


**MINUTES  
CITIZENS' LAW ENFORCEMENT REVIEW BOARD MEETING  
July 9, 2019**

**Attachment A**

- Roll Call**
- The meeting was held at the County Administration Center and came to order at 5:31 p.m. All Board members were present except Lourdes Silva.
- Public Comments**
- There were no public comments.
- Minutes Approval**
- Gary Wilson made a motion to approve the June 2019 meeting minutes. County Counsel requested that *“the Attorney’s Association”* be corrected to *“the Deputy Sheriff’s Association and the Probation Officers’ Association”*. The motion was approved by a vote of seven, with Susan Youngflesh and Darrel Harrison abstaining from the vote.
- Presentation/Training**
- AB109 Probation Post-Release Supervision Programs presented by Probation Officer Brandon Abriel  
  
CLERB 2019 - AB109 .pdf
    - Michael Flitterman asked if the Sheriff and Probation Departments funding would continue to grow in order to meet the increasing demand for this program and how are the deputies trained in understanding the large number of acronyms pertaining to this program. Probation Officer Brandon Abriel stated that he could not provide financial information but was aware that the program is a priority. Regarding the training, a lot of training is provided when the Deputy Probation Officers come onboard. They attend the State Academy and we provide continual training. The training increases as the intensity of the caseload increases so that it matches.
- Executive Officer’s Report**
- Overview of Activities of CLERB Executive Officer and Staff
    - Staff received ten new cases during the month of June 2019. Six cases were closed while three were carried over from the last meeting. There are currently ninety-nine open investigations. Of those there are eleven instances where we have not received signed complaints, which gives us a total of eighty-eight open and filed investigations. The number of death investigations remains thirty-one. Staff would like to thank the Sheriff’s Department for providing documentation, leaving staff with seven cases pending documentation.
    - New allegations against the Sheriff’s Department include false arrest, false reporting, intimidation, medical and procedure. New allegations against the Probation Department include false arrest, false reporting, misconduct, discourtesy, harassment, procedure and truthfulness.
    - The number of complaints has decreased. In June 2019 there were seventy-five cases versus ninety-one cases in June 2018. Staff closed all the 2016 cases and seven cases remain from 2017.
    - There are five cases due next month; all but one is in the review process. The team is doing a great job opening investigations and closing cases.
    - As a reminder, all Board Members are invited to contact staff as soon as your packet is received so you may come to the office to review video footage for cases that will be reviewed at the upcoming month’s meeting.
    - Special Investigator Ellen Bohan is making nice progress. She has been onboard two months and already has fourteen cases. I would like to acknowledge the team’s assistance in helping her to succeed.
    - There were three budget meetings during the month of May 2019. The CLERB Adopted Budget increased from \$986,000 to \$1,005,344.
    - SB1421 has generated a huge Public Records Act Request for CLERB Staff. It has been keeping us busy for over a month. Thank you, Tamicha Husband, for your work.
    - Several departments are contacting us requesting information on how we do business. Last month we received a call from Washington and from the La Mesa Police Department. They are revamping their Citizens’ Oversight Department. They are interested in the training Board Members receive.

- Board Member, Lourdes Silva and Executive Officer, Julio Estrada graduated from the Probation Department Academy. It was a great experience and provided many learning opportunities. The presentation from Officer Abriel is the tip of the iceberg. There is a huge human component. The Probation Department is committed to assisting their clients reach goals and milestones. The transition center has an open-door policy, which is good for their re-incorporation into society.
- The lease amendment was accepted by both the County and the Landlord. Paint and carpet samples have been reviewed and the plan is to move to the new office space by the end of August or mid-September.

