

- Roll Call**
- The meeting was held via the BlueJeans Platform and came to order at 5:33 p.m. All Board members were present.
- Public Comments**
- There were no public comments.
- Minutes Approval**
- Eileen Delaney made a motion to approve the May 2020 meeting minutes. The motion was seconded by Gary Brown. Changes to the minutes include changing Sheriff's Department to Sheriff Department's under Presentation/Training – COVID-19; in the first sentence and Protests; in the second sentence. There was also a change under the Executive Officer's report, changing Five to five under the fifth dot point. The vote was unanimous; the motion carried.
- Presentation/Training**
- Sergeant Aaron Meleen, on behalf of the Sheriff's Department, thanked Gary Brown and Darrel Harrison for their service to the citizens of San Diego County.
 - Sergeant Aaron Meleen provided answers to questions that he received from CLERB Board Members.
 - Do findings remain in deputy files and if the finding is reversed, is the original finding removed from the employee file?
 - Upon receipt of CLERB Findings, the findings are forwarded to the Sheriff's Command Staff, but they are not stored in the deputy's file. The Division of Inspectional Services (DIS) maintains CLERB's finding for two years from the date the case is closed and the date the department is notified of those findings.
 - Court Services Bureau Policy: Why does the Sheriff's Department state that pat down searches should be done by an employee of the same gender as the inmate, rather than no pat down search by a deputy of the opposite gender of the inmate, except in the company of an employee as the same gender of the inmate?
 - This requirement is for an employee, but not necessarily a deputy. Referencing Penal Code Section 4021 an employee is defined as a Deputy Sheriff, Correctional Officer, Custodial Officer, Medical Staff Person, or designated Civilian Employee, who's duties may include, but are not limited to maintaining custody and control of persons who have been arrested, or sentenced, or both. Ideally, deputies from both genders would be available for a pat down. In the event that the inmate was a male and the only deputy available at that time was a female, but you have someone defined as an employee, such as a Medical Staff Person or designated Civilian Employee as the same sex as the inmate available they would be able to observe the pat down. Civilian staff and medical staff are there to observe, but it would be unsafe for them to conduct the pat down search as they are not specifically trained on how to pat down for weapons, which is why the policy is worded that way.
 - CLERB asked Sheriff Gore to come to CLERB and explain why he declined to stop using the carotid restraint and provide the pros and cons of the carotid restraint.
 - Sergeant Aaron Meleen clarified that effective June 3, 2020, Sheriff Gore released a statement that he is prohibiting the use of the carotid restraint by deputies in the Sheriff's Department.
 - What is a consensual encounter?
 - I am going to read the definition from the California Peace Officers Source Book (CPOs). This is what the Sheriff's Department references for guidance and CLERB Investigators have CPOs and site it from time-to-time as well. A consensual encounter is a contact between an officer and an individual that is strictly voluntary. The key element is that the person remains totally free to leave or to not cooperate with that encounter. You may not restrain the person or exert any type of authority over that person. You do not need any objective reason for initiating this type of contact. An example would be a deputy is walking down the street and they see someone that they want to speak with. They say hello and initiate a conversation with the person. The individual has not been told they have been detained, that they are not free to leave or that they are under arrest. They are free to engage in a conversation with the deputy. They are also free to terminate the conversation and walk away at any time. The consensual encounter can also work in the opposite way in which the deputy may be approached. The individual is engaging in a consensual encounter and there is no law enforcement nexus where they are being detained or being arrested. Again, the key element here is that the encounter is 100% voluntary and the individual may terminate their contact with the deputy at any time.
 - There were two questions regarding the Racial and Identity Profiling Act (RIPA) data that was sent out via a Sheriff's Press Release. Are both deputies' perceived race of and individual counted as one or two perceptions for the RIPA and Department of Justice (DOJ) data? & Are there any statistics on what the overall findings were? This information is also posted on www.sdsheriff.net.

- One deputy enters the RIPA data when multiple deputies contact a suspect; it is typically the primary deputy. This is done to prevent duplication of information.
- This information is not currently tracked.
- Additional questions should be routed through CLERB Executive Officer Julio Estrada.

