

- Roll Call**
- The meeting was held via the BlueJeans Platform and came to order at 5:32 p.m. All Board members were present.
- Public Comments**
- Tom Packard discussed the recent article in the Union Tribune and some of the issues raised in the article. Mr. Packard asked if CLERB knew whether the Sheriff's Department was taking a hard look at the data gathered during the partnership with Yale University, if CLERB shared the same concerns represented by the data, and if so, what has CLERB done or plan to do to get the Sheriff's Department to make progress.
 - Lori Saldana asked if CLERB was tracking the COVID-19 incidents in the detention facilities. She stated that she had recently reviewed the status reports. Ms. Saldana stated that persons in detention facilities have lower health statuses for various reasons and when they get sick have much more severe outcomes. She asked if CLERB considered it their responsibility to keep an eye on how individuals at risk for COVID-19 are treated when they are in custody. Ms. Saldana noted that questions have been raised about healthcare and the deputies' responsibility in providing it. Ms. Saldana asked if this topic could be covered in a future meeting and the status of the Independent Audit that had been discussed. She noted that a subcommittee had been formed few meetings back.
 - Executive Officer Paul Parker reminded the community members that Board Member actions in regard to public comments are to refer the item to the CLERB Executive Officer for further follow-up or to request placement on the agenda of a future meeting.
 - Darwin Fishman discussed a recent article in the Union Tribune and moneys the County of San Diego pays out. Mr. Fishman noted that the article suggests that there are structural problems and inefficiencies with how effective CLERB is. He stated that it is sad to see this type of media. Mr. Fishman asked what CLERB is doing to strengthen so the community would have more confidence in the investigations.
 - Robin Sales discussed the revisions to the CLERB Rules and regulations in regard to CLERB Board Member trainings, specifically Diversity and Inclusion & Implicit or Unconscious Bias. She stated that studies have shown a change in attitude, but not in behavior after taking these types of trainings. Ms. Sales discussed an article citing The County of San Diego's CLERB as an Investigative Model; and noted that investigative staff bias may be based on personal backgrounds and experiences. Ms. Sales asked what type of training would help Board Members uncover their own biases and when uncovering those biases what ongoing comprehensive training would be provided from a reliable resource. She stated that the purpose of the training is to reinforce learning and to be able to self-correct.
 - Karin Reimus thanked the Board Members. Ms. Reimus stated that she wanted to urge the Board to continue holding its virtual meetings after the pandemic ends. She stated the transparency is essential and that the virtual meetings ensure transparency, as well as encourage community participation.
 - Andy McLeod commented on the recent article in the Union Tribune. Ms. McLeod noted that during these circumstances individuals often rely on unconscious bias. She stated that during the course of her research she had uncovered many cases like the one discussed in the article. Ms. McLeod stated that the Sheriff, the deputies, and the detention facility staff are not held accountable. She stated that she believes the work CLERB does is hampered by the amount of access that CLERB has to the material. Ms. McLeod urged CLERB to consider getting the bylaws changed by the County Board of Supervisors in order to gain more access to the evidence. She asked CLERB to consider whether its decisions contained unconscious bias towards the Sheriff's Department. Ms. McLeod stated that CLERB's decisions are eroding public trust instead of building it. She also noted her appreciat8ons for the change made on a CLERB Case in February 2021. Ms. McLeod stated that it was a historic decision and that she hoped to see more like it.
 - Yusif Miller stated that the Townhall including Executive Officer Paul Parker and other CLERB Board Members was appreciated by the community. He strongly encouraged additional community outreach so the public would be informed about how CLERB works and be emboldened to interact with CLERB in times of need. Mr. Miller stated that he was looking forward to CLERB's into oversight over medical care in the detention facilities in order to close any gaps in the system. He also thanked CLERB for its increased investment in investigative staff. Mr. Miller stated that independent investigations of in-custody deaths is sorely needed. He also thanked CLERB for being more engaged and more involved in the community.
