criminal Justice Instructor at the undergraduate level.
 - Mr. Wilson: spent most of his adult life in law Enforcement, Fire Services, EMT or in the Military. He is currently an Adjunct Professor at several Universities and Colleges where he teaches in the Criminal Justice Program. His background is in Forensic Psychology. He is a Gang Commissioner with the County of San Diego.
 - Nomination Committee for the 2018 CLERB Officers
 - Ms. Arkin selected a chair for the nominating committee for the 2018 CLERB Officers and the committee itself. Jim Lasswell has accepted the chairpersonship and he will be joined by Gary Brown, along with Mr. Gascon. If you are interested in serving on one of the three officer positions, please let Mr. Lasswell know. Mr. Lasswell will bring the nominations to the Board at the meeting in November 2017, and we will vote on the nominations at the meeting in December 2017.

- 2017 NACOLE Conference Review
 - Mr. Parker: Ms. Setzler and Mr. Parker attended on behalf of the staff. It was an eye opening experience. The history of civilian oversight is that many times it is very reactive, created in response to a situation between Law Enforcement and the community. However, the trend is moving toward proactive to foster relationships between the Police Departments and the communities they serve. The focus on systemic changes is critical for a civilian oversight organization, not just to look at misconduct. There is an increase in transparency and identification of trends to assist Law Enforcement and the community to make sure they are properly identifying problem areas, as well as, emphasizing the partnership with the community. There were many evolving models. There is currently a hybrid model and each community is doing their own model. There was a basic investigations overview. There was an emphasis on Mindfulness. We are stakeholders at the table to help Law Enforcement do things better, to help the community do things differently and to bridge the gap between the two.
 - Kim-Thoa: echoed what Mr. Parker said; the panels featured not only civilian oversight representatives, but also Law Enforcement, especially those involved with Internal Affairs. It stressed the importance of cooperation and collaboration. We are fortunate to have that level of cooperation in this county and she is encouraged to see that other jurisdictions also have that.
 - Ms. Arkin: echo what both Mr. Parker and Ms. Hoang said; transparency was the theme running throughout the conference. In California, we have a bit of a challenge due to POBAR, but we still strive for transparency. Community Outreach was important and it was especially effective in agencies that had a large staff. They were able to reach out to vulnerable or underserved communities to have dialogue. The largest takeaway was the success of the meditation program at Cambridge, which they called Mindfulness. Two departments gave presentations on Body Worn Cameras and they had been using them for two years. They were impressed with the response they have been getting from the cameras and the public's response. They have a tendency to release their footage as soon as possible. Several agencies and civilian oversight committees were able to include the community in policy discussions. It was presented as a partnership rather than an afterthought. The next NACOLE Conference will be held in St. Petersburg, FL, in September 2018.
- 2016 Annual Report (Draft)
 - The goal is to distribute the 2017 Annual Report in February 2018, no later than March 2018.
 - We are exploring the possibility of identifying trends in upcoming reports.
 - Comments: Gary Brown – would like to see longer term comparisons, as opposed to one year comparisons
 - Mr. Gascon made a motion to approve the 2016 Annual Report. Delores Chavez-Harmes seconded the motion.

Unfinished Business

- CLERB Rules & Regulations Subcommittee presentation & proposed changes to the CLERB Rules & Regulations
- Ms. Hoang chaired this committee and was joined by Mr. Lasswell, Mr. Brown, Ms. Arkin, Ms. Setzler and Mr. Parker.
- The draft was distributed to the Board Members, as well as, County Counsel.
- We want to thank the subcommittee members for their participation, as well as, Mr. Parker and Ms. Setzler for their invaluable contributions and suggestions.
- This is the first time that the Rules and Regulations have been proposed to be updated in its entirety since the inception of the Board.
- The concern was to make it a more user-friendly document; more simple and understandable to read, as well as, to apply. It should also give better guidance to the staff and to the public in understanding how CLERB investigates and evaluates the citizen complaints.
- Most of the changes throughout the document involved clean up or cosmetic concerns, such as using uniform, consistent terminology, and correct any grammar or typo defect. As an example, using “CLERB” in areas where the document read “Review Board”.
- We made changes to provide flexibility in CLERB Operations because as we know the work may change depending on the evolvement of the law including statutes, as well as, case law; especially concerning compliance with POBAR.
- We added a Mission Statement to ensure that everyone know why we exist.
- We also moved a few sections around to ensure that the document flows.
- We changed what was labeled “Action Justified” to “Exonerated”; this was an effort to be consistent

with the other civilian oversight agencies throughout the Country.