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

- Staff acknowledgement: Executive Officer, Julio Estrada; Special Investigators, Lenore Aldridge and Ellen Bohan, Administrative Assistant, Tamicha Husband and our County Counsel representative Shiri Hoffman.
- Kim-Thoa Hoang thanked the Chief Administrative Office and the Public Safety Group's Deputy Chief Administrative Officer, Ron Lane, for their efforts in vetting and appointing new Board Members. We hope to have the fourth Board Member sworn in next month, which will complete the CLERB Board. The new Board Members will attend a training program put together by Julio Estrada. This training will begin once the fourth Board Member is onboard.
- The National Association for Civilian Oversight of Law Enforcement (NACOLE) is hosting the 25<sup>th</sup> Annual Conference in Detroit, Michigan, September 22-26, 2019. CLERB Staff and some Board Members will attend the conference for learning and network opportunities. Interested Board Members should send an email to Julio Estrada. This opportunity is first come, first serve and budget permitting.
- The Probation Department has invited Board Members to participate in ridealongs or visits to Probation Facilities. Interested Board Members should send an email to Julio Estrada.

#### **New Business**

- There was no new business to discuss.

#### **Unfinished Business**

- Board vacancies
  - Three new Board Members were sworn in: Michael Flitterman, Michael Gray and Arnold Winston. The CLERB Board will be full once a fourth new Board Member is sworn in. Training for the new Board Members will be completed in the new couple months.
- CLERB Rules and Regulations Update
  - County Counsel informed the Board that the final draft of the Rules and Regulations had been submitted to both Labor Unions and both approved with minor corrections. The draft Rules and Regulations will be presented to the CLERB Board at the next meeting. Kim-Thoa Hoang thanked County Counsel staff for their assistance with the two-year project of updating the CLERB Rules and Regulations.
- Jail Inspection Subcommittee Update
  - New members were added to the existing Jail Inspection Subcommittee. The committee consists of Susan Youngflesh, Gary Wilson, Gary Brown, Michael Flitterman, and Kim-Thoa Hoang. Susan Youngflesh remains the chair of this subcommittee. Susan Youngflesh asked if the subcommittee would fall under Brown Act Law if there was a formal action. County Counsel stated short-term subcommittees, created for a specific purpose and that will be dissolved, do not fall under the Brown Act Law if there is no quorum.
- 18-080/Policy Recommendation
  - CLERB staff visited the San Diego Central Jail on July 2, 2019, at 10 am, during this time the layout of the Enhanced Observation Housing module and recreation yard allotment was obtained. Staff are requesting to rescind this Policy Recommendation; no further Board action is required.

#### **Board Comments**

- Gary Brown mentioned that there was an interesting report on NPR Radio about the effects of naloxone. The good news is that lives are being saved, however, individuals with addictions are aware of this drug and are depending on it.
  - <https://www.npr.org/2019/06/24/735423620/life-death-and-the-lazarus-drug-confronting-americas-opioid-crisis>
- Michael Flitterman asked for Julio Estrada's email address, he was provided with Julio Estrada's business card.

**Sheriff/Probation  
Liaison Query**

- Kim-Thoa Hoang informed the Board Members that the Liaisons will be excused after the open session portion of all meetings, effective today.
- Michael Flitterman asked the location of the CTC for North County. Supervising Probation Officer Ross Lewin stated that the only existing CTC is in Old Town. Michael Flitterman asked if there were plans to open another location. Supervision Probation Offer Ross Lewin stated that he was unaware of upcoming plans for an additional location and that the existing CTC has a capacity of 40 or 50.
- Sergeant Aaron Meleen informed the Board of the upcoming Sheriff Deputies Continued Professional Training (CPT). This year there will be a 4-hour De-escalation training and Day three will be the 8-hour Tactical Mobile Force training. The current session will be attended by Julio Estrada and Ellen Bohan. Lenore Aldridge and Lynn Setzler are scheduled to attend these same trainings at a later time. CLERB Board Members will be invited to attend this training once the staff have completed the training. The dates will be coordinated through Julio Estrada. Sergeant Aaron Meleen reminded the Board Members to contact Julio Estrada if they would like to schedule ridealongs with the Sheriff's Department.
- Gary Wilson asked if the firearm simulation training will be offered again. Sergeant Aaron Meleen stated that he would check and coordinate this training with Julio Estrada.
- Gary Brown asked if Board Members would be able to attend the De-escalation training. Sergeant Aaron Meleen stated that he would coordinate dates for the Board Members once all staff were trained.

The Board entered closed session at 6:53 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).

