

MINUTES
CITIZENS' LAW ENFORCEMENT REVIEW BOARD MEETING
February 12, 2019

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 Darrel Harrison.
- Public Comments**
- There were no public comments.
- Minutes Approval**
- The January 2019 meeting minutes were approved by motion by Delores Chavez-Harmes and seconded by Sandra Arkin; Jordan Gascon abstained from the vote.
 - The first dot point for Ms. Hoang under Sheriff/Probation Liaison Query was revised **from** *"If a deputy responds to a scene, finds an individual under the influence and another individual makes a complaint to the deputy, requesting to place an individual under a citizens' arrest, does the deputy have to receive a signed citizens' complaint form?"* **to** *"If a deputy responds to a scene, finds an individual under the influence and arrests him, and then a person makes a complaint to the deputy, requesting to place such individual under citizen's arrest for another charge, does the deputy have to receive a signed citizen's complaint form before taking the individual into custody?"*
- Presentation/Training**
- Community Engagement presented by the Probation Department Engagement and Strategic Support Unit
 - STARPAL – Sports Training Academics Recreation Police Athletic League
 - In-kind donation out of the Probation Department and outstationed with the San Diego Police Department.
 - Non-profit program serving over 10,000 youths per year.
 - Mainly serve inner-city youth in City Heights.
 - Service area spans from Escondido to San Ysidro.
 - Host a wide variety of athletic events such as Padres clinics, Charger camps, Leadership and Empowerment Academy, Life Skills programs, Shop with a Cop, Teddy Bear Drive, and Outdoor excursions. Collectively, our focus is promoting Youth Safety, Civic Engagement, Leadership Development, choosing Healthy Lifestyles, Violence Prevention, Youth Empowerment, Athletic Skills Training, Mentoring and Excursion opportunities.
 - There is a program called Role Reversal. This program is amazing and provides the participants the opportunity to play the role of the Probation Officer from beginning to end.
 - The Probation Department has been building relationships through collaboration with the community and changing the way business is conducted. Invitations are extended to the community members that support the individuals that are currently housed in probation facilities. Previously, the focus was on the immediate family only. The dynamics of creating a better support system could include individuals outside the immediate family. This approach allows everyone to participate as a team to build a strong support system. Community events are held to provide educational opportunities to families so they may provide input and feedback and be better served. Family events are hosted in the institutions, which include extended family members, as well as, coaches, teachers, social workers and church members. The visiting hours have officially changed; visitation is now every day except Saturday, from 5 am to 9 pm. Previously, families were limited to two visits per week.
 - The Engagement and Strategic Support Unit provides in-house wrap services by working with other agencies such as HHSA, Mental Health, Social Services, the Probation Department, as well as, any other community organizations willing to come together to have a one-hub shop to ensure that services are provided for any person currently on probation.
 - The unit consists of four officers and a community liaison that go out into the community and assist in areas where presentations might be needed.
 - The community liaison is in the community daily. The role includes attending every collaborative within the County. The Engagement and Strategic Support Unit works with community agencies, other community law enforcement agencies, as well as, the community itself. There is an open-door policy in the community, in their comfort zone, when it comes to their questions, issues or concerns.

- Student leadership academies are developed within each community school and engagement activities are held which include the parents. The County is broken down into regions and those regions have adopted schools. The adopted schools sponsor children during the holidays. There is a Chief Advisory Committee that is currently working on *Coffee with a Cop*. The community does not understand what Probation's role is and often confuse Probation with Parole. Education is provided regarding what Probation's role is and what services can be provided.
- There is a new program being developed in North County. This program is for high risk juveniles. The partnerships for this program include non-profit organizations, as well as, community members. These community members share their stories and can offer advice due to past experiences. These community members complete a background and serve as mentors to the youth.
 - Mr. Brown asked if the City Clubs are involved in the family sponsorships. Answer: Probation does not receive donations directly, but will work with different non-profits who recommend families or provide in-kind donations.
 - Mr. Spriggs asked what type of outreach was being done. Answer: They go to a lot of schools, host a celebrity luncheon, have commercials, and social media. They invite you to visit <http://starpal.org>. The San Diego Police Department and the Probation Department also assist in promoting STARPAL.
 - Mr. Brown asked about sponsoring a father/daughter dance for those children with fathers in prison. Answer: That is something they have discussed and are planning.

