

- Roll Call**
- The meeting was held via the BlueJeans Platform and came to order at 5:35 p.m. All Board members were present except Michael Gray, Robert Spriggs and Tim Ware.
- Public Comments**
- CLERB Case 19-065: complainant, Mary Zahau-Loehner, addressed the Board.
 - CLERB Case 19-065: Keith Greer, Attorney for complainant, Mary Zahau-Loehner, addressed the Board.
 - CLERB Case 20-060: complainant, Timothy Reeser, submitted comments to the Board.
- Minutes Approval**
- G.I. Wilson made a motion to approve the July 2020 meeting minutes. The motion was seconded by Bonnie Kenk. The vote was unanimous; the motion carried.
- Presentation/Training**
- CLERB Workload Analysis present by Ebony Shelton, County of San Diego Chief Financial Officer/Finance and General Government Group General Manager.
 - On June 23, 2020, the County of San Diego Board of Supervisors directed the Chief Administrative Officer to implement several recommendations that would expand the duties and authority of CLERB.
 - On June 23, 2020 (28), the Board of Supervisors recommended that CLERB's authority be expanded to include:
 - a. Authority to investigate any incidents involving the discharge of a firearm by peace officers or custodial officers employed by the County Sheriff's Department or the Probation Department.
 - b. Authority to investigate the use of force by peace officers or custodial officers employed by the County Sheriff's Department or the Probation Department resulting in great bodily injury.
 - c. Authority to investigate the use of force by peace officers or custodial officers employed by the County Sheriff's Department or the Probation Department at protests or other events protected by the First Amendment.
 - The analysis shows:
 - 1. Expanded authority will result in an increase in workload based on the use of force DOJ data.
 - 2. The current budget for services and supplies should be augmented for additional external legal support, related to the expanded workload.
 - 3. To meet future case processing demands and conduct quarterly jail inspections, increasing the number of budgeted FTEs by two special investigators and one senior investigator will help mitigate potential risks. The senior investigator would allow the Executive Officer more time to handle the projected increase of outreach activities and potential increase interaction with the public.
 - 4. Exploring the idea of a new case management system will help investigators to develop information on the investigative time requirements for each case type and related data management.
 - Recommendations:
 - Add an additional three positions: one senior investigator with a supervisory role; one to support the additional projected workload oversight; and one full-time position to conduct detention facilities inspections and to provide investigative support to the team as needed.
 - Increase the services and supplies budget for legal support and issue a request for information for a new case management system to be subsequently funded.

These recommendations assume that CLERB's authority is expanded following the required meet and confer process and the Board of Supervisors' adoption of an amendment to the Administrative Code.

G.I. Wilson commented on revisiting removing investigative functions from the Executive Officer, noting that situations could arise that would necessitate more experienced or managerial handling. Ebony Shelton clarified that the Executive Officer would not be prohibited from performing investigations.
 - Outside Counsel Overview of CLERBB presented by Attorneys James Sandler and Jessica Kondrick of Sandler, Lasry, Laube, Byer and Valdez, LLP.
 - CLERB was enacted by the vote of the citizens in 1991 and 1992. The initial intent was to create a transparent Board to resolve issues publicly. The initial Board created the Rules and Regulations, some of which are still in place today. At the time of establishment both the Board and County Counsel acknowledged that situations would arise in which County Counsel could not advise the Board due to conflict of interest; outside counsel was retained at the start. It has been my pleasure to represent CLERB during its entire history.
 - CLERB was initially well received by the public, but not well received by the Sheriff's Deputies and their Association. There were several years of litigation surrounding whether CLERB could exist, whether CLERB could perform investigations, whether CLERB could issue subpoenas, whether CLERB could conduct hearings.