<b>CASE NO.</b>	<b>LAST NAME</b>	<b>CASE NAME</b>	<b>LAST NAME</b>
17-110	Birtcher	18-106	Phom
18-098	Marcum	18-112	Yousif
18-099	Marcum	18-115	Phom
18-101	Griffin		

The meeting was adjourned at 7:24 p.m.

*Minutes prepared by Tamicha Husband, Administrative Secretary*

  
JULIO ESTRADA  
Executive Officer

  
P. DARREL HARRISON  
Secretary to the Board

# Assembly Bill 109

# Intent of AB 109 - Realignment

- Reduce Prison Population (comply with Supreme Court Ruling)
- Reduce Budget
- Sentencing Reform (Alternatives)

# Legislative Intent

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- Commitment to reducing recidivism
- Reinvest criminal justice resources
- Realign lower risk clients to locally run community based corrections programs
- Evidence based practices
- Improved supervision strategies
- Improve public safety

# Overview

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<http://www.countynewscenter.com/news/realignment-two-years-later>

# AB109 Facts

- MS clients are Local Prison, PRCS are directly from State Prison
- Instant offense - Serious and violent offenders still serve executed terms in state prison, including gang crimes (Criminal history varies, is often serious and violent)
- 95% of clients go home (to their community)
- Transfers the supervision, housing and treatment from the state to the county



# The Major Changes

- Electronic Surveillance in Lieu of Bail (SDSO)
- Housing (County Jail / Local Prison)
- Post Release Community Supervision
- Mandatory Supervision
- Parole Revocations (County Jail)
- EMRF & LCRF (In custody services / planning)

# Mandatory Supervision per PC 1170(h)(5)(B)

- Court can split the term of imprisonment between any amount of custody and mandatory supervision
- Supervised by Probation Department during time released from custody
  - Standard Terms and Conditions
  - Can be arrested for violation of mandatory supervision just like probation
  - Entitled to one day off term of imprisonment for every day out of custody

# Sentencing

- Complete full term in Custody per 1170(h)(5)(A)  
(NO SUPERVISION UPON RELEASE)
- Split the term per 1170(h)(5)(B)  
(Split between custody/MS)

Not eligible for probation, can still get MS.

# Example of Split Sentence: PC 459

- 3 year term of imprisonment selected
- Court imposes 1 year of custody to be served in jail
  - Client serves 6 months with “good time credits”
- 2 years left on mandatory supervision
  - Actual credits only
- Client violated after 6 months
  - 18 months left to be served
    - Court may order remainder of term
    - Court may split up the 18 months

# Post Release Community Supervision

## Length of PRCS

- 3 years max
- 6 months with no violations may be discharged
- 12 months with no violation shall be discharged
- “Restart” clock after incarceration

# PRO Clients in the Community

- Can be arrested for violations of terms and conditions  
Must notify Probation Department (Flash)
- Probation options for Violations
  - Intermediate Sanctions
  - \*Treatment\*, Very important
  - Flash Incarceration per PC 3453(q) - up to 10 days
  - Revocation per PC 3455- up to 180 days  
(graduated sanctions)

# CTC

- Staff – 7 Days per week - Probation Officers
  - Behavioral Health Clinicians
  - Nurse
  - County Social Worker
- Transporting clients from prison to CTC
- Case Planning (The assigned PO is the case manager, can adapt & update)
- Initial assessments

# Mandatory Supervision

<https://www.youtube.com/watch?v=48JVL2gk38Q>



# MS

- Overview of the Collaborative Plan
- Assessment of the client
- Provide mandatory programming/treatment/education in custody
- Multi-Disciplinary Team Approach
  - Court Process - Pre-Release / Status
  - Seamless transition to community services (Mandatory programming)
  - “Phased” process

# Supervision

- GPS Monitoring for at least 2 weeks post incarceration
- Programming / meetings / class (2x/week) in community, not probation office
- Alcohol/Drug Treatment or Rehabilitation if appropriate
- Meeting with Probation Officer
- Curfew and randomized drug testing
- Must meet milestones throughout time on MS
- Social stability (employment, education, volunteer work)