Executive Officer's Report

- Overview of Activities of CLERB Executive Officer and Staff
 - Staff are in the process of moving to the second floor of the same building, which will provide more space.
 - There were 11 new cases during the month of January and 6 cases were closed.
 - There are currently 91 open cases; 3 of those cases are lodged and 88 of those cases are active investigations.
 - There is 1 case with the POBR tolling exception.
 - There are 33 death cases. We have received records in 18 of those cases.
 - Sheriff's Department Allegations
 - Criminal Conduct/Death Investigations
 - Excessive Force
 - Illegal Search and Seizure
 - Misconduct
 - Discrimination
 - Harassment
 - Medical Procedure
 - Truthfulness
 - There were no allegations against the Probation Department.
 - Workload Comparison
 - New
 - January 2019 = 11
 - January 2018 = 20
 - Opened
 - 2017 – 152; 13 remain open
 - 2018 – 142; 67 remain open
 - Current Summary for January 2019
 - 11 cases opened
 - 3 cases closed by Board Action
 - 3 cases procedurally closed
 - Notification from the Sheriff's Department regarding the Policy Recommendation for CLERB Case number 18-014 was declined as it would increase JIMs entries and deputies workload for a pre-existing procedure.

Board Chair's Report

- During the past month, the Board Chair met with Julio Estrada and was very impressed with his motivation and eagerness to shine towards this job. The Board Chair is very confident that Mr. Estrada will make one of CLERB's most excellent Executive Officers.
- The Board Chair would like to thank Aron Hershkowitz. Although he is no longer with CLERB, he gave a lot of his time to train Mr. Estrada for two full days. Prior to Mr.

Hershkowitz's departure, the Board Chair met with Mr. Estrada and Mr. Hershkowitz to discuss any pending position issues. The Board Chair would also like to thank the staff, Lenore Aldridge and Lynn Setzler, for their respective assistance to Mr. Estrada in getting him fully acclimated. A special thanks to Ms. Setzler because she is the institutional knowledge of the office. Thank you to Tamicha Husband for all you do for the office. Also, thank you to the Sheriff and Probation Department Liaisons for working very keenly with Mr. Estrada to get settled in.

- The Board Chair and Mr. Estrada were invited to a Meet and Greet with Sheriff Gore. This meeting also included the Undersheriff, Lieutenant David Gilmore, Sergeant Aaron Meleen and Sergeant Monica Sanchez. The meeting was very productive, and the Board Chair is encouraged by the Sheriff's dedication and commitment to the cause of this Board. The Board Chair is confident that the Sheriff wants his staff to work with CLERB. The Board Chair has extended an invitation to the Sheriff to give a presentation at a future CLERB meeting. Mr. Estrada will work with Lieutenant Gilmore, Sergeant Meleen and Sergeant Sanchez to identify a date that is convenient for the Sheriff.
- Board members are asked to submit any questions or talking points that you would like the Sheriff to cover to Mr. Estrada within the next two weeks. The Board Chair and Mr. Estrada will compile the questions and talking points in order to submit them to the Sheriff.
- The Board Chair attended a media training on February 12, 2019, with Alex Bell, who is the Public Safety Group media person, along with an employee from the County Communications Group. This training included tips and required information regarding interacting with the media.
- CLERB received two media requests for interviews. The Board Chair has responded to both requests and asked them for their patience. The Board Chair will schedule the interview dates/times with both media outlets so they may interview both the Board Chair and Mr. Estrada. The goal is to complete these interviews by the end of March 2019.
- The Board Chair is working with Mr. Estrada to come up with a more user/reader friendly version of CLERB investigative reports. The goal is to have a uniformed approach.
- In the upcoming months there will be a presentation by Captain Erika Frierson regarding County Jail Mental Health. Board members are asked to submit specific questions regarding how the County Mental Health Issues are handled to Mr. Estrada in the next couple of weeks.
- You should have all received the reminder regarding Form 700. The deadline to file this form is April 2, 2019.
 - Ms. Chavez-Harmes asked if you need to submit a Form 700 for each department if you are on more than one County Board. Ms. Hoang answered she believes that you would need to submit one form for each position. Mr. Gascon stated that it depends on the type of Board. If it is an elected position, the form would be submitted to the Registrar of Voters and if it is an appointed position, the form would be submitted to the Clerk of the Board. In summary, multiple forms would need to be submitted.
 - Could we also invite Chief Gonzalez to speak to the Board in addition to the Sheriff? Yes, that is on the agenda. We would like to hear from both the Sheriff and the Probation Chief.
 - What steps are next regarding meeting with the Sheriff about the Rules and Regulations? We will come to that. It is on the agenda.

New Business

- CLERB has an investigative staff vacancy due to Mr. Hershkowitz's departure.
- The announcement for the Special Investigator position went out via County email on Friday, February 8, 2019. The announcement will close on March 1, 2019.

Unfinished Business

- Update on the Rules and Regulations
 - County Counsel spoke with Labor Relations in the afternoon on February 12, 2019. The Deputy Sheriffs Association and the Probation Officers Association have requested a Meet and Confer. We are planning to schedule the first meeting during the week of February 25, 2019. Both the Board Chair and County Counsel will be present at this meeting. There will be two separate meetings, one for each Association.