- Minutes Approval**
- Gary Wilson made a motion to approve the March 2021 meeting minutes. The motion was seconded by Bonnie Kenk. Lourdes Silva and Tim Ware abstained from the vote. The vote was unanimous; the motion carried.
- Presentation/Training**
- There was no presentation or training.
- Executive Officer's Report**
- Overview of Activities of CLERB Executive Officer (EO) and Staff
 - On March 12, 2021, San Diego Union-Tribune reporter interviewed Mr. Parker about CLERB's 2020 Annual Report.

- On March 17, 2021, Mr. Parker provided a CLERB Overview and 2020 Annual Report presentation to the Encinitas City Council. In the presentation, he also included five-year statistics for the North Coastal Station, which, despite being the law enforcement station with the most lodged complaints during that five-year period, has seen a decrease in cases over the past few years. Of note, only two excessive force allegations were made during that five-year period.
- On March 23, 2021, Mr. Parker attended a CLERB Town Hall hosted by the Racial Justice Coalition of San Diego and the North County Equity and Justice Coalition and presented an overview of CLERB. The Town Hall was well attended, and Mr. Parker was honored to attend with, present to, and answer questions posed by community members. Some of the suggestions made during the meeting included:
 - Add a community liaison to walk grieving family members through the CLERB complaint and investigative process,
 - Increase outreach and conversation engagement with community groups and leaders,
 - Ask the San Diego County Board of Supervisors (BOS) to expand CLERB's authority to provide oversight of those providing medical care to detention facility inmates,
 - Ask the BOS to reopen closed cases as needed and to revisit timeline for closing cases, and
 - Compile an early warning system on the actions of sworn personnel, specifically those with more than one complaint lodged against them or involved in any death.
- On March 25, 2021, Mr. Parker met with the San Diego Sheriff's Department Community Inclusion Director, Nadia Moshirian Binderup. Ms. Binderup will provide an overview of her role and the SDSD's community inclusion initiatives at a future CLERB meeting.
- On March 26, 2021, Mr. Parker met with the City of San Diego Commission on Police Practices Ad Hoc Transition Planning Committee Meeting to discuss the CLERB's Rules and Regulations, with a specific emphasis on CLERB investigations and the Investigative Hearing process.
- On April 6, 2021, Supervising Special Investigator Lynn Setzler, Special Investigator Ellen Bohan, Administrative Secretary III Tamicha Husband, and Mr. Parker attended "Investigation and Systemic Review of Police-Responses to Large-Scale Protests" sponsored by the National Association for Civilian Oversight of Law Enforcement (NACOLE).
- On April 9, 2021, Mr. Parker was a panelist on the San Francisco Department of Police Accountability Community Outreach Panel.
- On April 12, 2021, Mr. Parker provided a CLERB Overview and 2020 Annual Report presentation to the Santee Community Oriented Policing Committee (COMPOC). The mayor, city manager, representatives from the Sheriff's Department, and numerous community representatives are on the COMPOC. In the presentation, he also included five-year statistics for the Santee Station, which, with seven, saw the most complaints of any law enforcement station in 2020 after only having one complaint lodged in 2019.
- On April 13, 2021, Mr. Parker attended the monthly meeting of the Welcome Newcomer Network (WNN), a group for newly asylum seekers and refugees in East San Diego County to simply listen to concerns from the community and resources available to it. If requested, he will present to the group in the future.
- On April 14, 2021, Ms. Setzler and Mr. Parker will meet with Sheriff Gore, new Undersheriff Kelly Martinez, new Divisional of Inspectional Services (DIS) Lieutenant Michelle Craig, and DIS Sergeant Aaron Meleen.
- On April 21, 2021, Mr. Parker will provide a basic CLERB Overview and 2020 Annual Report presentation to the Imperial Beach City Council. In the presentation he will also provide five-year statistics for the Imperial Beach Station.
- On May 3, 2021, Mr. Parker will provide a basic CLERB Overview and 2020 Annual Report presentation to the Del Mar City Council. In the presentation he will again provide five-year statistics for the North Coastal Station.
