

**MINUTES
CITIZENS' LAW ENFORCEMENT REVIEW BOARD MEETING
May 12, 2020**

Attachment A

- Roll Call**
- The meeting was held via the BlueJeans Platform and came to order at 5:33 p.m. All Board members were present except Tim Ware.
- Public Comments**
- CLERB Case 20-027: Complainant, Mary Roberge, addressed the Board.
- Minutes Approval**
- Robert Spriggs made a motion to approve the March 2020 meeting minutes. The motion was seconded by Darrel Harrison. The vote was unanimous; the motion carried.
- Presentation/Training**
- Home Grown Extremists
 - The Sheriff's Department takes this seriously and encourages the public to contact their local law enforcement agency if they see anything or have a concern. The Sheriff's Department works with the Joint Terrorism Task Force, as well as, the Law Enforcement Coordination Center.
 - In regard to the Santee incident, in which a person was wearing a hood over his head, deputies were not contacted until after the incident occurred. A thorough investigation was conducted, and the determination was made not to bring charges. The Santee Sheriff's Command published a press release regarding this incident on May 11, 2020.
 - COVID-19 in regard to in-custody inmates
 - The Sheriff Department's inmate population as of May 8, 2020, was 3,885, with a total of four positive tests for COVID-19. There is currently one inmate in custody who has tested positive for COVID-19. This individual has been isolated and is currently being treated by Sheriff's Medical Staff. There are 145 beds reserved as a cautionary measure as it relates to COVID-19. There are 38 inmates in isolation for COVID-19 precautions. The Sheriff's Department tested 139 inmates and 144 inmates tested negative for COVID-19. This number includes tests performed at local hospitals, as well as, those performed by the Sheriff's Department. Updated information as it relates to these numbers are located at www.sdssheriff.net along the left-hand side of the page.
 - Protests: Encinitas and Otay Mesa
 - During the Otay Mesa protest the deputies remained calm in the face of adversity. The Sheriff Department's position has been and will continue to be to educate the public and try to first gain voluntary compliance. Enforcement measures are only taken when necessary and appropriate. In each incident the deputies respected the rights of the individuals wishing to express themselves, however, enforcement measures were taken after educating the public and an effort to gain voluntary compliance. These incidents are assessed and handled as necessary to protect general public safety, as well as, the rights and safety of protesters. Specific comments regarding deputy actions cannot be made at this time.
 - Additional questions should be routed through CLERB Executive Officer Julio Estrada.
- Executive Officer's Report**
- Overview of Activities of CLERB Executive Officer and Staff
 - Staff received five new cases during the month of April 2020, while six were closed. There are currently ninety-five open investigations. There are eight cases in which a signed complaint has not been received, leaving staff with eighty-seven open and active investigations. There are currently twenty-three death investigations. Documentation has been received for all of these cases.
 - New allegations against the Sheriff's Department include discrimination, misconduct/discourtesy, misconduct/medical, and misconduct/procedure.
 - There were no new allegations against the Probation Department.
 - Due to the pandemic, outreach activities have stopped. The last activity was on March 6, 2020, at the Probation Department.
 - All County employees are encouraged to telecommute. Four of the five CLERB staff are telecommuting with no issues. Today is the first time in eight weeks that most of the staff have been together in one room.
 - CLERB is not located in a County facility, as such the building management has closed the building to the public. Signs are posted at the entrance and the public has been encouraged to file complaints via telephone, fax, email and mail. The response has been positive.
 - There are still a few weeks before we will be allowed to re-open. There are a lot of measures and plans that have to be in place, such as staggering shifts, keeping the doors locked and interviewing people prior to talking with them. There will be a new way of doing things.
 - Due to the COVID-19 Pandemic, all County Department budgets will be impacted. The State deficit is expected to be \$53 billion, while the County deficit will be about \$30 million. The Public Safety Group impact is expected to be at \$53 million mainly due to revenue loss.

CLERB was asked to adjust its budget by \$36 thousand, as a worst-case scenario. As a result:

- Immediate and future National Association for Civilian Oversight of Law Enforcement Conferences have been cut.
- New furniture has been placed on hold, as well as, office video cameras and cards readers.
- Board meeting documents will no longer be mailed.
- One cell phone line will be cancelled.
- Meals will no longer be provided during the meetings.
- At the moment, we do not know how the next Board meeting will be handled. It could be a meeting at the County Administration Center with Health Orders precautions or via the BlueJeans platform.
- Staff have received responses from the Sheriff's Department regarding CLERB Case 17-150 and CLERB Case 18-150. Staff are still waiting for a response from the Probation Department regarding CLERB Case 19-018.

Board Chair's Report

- Thank you everyone for your flexibility and your dedication.
- There are three Board vacancies coming up.
 - Gary Brown and Darrel Harrison will be leaving the Board at the end of June.
 - Michael Flitterman resigned from the Board.

New Business

- There was no new business.

Unfinished Business

- Jail Inspection Subcommittee Update
 - As a reminder, the Board adopted the Jail Inspection Handbook at the March 2020 Board Meeting.
 - Board Member Gary Brown was recognized for his participation.
- Allegations/Recommended Findings Review Subcommittee
 - There has not been any action as of yet due to the pandemic.
 - Michael Gray will connect with Executive Officer Julio Estrada and the subcommittee members, and possibly provide an update at the next Board meeting.
- 2019 Annual Report
 - As a reminder for new Board Members, please send a short bio to Executive Officer Julio Estrada.
 - The plan is to present the annual report draft at the June 2020 Board meeting.
- Civil Service Commission Appeal on CLERB Case 17-150/Horsey
 - This item will be discussed during closed session.

Board Comments

- Lourdes Silva suggested the availability of BlueJeans as an option in addition to a face-to-face meeting for the June 2020 Board meeting.
- Gary Brown stated that it would be safer to have staff join the meeting via BlueJeans rather than in the CLERB conference room.
- Eileen Delaney stated that she would prefer to have the June 2020 Board meeting via BlueJeans.
- Susan Youngflesh reminded the Board Members that certain provisions were waived for the May Board meeting and that Board meeting locations would need to be open to the public.
- Robert Spriggs confirmed the upcoming Board vacancies.

Sheriff/Probation Liaison Query

- There was no Sheriff/Probation Liaison Query.

The Board entered closed session at 6:10 p.m.

Closed Session

- a) PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Notice pursuant to Government Code Section 54957
Title: Executive Officer, CLERB
- b) RECONSIDERATION OF CLERB FINAL REPORT
Per CLERB Rules and Regulations 16.5
CLERB Case: 17-150
- c) 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
17-148	Gomez	19-058	Pitoau
18-058	Gallegos	19-062	Aziz
18-118	Rosales	19-067	McNulty
19-020	Wilson	20-007	Serrato
19-021	Pitoau	20-011	Handy
19-028	King	20-027	Roberge
19-046	Speaks	20-030	Brown
19-053	Harris	20-033	Gutierrez
19-055	Chatham		

The meeting was adjourned at 7:39 p.m.

Minutes prepared by Tamicha Husband, Administrative Secretary



JULIO ESTRADA
Executive Officer



ROBERT SPRIGGS, JR.
Secretary to the Board