Board Comments

- GI Wilson: I would like to give kudos to our new Executive Officer for a spectacular tour and training session of the County Medical Examiner Office.
- Ms. Hoang: The tour was very informative and given by Mr. Estrada in his previous role as a Supervising Medical Examiner and by the Chief Medical Examiner, Dr. Wagner.

**Sheriff/Probation
Liaison Query**

- GI Wilson: I would also like to thank Lieutenant Gilmore for joining us on the tour of the Medical Examiner Office.
- Mr. Brown: Is it correct to say that Macy's Law is not a part of policies and procedures?
- Sergeant Sanchez: Are you referring to Marsy's Law?
- Mr. Brown: The law that requires that the victim of crime be notified about their rights.
- Sergeant Sanchez: Correct, if you go to our website www.sdsheriff.net, there is information for each victim of crime. It is user friendly, they log in, provide their information and they will be notified, if they are a victim of crime, when that suspect is released from our custody. In addition, every Law Enforcement Officer or Sheriff is required to give you information if you are a victim of any crime, as well as, general resources.
- Mr. Brown: Is that requirement part of the Sheriff Policies and Procedures right now?
- Sergeant Sanchez: It is a directive that is given to us. It is included in our training. We receive monthly updates about new laws that have gone into effect that we have not included in our policies and procedures but are directives straight from the Sheriff. That information is included in our toolbox when we are sent to a scene.
- Mr. Brown: If something comes out as a directive from the Sheriff, does it later become part of policy and procedure?
- Sergeant Sanchez: Eventually, it can. Unless the Sheriff removes it from our toolbox, we are bound to facilitate that procedure.
- Lieutenant Gilmore: Additionally, the recruits in the academy are trained on Marsy's Law. It is possible to fail the academy if this component is not done properly.
- Mr. Brown: When checking cells, there seems to be confusion on what a soft count and a hard count involves. What training or emphasis is given about what is required during these checks?
- Lieutenant Gilmore: There are Security Checks where you are walking through glancing and there are Hard Counts. At the time when I used to do this, in 2001, we had a piece of paper with a picture on it. I would look at the card and look at the wristband. I believe this Face to Face Hard Count is similar to how it is done now. There is now a barcode reader and the picture is now on the wristband. It would be a challenge to wake people hourly every day. It would not provide a good environment. It is not the best thing if people could not sleep through the night.
- Mr. Brown: Do we emphasize during the Soft Count to make sure that someone is breathing?
- Lieutenant Gilmore: The hard and soft counts are not performed when people are asleep. Security checks can be performed when people are asleep.
- Mr. Brown: Do you think that it is emphasized enough that when we make some sort of check that we need to be checking to see that somebody is alive or is that not their function?
- Lieutenant Gilmore: I would not say that we do not have that function in what we do. If you see something obvious, you would immediately stop your security check and it becomes a contact.
- Ms. Aldridge: I last performed a count in 2007. The Hard Count was where each inmate would line up and the barcodes would be scanned. This was done at the beginning and end of the shift. The Soft Count was conducted at breakfast, lunch and dinner. Each inmate would have to get up to eat and they were counted. The Security Check is performed hourly. This consists of walking through the modules, not necessarily counting inmates, but making sure things are good to go in the module. The three types of checks are the Walkthrough, Soft Count and the scanning or the Hard Count.
- Mr. Brown: What do you mean by good to go?
- Ms. Aldridge: Walking through the module checking for fights or arguments; making sure that things are as they should be.
- Mr. Brown: One of the goals that has been stated is to reduce deaths in prisons. How is a deputy supposed to try to do that?
- Ms. Aldridge: You do not wake inmates up. You use a soft or blue light to see if they are in their cell and that there are no obvious signs of distress.
- Ms. Hoang: Ms. Aldridge due to your more recent experience, how were you trained to do the Soft Count.
- Ms. Aldridge: From what I can recall, the Soft Count was performed during breakfast, lunch and dinner. Everybody gets up and as they walk out of the dorm, I count each person. That was at Las Colinas, which is different from the other facilities.
- Mr. Hoang: Were you trained to ensure that the person was breathing?

- Ms. Aldridge: Yes, they were to be up and walking.

The Board entered closed session at 6:19 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
17-035	Ibarra	18-043	Mass
17-043	Dawley	18-046	Hoekman
17-102	Macabinlar	18-069	Young
18-026	Stockton	18-076	Nelson
18-029	Bland	18-079	Ruiz
18-033	Webb	18-092	Baker
18-039	Bland		

The meeting was adjourned at 7:09 p.m.

Minutes prepared by Tamicha Husband, Administrative Secretary



JULIO ESTRADA
Executive Officer



SUSAN N. YOUNGFLESH
Secretary to the Board