

**MINUTES  
CITIZENS' LAW ENFORCEMENT REVIEW BOARD MEETING  
March 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 Jordan Gascon, Delores Chavez-Harmes and Lourdes Silva.
- Public Comments**
- CLERB Case #19-016: Statement received from the complainant in lieu of appearance before the board.
- Minutes Approval**
- The February 2019 meeting minutes were approved by motion by Sandra Arkin and seconded by Robert Spriggs; Darrel Harrison abstained from the vote.
- Presentation/Training**
- Body Worn Camera presentation by the San Diego County Sheriff's Department, Sergeant Collins and Deputy A. Roti.
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- CLERB Presentation  
03-12-19.pdf
- Mr. Harrison: Do you feel that one hour is adequate time to review policies and procedures? Answer: Yes, sir I do. They are also required to read all policies and procedures.
  - Mr. Harrison: How extensive are your policies and procedures? Answer: They are very extensive. For example, Policy 6.131 is about seven pages, which does not include the Patrol Manual excerpts. The policies are available on the Sheriff's Department website.
  - Ms. Arkin: As of March 2018, does every deputy working in the field with public contact have a body worn camera? Answer: They were trained on body worn cameras.
  - Ms. Arkin: So, they are not all wearing them? Answer: It depends on their day-to-day job. Patrol Deputies, Traffic or Detectives all have assigned cameras and they are wearing them. Someone that works in a recruiting office all day would not be issued a camera, but there are banks of spare cameras throughout the County that may be checked out.
  - Ms. Arkin: The Patrol Deputies are required to wear them? Answer: Yes, ma'am.
  - Ms. Arkin: So, any time a Patrol Deputy makes a public contact after March 2018, it should be recorded? Answer: Yes, ma'am, for Law Enforcement related contacts. They are not required to record Public Relations contacts.
  - Ms. Arkin: What are the ramifications if they deputies do not record the contacts? Answer: Our unit does not specifically deal with the ramifications of nonperformance, that would be up to the Commands at the individual stations.
  - Ms. Arkin: What is the policy regarding deputies reviewing their body worn camera videos before writing the reports? Answer: The policy and procedure states that deputies can view their own body worn camera video prior to writing reports or being interviewed. It is at the discretion of the supervisor if they will be allowed to view videos from other deputies that were present during the contact.
  - Ms. Arkin: Do they note in the report if they reviewed the video. Answer: Yes, they are required to note in the report whether they watched their video.
  - Mr. Lasswell: The detentions staff do not wear body worn cameras, correct? Answer: No sir, they do not.
  - Mr. Lasswell: The courthouse staff also do not wear them even though they are dealing with the public, correct? Answer: That is correct. The staff within the courthouse do not wear cameras. I believe every courthouse has a bank of cameras to be checked out if they need to make contact outside of the courthouse building.
  - Ms. Hoang: You stated that a victim or witness may request that they not be recorded. Are they informed that they are being recorded? Answer: We are not required to announce that we are recording; if we have a legal right to be on the scene.
  - Ms. Hoang: In general, when reading reports generated by those deputies working in the field, should we expect that their cameras should have been turned on? Answer: Yes.
  - Ms. Hoang: In your opinion what would be the reasons a deputy may not turn their camera on and as asked by Ms. Arkin, what consequences would that lead to? Answer: There could be a variety of reasons why the camera was not turned on. The obvious one would be an ambush situation or if they came on something immediately. The Lieutenant for that Command would review that deputies' previous assignments to see if there were other instances where the camera was not turned on. If there were a problem this would be treated as any other disciplinary issue where a deputy is not performing to standard. Nonuse of the Body Worn Cameras could be discovered in many ways for example if there were a use of force. We review use of force videos, so it would be discovered there.
  - Mr. Wilson: What kind of feedback does the deputy received after turning on the camera? Answer: There is a red bar at the top to inform them that the camera is on, there is a green flashing light indicating that the camera is buffering, the camera beeps twice and vibrates to indicate that it is on and recording.

