

MINUTES
CITIZENS' LAW ENFORCEMENT REVIEW BOARD MEETING
April 9, 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.
- Public Comments**
- CLERB Case #19-016: Tom Lewis addressed the Board.
- Minutes Approval**
- The March 2019 meeting minutes were approved by motion by Sandra Arkin and seconded by Gary Wilson; Jordan Gascon, Lourdes Silva and Delores Chavez-Harmes abstained from the vote.
- Presentation/Training**
- Sheriff William Gore
 - Sheriff Gore expressed his appreciation for what the CLERB brings to the Sheriff's Department and to the County. He recognized the work of the volunteer members of the Board. He stated that he is a firm believer in community policing, which revolves around the trust between the Sheriff's Department/Law Enforcement in general and the communities they serve. He added that civilian oversight is a critical aspect of transparency, so people can trust that there is a group they can complain to, and that they can talk to, that will give an independent review of the Sheriff's Department. He sees each Sheriff Deputy as a community policing officer. The department treats captains much like a Chief of Police. All the captains are expected to have a Community Advisory Group, they are expected to be out, serving members of the public in order to have a feel for the communities they are serving. In 2009 the Sheriff Department implemented the most extensive online public reporting. All information releasable by law, concerning investigations conducted by the Sheriff's Department, is available on their website. Each year, incidents of Use of Force are published. The Department also publishes the number of calls responded, and the number of self-initiated calls; the number of arrests made, as well as, the number of arrests that result in the use of force. Sheriff Gore stated that it is important that people understand what the department does, and that there is no intent to hide anything. One of his main frustrations is when there is an allegation of criminal misconduct, and they conduct a thorough investigation but are unable to inform the public of what was found or what they did as result of the investigation. He thinks that the public's perception is that the department can't talk about it, and it is swept under the carpet. The Sheriff spoke about Senate Bill 1421, in which certain peace officer records such as weapons discharge, use of force, allegations of sexual assault or untruthfulness are now subject to public records requests. He mentioned that there are a lot of lawsuits moving through the system, and they chose not to participate in those. Beginning on January 1, 2019, the Sheriff's Department started releasing some of the results of those types of investigations. Some of the records being release date back to the 1970's and 1980's. The Sheriff's Department has high standards and holds employees accountable. Sheriff Gore hopes that the public's take away from Senate Bill 1421 is transparency. Another part of the Department's transparency is ethnically representing the diversity of the communities they serve. Adding diversity was one of the Department's core values in 2009. The Department works very hard to live up to that core value. In the area of Asian-Pacific Islanders, there are more Sheriff Deputies than there are in the community, we have more African Americans in the sheriff's department than there are in the community, in the area of Latino/Hispanic, we are over half a percentage point than there are in the community. While those numbers are good, the department is always trying to do better. One of the big challenges now is to get those numbers into the command levels at the Sheriff's Department. Much like the military, it takes a long time to rise to the rank of Captain/Commander, Assistant Sheriff, Undersheriff; your average Captain has about 18-22 years with the Department. Sheriff's Gore predicts that more diversity is going to be reflected in the senior management of the Department. The challenges Sheriff Gore sees for the future include the Criminal Justice realignment, which may result in transferring inmates from State custody to County custody. An impact in the demand of services related to mental health, substance abuse, an older population and the need to enhance the medical and mental

Executive Officer's Report

health services. As far as accomplishments, he mentioned a decrease of recidivism which at 3%, is the lowest in three years. Also, the increase in interaction with other agencies, including OIS and CLERB.

- Overview of Activities of CLERB Executive Officer and Staff
 - Eleven new complaints were received during the month of March 2019. Four of those cases were procedurally closed, bringing CLERB's current number of cases to 43.
 - There was one new death case reported, which brings the current number of death cases in the year 2019 to six. There are a total of 33 open death investigations.
 - Julio Estrada attended the Public Safety Group Leadership meeting on March 7, 2019, where Board of Supervisor initiatives were discussed.
 - There was a Meet and Confer with the Sheriff's Department, as well as with the Probation Department. County Counsel will provide an update.
 - There was a meeting with outside Counsel on March 18, 2019, for review of SB1421.
 - Mr. Estrada attended an outreach event in Ramona on March 22, 2019.
 - CLERB had a Meet and Greet with the Probation Department on March 26, 2019. The opportunity came up to have CLERB possibly participate with the Probation Department's outreach activities.
 - A community outreach event is scheduled for April 27, 2019, in San Marcos.
 - CLERB was audited and there were no adverse findings; there was a clear transition from the previous Executive Officer.
 - The total cost of the relocation for CLERB office was approved. Although there is no definitive date, the hope is to be able to complete the move by the end of May 2019.
 - Mr. Estrada met with the Public Safety Group's Group Program Manager, Jennifer Effie, to discuss an open data portal, which will provide the public with real time CLERB information.
 - CLERB staff are in the process of completing the 2018 Annual Report.