Executive Officer's Report

- Overview of Activities of CLERB Executive Officer and Staff
 - Due to the Health Order, restrictions are still in place and there have not been any community outreach activities.
 - Plans are being developed to re-open offices across the County, including CLERB. CLERB staff's re-opening plan includes symptom screening and temperature checks.
 - CLERB staff have received numerous calls from the public regarding the protests and the activities around the County and the Nation. No complaints have been received regarding the Sheriff's Department or the Probation Department, all complaints have been related to the San Diego Police Department.
 - Staff received nineteen new cases during the month of May 2020, while seventeen were closed. There are currently ninety-seven open investigations. There are nine cases in which a signed complaint has not been received, leaving staff with eighty-eight open and active investigations. There are currently twenty death investigations. Documentation has been received for eighteen of these cases. Staff are also waiting for documentation from the San Diego Police Department for one of these cases.
 - New allegations against the Sheriff's Department include criminal conduct, discrimination, excessive force, false arrest, illegal search and seizure, misconduct/discourtesy, misconduct/medical, misconduct/procedure, and misconduct/intimidation.
 - New allegations against the Probation Department include criminal conduct, false reporting, misconduct/procedure, and misconduct/truthfulness.

Board Chair's Report

- Thank you to the CLERB Liaisons, especially now, you are very busy and pulled in many directions. Your ongoing commitment to CLERB and to answering Board Member questions is appreciated.
- This is the last meeting for both Gary Brown and Darrel Harrison. Thank you to both of them. Gary Brown has been with CLERB since 2013 and Darrel Harrison has been with CLERB since 2014.
- As a reminder, new Board Members need to provide a short bio to Executive Officer Julio Estrada.

New Business

- There was no new business.

Unfinished Business

- Jail Inspection Subcommittee Update
 - There are no updates. The subcommittee name needs to be updated to the Detention Facility Subcommittee on future agendas.
 - As a reminder, the Board adopted the Jail Inspection Handbook at the March 2020 Board Meeting.
- Allegations/Recommended Findings Review Subcommittee
 - The Board Chair and Executive Officer have had discussions regarding the lack of need for this subcommittee at this time. This subcommittee will review at a later time. Michael Gray, the subcommittee chair is in agreement with this.
- 2019 Annual Report
 - This report has been delayed due to current events.
 - This report will be presented to CLERB Board Members at the meeting in July 2020. The report will be published for the public at the end of July 2020.

Board Comments

- Lourdes Silva thanked Gary Brown and Darrel Harrison for their service. "It has been great working with both of you."
- Gary Brown thanked Executive Officer Julio Estrada and all of the staff. He also stated that due to ongoing recent events, the CLERB Board could play a valuable role in reviewing various policies within the Sheriff's Department. Much of the CLERB Board focus is on receiving complaints. Gary Brown also noted that this would be a good time for Executive Officer Julio Estrada to aggressively ask for additional staff or resources. CLERB could be a good sounding board for many of the ideas and changes that people may be advocating for.
- Tim Ware stated that he has been working in the County's Emergency Operations Center for the past eighty-nine days, as he is the liaison for the Education Sector, he works closely with the Sheriff's Department. I have had a great opportunity, first with the response to the Pandemic and then secondly with the Civil Unrest, to watch our great deputies and leadership represent San Diego County with their great work. I have seen it first-hand. I wanted to mention that the people are working from their hearts. We have a lot of deputies and a lot of leadership doing a lot of great work for us in this situation.

**Sheriff/Probation
Liaison Query**

- There was no Sheriff/Probation Liaison Query.

The Board entered closed session at 5:59 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) CONFERENCE WITH LEGAL COUNSEL
Notice pursuant to Government Code Section 54956.9 Subdivision (c)
Title: Existing Litigation
- d) 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
17-101	Gill	19-056	Dawson
17-150	Horse	19-061	Pritchard
18-137	Ayala	19-089	Martin
19-001	Bryson		

The meeting was adjourned at 8:12 p.m.

Minutes prepared by Tamicha Husband, Administrative Secretary


JULIO ESTRADA
Executive Officer


ROBERT SPRIGGS, JR.
Secretary to the Board