- Mr. Wilson: Does the policy state that there will be ramifications for nonuse of the Body Worn Camera? Answer: To my knowledge, there are not specific ramifications outlined, but the policy states that they shall turn it on.
- Mr. Wilson: Why did you pick 30 frames per second, which is on the break point? Answer: That was the industry standard. The minimum was 15 frames per second, so we are above the minimum. What we have heard from other agencies is that 30 frames per second is fairly close to what the eyes see.
- Mr. Wilson: Who stores the video? Answer: The County Sheriff's Department stores their own video.
- Mr. Wilson: What is the security? Answer: It is very secure just like all our other records. I do not know the specific security measures that are in place.
- Mr. Wilson: What is the shelf life? Answer: Are you asking about the retention? Currently, we keep everything forever.
- Gary Brown: What does the policy say about release of those videos to the public? Answer: The policy says that it will not be released without the approval of the Sheriff or his designee. With PRAs we are working closely with our legal to ensure that we are following everything that we need to.
- Mr. Brown: What kind of guidance does the Sheriff have regarding releasing these videos? Answer: The Sheriff works Collaboratively with the District Attorney. There are some issue with releasing this information when it hinges on an ongoing investigation. We must balance the public's want and need to know with the effectiveness of what we are trying to do with the case.
- Mr. Brown: Is there a refresher course offered if a person leaves a job which previously used body worn cameras and then returned? Answer: Yes, there are monthly training courses that are open to anyone wishing to attend.
- Mr. Brown: Is someone working on getting the technology to replace having to turn the cameras on and off? Answer: I do know that there are companies developing that type of software.
- Mr. Brown: What is the reason for not having body worn cameras in the jails? Answer: There are several reasons for not having them in the jails. One being that there are already cameras in the jails. There are thousands upon thousands of contacts that go on in the jails. Then there is the question of privacy. We need to keep the dignity alive here.
- Mr. Harrison: My question is more for the investigators, have you had experienced any issues or limitations when reviewing the videos? Answer: The only issue so far has been when they choose not to turn on the camera. Every situation is different and it must be articulated as to why the camera was not turned on.

## **Executive Officer's Report**

- Overview of Activities of CLERB Executive Officer and Staff
  - CLERB staff continued to meet with Sergeant Meleen and Sergeant Sanchez on a monthly basis. These meetings help promote communication between our departments.
  - Investigator Lenore Aldridge presented to the new cadets at the Police Academy on February 8, 2019. Both Investigators Aldridge and Setzler presented to at the Supervisors Academy on February 14, 2019.
  - Julio Estrada attended the Chief Administrator Officer Leadership meeting on February 14, 2019. The realignment of several departments was announced at this meeting. The idea is to promote affordable housing, access to health services and address homelessness.
  - CLERB Staff met with the Sheriff's Department Internal Affairs for training purposes. While their caseload is similar to CLERB, their process is very different. The department has seven investigators with one lieutenant overseeing the operation. CLERB has a comparable caseload and currently has only two investigators.
  - Mr. Estrada expressed his appreciation to Human Resources Manager, Shontay Turner for her hard work regarding the recruitment of the open special investigator position. She has provided tremendous support to the department. The recruitment closed on March 8, 2019; HR received 170 applications for the one open position. Of those 170 applicants, about 67 met the minimum requirements. Ms. Turner has been updating the questions for the interview process and recruiting individuals for the interview panel.
  - Mr. Estrada met with the Protection Department Consular Officer at the Mexican Consulate on February 26, 2019. The Consulate has agreed to allow CLERB to piggyback on their outreach activities. The schedule for the next four months is currently filled with activities in the cities of Vista, Fallbrook, San Marcos and Ramona. One of our Departmental Goals is to provide several presentations by the end of the fiscal year.
  - CLERB has had many cases from the Spanish-speaking community, but no Spanish-speaker employees in the department to assist them. From now on, Mr. Estrada will offer the CLERB investigative services to the Spanish-speaking community.
  - CLERB staff has been invited to the first Citizens' Academy hosted by the Probation Department, which will begin on April 24, 2019. This is a great opportunity to learn the "behind the scenes" operations of the Probation Department. Topics will include an Introduction to Probation, the Rules of a Probation Officer, their Recruitment Process, an Overview of Probation Administrative Services, as well as a presentation regarding the Probation Department Partners. There will also be special tours of the Kearney Mesa Facility Community Transition Centers.

- The property manager completed the estimated on the changes needed for CLERB to move to a new suite within the current location. The date has not been set, however, the cost will be about \$12,000.
- Reminders: for those board members that have not yet completed the Form700, please submit it as soon as possible. If you are planning to submit questions for the presentation from Sheriff Gore, please also do so as soon as possible.
- Workload Comparison
  - February 2019 – 19 cases versus 14 cases for February 2018
  - 14 cases were closed in February 2019 versus 8 closed cases in February 2018
  - There are currently 97 total cases with 9 cases in the lodged stage, leaving 88 open and active investigations.
  - There is 1 case that has a tolling exception.
  - There are 32 death investigations, of which, we have received records for 15 of those cases.
  - Allegations
    - Sheriff's Department
      - Criminal Conduct
      - Discrimination, specifically racial
      - Excessive Force
      - Illegal Search and Seizure
      - Misconduct Harassment Medical Procedure Retaliation
    - There are 4 new death investigations for the month of February 2019
    - Probation
      - 2 new cases
      - All involved procedures