Board Chair's Report

- The Board Chair continues to meet with the CLERB Executive Officer.
- The Board Chair and CLERB Executive Officer met with Probation Chief, Adolfo Gonzales for a Meet and Greet. The entire probation leadership team was in attendance. The Board Chair publicly acknowledged Supervising Probation Officers Brian Barnum and Ross Lewin for coordinating the meeting. It was made clear in this meeting that Probation Chief Gonzales has a thorough understanding of the role and investigations of CLERB and encourages his staff to work with CLERB on any and all investigations. The Board Chair was impressed with the leadership team. Training opportunities and tours were offered to CLERB. The Board Chair asked to Inform Mr. Estrada if any members were interested in a tour of one of the detention facilities under the Probation Department's jurisdiction.
- The Board Chair had a Meet and Greet with the Public Safety Group Deputy Chief Administrative Officer and General Manager, Ron Lane. He indicated his true appreciation of CLERB, especially the independence of CLERB as a body. The Public Safety Group supports CLERB activities and will assist in any way they can. It is not their intent in any way to interfere with the independence of this board. It was indicated to Mr. Lane the need for new board members because at least three of our current board members will term out by June 30, 2019. He stated that he would work with the Chief Administrative Officer on this as board members are appointed by the Board of Supervisors upon the nomination of the Chief Administrative Officer. The Board Chair asked members that if they have any recommendations for the board, to have the individuals contact Mr. Lane or Mr. Estrada.
- The Board Chair and CLERB Executive Officer were interviewed by Kelly Davis last month. Ms. Davis was publicly recognized by the Board Chair for her interest in covering the activities of the board.
- Rules and Regulations Subcommittee – Addressed under agenda item number 8.
- Lieutenant David Gilmore took on a new assignment with the Major Crimes Division and will be replaced by Lieutenant Scott Amos beginning April 12, 2019. Lieutenant Amos served as the CLERB Liaison in the past. Board Chair Kim-Thoa Hoang, intends to have a letter of appreciation sent to the Sheriff's Department to thank Lieutenant Gilmore.
- The Board Chair received a letter of resignation from Board Member Mr. Gascon, effective at the conclusion of today's meetings.
 - Mr. Gascon: "Serving the County of San Diego was the greatest experience that I have ever had. It was a hard decision to make, but due to work responsibilities, I am unable

to dedicate the time to fully put into this position. I hope to re-apply in the future and re-join the board.”

- Board Chair expressed her appreciation to Mr. Gascon and stated, “you will be missed.”

New Business

- N/A

Unfinished Business

- Update on the vacant Special Investigator position
 - Shontay Turner with Human Resources is assisting with the recruitment.
 - There was a total of eight candidates invited to interview for this position. Four of the candidates will be interviewed on April 10, 2019.
 - The second round of interviews is scheduled for April 15, 2019. The Board Chair and CLERB Executive Officer will be included on the interview panel.
- Update on the Rules and Regulations – Labor Negotiations
 - The Rules Subcommittee met earlier in the month and developed some edits based on discussions with the Deputy Sheriff’s Association and the Probation Association.
 - Labor Relations will coordinate with the Labor Unions.
 - The subcommittee needs to meet and come to an agreement regarding the language between “action justified” and “exonerated” prior to bringing the item to the full board for a discussion. County Counsel will request feedback from the Labor Unions regarding this item.
 - The next Rules and Regulations Subcommittee meeting is scheduled for April 29, 2019, at 10:00 am.

Board Comments

- Mr. Wilson personally thanked Mr. Gascon for his insight and sage advice.

Sheriff/Probation Liaison Query

- N/A

The Board entered closed session at 6:33 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
18-061	Roberson	19-009	Molinaro
18-065	Dunable	19-030	Milnes
19-007	Lewis	19-036	Vaccar
19-008	Thornton		

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