- Mr. Gascon asked why the word “citizen” was removed. Answer – we want to make sure that everybody has an opportunity to present a complaint as opposed to citizen in its actual literal term. You do not have to be a citizen in order to bring a complaint before the Board. Mr. Brown – we would hate to mislead someone by repeating the phrase citizen complaint when you do not need to be a citizen. Mr. Lasswell – the term citizen is included in our title. Mr. Brown – that is consistent with the notion that you have to be a registered voter in the County to be a member of the Board.
- Clarification regarding the timeframe referenced in 4.6.
- The process is that these are recommendations. It will go to County Counsel for review and at the same time Mr. Parker will have discussion with the Labor Relations/HR to see if we can set up the meet and confers with the two Unions to get their input. Once that happens, we will bring everything back to the CLERB. It will be voted on and then go to the Board of Supervisors for final approval. The reason we were trying to complete this in 2017 is because the next meet and confer will be held in 2018.
- Thank you to everyone; there was a huge amount of effort that went into this project.

Board Comments

- Ms. Chavez-Harmes – question regarding how the nominating committee was determined. Answer – Ms. Arkin selected them, per the Rules and Regulations.
- Mr. Gascon – thank you to Sergeant Stranger for setting up a ride-along, as well as, the Force Option Simulator training. The ride-along was out of the Rancho San Diego Station. I highly recommend it to all of the Board Members, even those who have been here for a while to get a refresh on what Deputies go through on a day-to-day basis. I hope that Sergeant Stranger will be able to continue to set up more trainings and that each of us will be able to participate. The most valuable information from the Force Option Simulator was that the decisions are made in a split second and he does not know how Deputies do it. He praised them for all of the work that they do and the hard decisions that they have to make in a split second.
- Ms. Arkin – it is her understanding that there will be a new Force Option Simulator coming online in six months to a year and at that time the Department will offer us another opportunity participate.

Public Comments

- CLERB Case #17-056: Adrienne Durso addressed the Review Board
- CLERB Case #17-053: Joline Solomon addressed the Review Board

Sheriff/Probation Liaison Query

- Mr. Solomon - If we have a disagreement with a police report, how do we get that fixed? Answer – we are unable to provide you with any advice on that. We are looking at the information that we received and we cannot discuss it.
- Ms. Arkin – Is anything being done to address the video system in the jails? Answer (SDSO) – one of our long-term projects is to raise the quality of video to the highest level we can. What is the timeline? Answer – we do not currently have the timeline. It is a common conversation and the managers above us are dealing with it. The Sheriff’s Department is aware of it.
- Ms. Hoang – Do you have video in the detention facilities? Answer (Probation) – yes, we have CCTV in all of the detention facilities. There are constant discussions of upgrading the system in the detention facilities. Our challenges are similar to those of the Sheriff’s Department.
- Mr. Wilson – Is there a subject matter expert when it comes to video and is there training available? Answer – currently we have a huge video project, the body worn cameras. This is taking a large chunk of resources with regards to video. There is a group of people assigned to work with that specific system. There are specialized staff at each facility with different levels or resources. Yes, but the level varies. We have training available for the body worn cameras. We are going to provide this training to the CLERB staff; we have arranged for the people that are training our Deputies to use it to train the staff as well. The review of video footage is going to be a huge expense and a time consumer for CLERB staff.

The Board entered closed session at 6:23 p.m.

Closed Session

- a) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:
Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (22).
- b) REQUEST FOR RECONSIDERATION
Pursuant to CLERB Rules & Regulations: 16.9 Reconsideration of Final Report. Upon request by the complainant, subject officer or their representatives, the Final Report may be re-opened for reconsideration by the Review Board provided that (a) previously unknown relevant evidence is discovered which was not available to the Review Board before it issued its Final Report, and; (b)

there is a reasonable likelihood the new evidence will alter the findings and recommendations contained in the Final Report.

CASE NO.	LAST NAME
16-027	Boulanger

c) **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).

CASE NO.	LAST NAME	CASE NO.	LAST NAME
16-015	Poppish	16-036	Moyer
16-074	Williams	16-075	Daily-Germino
16-084	Howl	16-085	Jones
16-087	Hudlow	17-047	Lorentzen
17-053	Solomon	17-084	Bland
17-085	Bland	17-097	Shane

The meeting was adjourned at 7:05 p.m.

Minutes prepared by Tamicha Husband, Administrative Secretary



PAUL R. PARKER III
Executive Officer



KIM-THOA HOANG
Secretary to the Board