#### **Board Chair's Report**

- Kim-Thoa Hoang, the Board Chair, has met with Executive Office Julio Estrada, on a weekly basis over the past month. Mr. Estrada continues to excel, and he is a fast learner. Thank you, Mr. Estrada, for your dedication and enthusiasm on the job.
- The Board Chair asked County Counsel to provide an update regarding the Rules and Regulations revision project. The Board Chair did not meet with Labor Relations to discuss the changes as Mr. Estrada will be the CLERB representative for these meetings with the assistance of County Counsel and the County Labor Relations Manager, Clint Obrigewitch. The Board Chair met with the County Labor Relations Manager, County Counsel and Mr. Estrada to review the generalities. The Board Chair believes that this group will be able to expedite this project. The Board Chair believes that the County Labor Relations Manager understands what CLERB needs and will be able to facilitate meetings with the Unions. It is the Board Chair's understanding that during the first meeting, there were some items that needed to be revised. Considering this, the Board Chair called a meeting of the Rules and Regulations Revisions Subcommittee, the meeting will be held on Wednesday, March 27, 2019, at 2:30 pm, at the County Administration Center. A follow-up email will be sent to the subcommittee members. (Ms. Arkin, Jim Lasswell, Gary Brown and Kim-Thoa Hoang)
- The Board Chair and Mr. Estrada are in the process of standardizing reports. The format for death case reporting is still pending. The goal is to standardize these reports by next month's meeting.
- As mentioned by Mr. Estrada, Sheriff William Gore plans to attend the CLERB meeting in April 2019. All board members are asked to ensure their attendance. Board members are also asked to submit any questions they would like to address with the Sheriff to Mr. Estrada by Friday, March 15, 2019. These questions will be compiled and submitted to the Sheriff before the end of the month.
- CLERB has also asked Probation Chief, Adolfo Gonzalez, to present at the CLERB meeting scheduled for May 2019. Board members are asked to submit any questions they would like to address with the Probation Chief to Mr. Estrada by the end of this month.
  - Mr. Harrison asked if impromptu questions be allowed.
  - Ms. Hoang stated that there will be opportunity to ask impromptu questions.
- The Board Chair and Mr. Estrada also discussed the presentation of CLERB Certificates of Appreciation to those individuals presenting at CLERB meetings. This process will be implemented moving forward.

#### **New Business**

- N/A

#### **Unfinished Business**

- Update on the vacant Special Investigator position
  - We would like to convey our utmost appreciation to the Public Safety Group HR Manager, Shontay Turner. She has worked very hard to review the 170 plus applications and continues to keep the Board Chair and Mr. Estrada updated regarding the progress. Thank you in advance for everything you will do towards the completion of the hiring process. The Board Chair plans to be a part of the interview panel during the second interview phase.
- Update on the Rules and Regulations
  - Labor Relations made a last-minute decision to include Mr. Estrada in the Meet and Confer meeting. Prior to that, the Board Chair attended these meetings. As a matter of procedure, the Board Chair would not participate. The first Meet and Confer was held on Friday, March 8, 2019.

There were two separate meetings: one with the DSA and one with the POA. A meeting with the Rules Subcommittee will be scheduled to discuss the changes and possibly resolve pending issues without a second meeting.

**Board Comments**

- Susan Youngflesh: As we follow Roberts Rules of Orders, when Mr. Harrison abstained from voting on the minutes, he needed to state the reason for his abstention.
- Mr. Harrison: I abstained from voting as I was not present in the last meeting. I attended a fascinating seminar regarding Bias and Privilege. I suggest incorporating some of those ideas into our trainings as a frame of reference as we interact with diverse cultures.
- Mr. Brown: I would like to say thank you to the Sheriff for following SB 1421. Some agencies or unions are fighting the release of public records in courts. I think Sheriff Gore has made a good decision to be as transparent as possible.
- Gary Wilson asked about the case in reference to the tolling exemption.
- Investigator Lynn Setzler answered: It was an active criminal case.
- Mr. Brown asked in regards the Sheriff's position regarding Assemblyperson Weber's Bill regarding "Use of Force" or Senator Caballero's Bill regarding "De-escalating Situations"
- Ms. Hoang stated that those questions will be incorporated into the questions we are compiling for Sheriff Gore.