- However, early litigation did not solve the question of whether Deputy Sheriffs would cooperate, leaving CLERB investigators to complete one-sided investigations as Deputy Sheriffs were not interested in cooperating.
- There was a meeting between the Sheriff, the Deputy Sheriffs Association, the CLERB Executive Officer and Outside Counsel to work out a compromise, which still exists today. This compromise allows the Sheriff's Deputies to give compelled statements in writing. That breakthrough allowed CLERB investigative staff to complete full investigations and analyses.
- Litigation outside of San Diego resulted in Court rulings which tied Civilian Oversight to the protections of the Peace Officer Bills of Rights in which most disciplinary actions and investigations could not be publicized and Deputy Sheriffs' names could not be used.
- Deputy Sheriffs have the opportunity to appeal an adverse finding via the Civil Service Commission. Sheriff's Counsel and CLERB's Outside Counsel present evidence to a Judge at a mini trial, which is a closed session half-day trial. The Commissioner's finding is the final ruling on the case.
- The idea remains to be transparent. Recent events, including the Public Records Act has opened up certain CLERB records, notably for more serious events.
- Outside Counsel works closely with County Counsel to determine when it is appropriate for Outside Counsel to represent CLERB.

Executive Officer's Report

- Overview of Activities of CLERB Executive Officer and Staff
 - Due to the Pandemic Health Order, social restrictions are still in place and no outreach activities have been conducted.
 - Staff opened three new cases during the month of July 2020, while eight were closed. There are currently eighty-eight open investigations. There are two cases in which a signed complaint has not been received, leaving staff with eighty-six open and active investigations. There are currently seventeen death investigations. Documentation has been received for thirteen of these cases.
 - New allegations against the Sheriff's Department include false arrest, illegal search and seizure, misconduct/discourtesy, misconduct/harassment, and misconduct/procedure.
 - There were no new allegations against the Probation Department.
 - Responses were received from the Sheriff's Department regarding findings and policy recommendations in the following CLERB Cases: 19-021, 19-091 and 19-076.

Board Chair's Report

- The Board Chair has been actively participating in the Executive Officer Recruitment Subcommittee. Lourdes Silva is the chair of that committee and will provide an update.

New Business

- No new business was discussed.

Unfinished Business

- Detention Facility Inspection Subcommittee Update
 - There is no update due to the COVID-19 Pandemic restrictions.
- Update Regarding the Executive Officer Position
- The recruitment is currently open; ten resumes have been received.
- The position has also been advertised on the County of San Diego's website, National Association for Civilian Oversight of Law Enforcement (NACOLE) website, and on CLERB's website.
- The screening panel has been formed and will conduct the first set of interviews once the recruitment has closed.
- Revise process of Selection and Nomination of CLERB Board Members
 - Thank you to the committee, G.I. Wilson, Javier Salaiz, Tim Ware, and Julio Estrada. Thank you to Tamicha Husband for formatting the report. Thank you to Board Chair, Susan Youngflesh, for your important revisions.
 - The committee recommends a two-pronged approach. The first being public awareness. The public should know the history of CLERB, CLERB's mission, as well as, the Board Member responsibilities. The second being increase of community representation. Notices regarding known upcoming vacancies should be sent out 120 days prior to the vacancy. If desired, applicants may be endorsed by Civic Organizations. The committee added the requirement that an applicant must attend at least one CLERB Board meeting. This two-pronged approach will educate the public about what CLERB is and inform the public about the vacancy.
 - This report will be forwarded to the Chief Administrative Officer, Helen Robbins-Myers, to present to the County Board of Supervisors.

Board Comments

- Lourdes Silva stated her happiness that the County of San Diego and the Finance and General Government Group realizes the importance of CLERB and the work that the Department is doing. In addition, understanding that two or three investigative staff is not enough. Also, for understanding how important this Board is for us as volunteers and the communities that we serve.
- Board Chair, Susan Youngflesh, agreed that the support received from the Finance and General Government Group was wonderful.

Sheriff/Probation Liaison Query

- Thank you to the Liaisons for being present and for your continued support of CLERB.
- There was no Sheriff/Probation Liaison Query.

The Board entered closed session at 6:25 p.m.

Closed Session

- a) PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Notice pursuant to Government Code Section 54957
Title: Executive Officer, CLERB

- b) 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 NO.	LAST NAME
11-105	Zahau	19-107	Shepard
19-045	White	19-108	Shepard
19-064	Quintero	20-060	Reeser
19-065	Zahau-Loehner	20-062	Mansour
19-083	Garris-Covington, et al		

The meeting was adjourned at 7:19 p.m.

Minutes prepared by Tamicha Husband, Administrative Secretary



JULIO ESTRADA
Executive Officer



ROBERT SPRIGGS, JR.
Secretary to the Board