**Sheriff/Probation Liaison Query**

- Mr. Brown asked what the appropriate housing classification was, if an individual is going to jail and has previously been diagnosed of various mental illnesses.
- Lieutenant Gilmore: That would involve our mental health clinicians and our classification staff.
- Mr. Wilson asked about the impact to the Sheriff's Department with the closing of the Tri-City Psychiatric Unit.
- Lieutenant Gilmore answered that he believed it had an impact on Operations for Law Enforcement personnel as Tri-City was a valuable resource. The department had been forced to consider other options, which are being strained as a result. I am sure that it has impacted our jail population, but I do not have the numbers as to how much.

The Board entered closed session at 6:42 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
17-127	Kenyon	18-154	Rivers
18-024	Dragt	19-016	Howerton
18-064	Bland	19-027	Odanga

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

*Minutes prepared by Tamicha Husband, Administrative Secretary*

  
 JULIO ESTRADA  
 Executive Officer

  
 SUSAN N. YOUNGFLESH  
 Secretary to the Board



# Body Worn Cameras



# Purpose

Familiarize CLERB with BWC Policy  
6.131, BWC Patrol Procedures  
Manual 45 and Body Worn Cameras  
(BWC)



# BWC Training Schedule

- BWC Trial period: **2/2/16 to 5/13/16**
- Station Investigators, COPPS and Supervisors, Alpine and Ramona Patrol Stations: **8/15/17 to 9/20/17**
- Deputies Assigned to Patrol Stations: **10/03/17 to 12/06/17**
- Law Enforcement Personnel not Assigned to a Patrol Station: **January – March 2018** (All deputies sergeant and below trained on department with medical/admin exceptions)
- Ongoing BWC training for new graduates and lateral hires: **March 2018-present** (Approximately 1,313 Deputies trained to date)



# New Deputies and BWCs

- Deputies utilize BWCs during the Academy to build muscle memory
- New Deputies going to Patrol Stations - Attend BWC Training within 30 days of graduation
- New Deputies going to jail facilities or Courts Services Bureau (do not wear BWCs) are scheduled for training prior to being transferred to patrol



# BWC Training Outline

- 4 Hour Training
  - 1<sup>st</sup> Hour-Policy and Procedure
  - 2<sup>nd</sup> Hour-Patrol Operations and daily use
  - 3<sup>rd</sup> Hour-BWC functions and practical exercise with BWCs and iPods
  - 4<sup>th</sup> Hour-Continued practical exercises and Commander program use



# Policy & Procedure Goals

- Capturing crimes in progress
- Documenting deputy response
- Aiding in statement / report documentation
- Serve as a training tool



# When to Record

- Deputies **shall** activate the BWC to record all law enforcement related contacts.
- While away from department facilities, deputies shall keep their BWC powered on and in stand-by mode.
- The record mode of the camera **shall** be activated prior to actual contact with the citizen, or as soon as safely possible.
- Continue recording until the contact is concluded or no longer any evidentiary value
- Use training and experience when deciding when you no longer need to record an event (Can restart)



# When to Record

- Deputies/community services officers shall record victim and witness interviews. However, if the victim or witness refuses to provide a statement with the recorder turned on, the deputy may shut off the recorder after adhering to the following procedure:
  - Before turning off the recorder, the deputy shall verbally notate on the recorder the reason for shutting it off and the time it is shut off.
  - During the interview, if it becomes appropriate to reactivate the recorder, the deputy will immediately or as soon as practical, do so.



# When to Record

- When recording interviews, deputies shall ensure they record any admonishments prior to the start of an interview.



# When NOT to record

- Pre-shift conferences
- Department locker rooms
- Break rooms
- Restrooms
- Report writing room
- Tactical briefings
- Undercover deputies
- Confidential informants



# When NOT to record

- Medical or psychological evaluations by a clinician or similar professional, or during treatment. This includes during PERT clinician interviews
- Court proceedings

*-Regardless of the setting, deputies confronting a violent or assaultive suspect, or anticipating using force, shall activate their BWCs to record the encounter.*



# Patrol Procedures Manual

- Digital evidence captured by the BWC has limitations and is not all inclusive.
- Deputy/Officer safety shall be the primary consideration, *not* the ability to record an event.
- The safety of deputies and members of the public is the highest priority.



# BWC Limitations

- A camera does not follow your eyes or see as they see
- Some important danger cues can't be recorded
- Camera speed differs from speed of life
- A camera WILL see better than you do in low light
- Your body may block the view
- BWC only records in 2-D
- The absence of sophisticated time-stamping may prove critical
- One camera may not be enough
- A camera encourages second guessing
- A camera can never replace a thorough investigation



# Questions?

Video Analysis Unit  
[VAU@sdsheriff.org](mailto:VAU@sdsheriff.org)



San Diego County Sheriff's Department  
Video Analysis Unit