- On May 4, 2021, Mr. Parker will attend the East County Racial Justice Coalition meeting and present at a future meeting (date and time to be determined).
- On May 4, 2021, Mr. Parker will provide a basic CLERB Overview and 2020 Annual Report presentation to the Lemon Grove City Council. In the presentation he will provide five-year statistics for the Lemon Grove Station.
- Staffing Update:
 - Ms. Setzler's promotion to Supervising Special Investigator went into effect on March 26, 2021.
 - Interviews for the three vacant Special Investigator openings are scheduled for April 20 and 21, 2021.
- The current District 1 CLERB Member opening is being addressed by the District 1 Board Office. County Communications issued a press release about the July 1, 2021 District 1 opening and the application period closed on April 2, 2021.
- County Communications issued a press release about the current District 4 CLERB Member opening. Applications will be accepted until May 1, 2021.
- Mr. Collins's resignation has created a vacancy in District 5. Mr. Parker has been in contact with District 5 representatives and will provide an update on this vacancy at the May meeting.
- The SDSD is in the process of changing how it notifies the public and CLERB on deaths occurring in custody. Mr. Parker referred to Sergeant Aaron Meleen and asked that he provide additional detail during the Sheriff / Probation Liaison Query section of the meeting.

- After discussions during the November 2020 CLERB Meeting, Mr. Parker created a “Body Worn Camera (BWC) and Jail Surveillance Requested and Received Tracking Log.” Starting with cases received in calendar year 2020, thus far:
 - BWC has been requested in 24 cases and received in 20 cases.
 - In two cases, CLERB had no jurisdiction.
 - In two other cases, release of BWC was not possible due to confidentiality laws.
 - There were no reports of a failure to activate or failure to retain BWC.
 - Jail surveillance video was requested in 25 cases and received in 20 cases.
 - In two cases, the video requested was from the George Bailey Detention Facility (GBDF). There is an issue with the video surveillance capabilities at GBDF. GBDF is slated for renovation upon completion of the Rock Mountain Detention Facility and the surveillance capabilities will be addressed at that time.
 - In two cases, jail surveillance video was not applicable.
 - In one case, the area of alleged misconduct was not covered by surveillance cameras.
 - CLERB staff will maintain this log moving forward and Mr. Parker will report out on this topic every month.
 - As of this moment, as it pertains to CLERB’s cases, there is no apparent systemic issue or trend pertaining to failure to activate or retain BWC. The monitoring of this issue will continue, however, this will be the last monthly report unless future concerns arise or are noted.
- Investigative Workload and Classification Report for March 2021
 - There were 12 new cases (as compared to 13 for March 2020).
 - At the end of March there were 78 active cases (six in “lodged” status and 72 open and active).
 - There were 21 open death cases.
 - CLERB had documents for 14 cases and was awaiting documents on the remaining seven.
 - There was one new death case in March (one in-custody death).
 - There were four open uses of force resulting in gross bodily injury without a complaint.
 - There was one open discharge of firearm without a complaint.
 - No uses of force at protest or First Amendment protected events without a complaint have been reported.
- Case Progress and Status Reports
 - Mr. Parker discussed the two reports: “CLERB Reports by Due Date” and “CLERB Reports Due by Case Number.”
 - There are 17 cases scheduled to reach their one-year time limitation by April 30, 2021; to include the 60-day Peace Officers Bill of Rights timeline extension mandated by Governor Newsom in March 2020. Eight of those cases are on tonight’s agenda.
- Executive Officer Correspondence to Full CLERB
 - Two media article compilations, one containing 10 articles and one containing five articles, were sent to the CLERB.
 - An article pertaining to questions about the effectiveness of CLERB’s civilian oversight role was sent to the CLERB.
 - CLERB staff will review every aspect of each death investigation during a roundtable discussion prior to the investigative report being submitted for approval.
 - Next month there will be an agenda item proposing an update the CLERB Member Policies and Procedures Guidelines mandating that CLERB members make every reasonable effort to view video footage or other evidence if requested to do so by CLERB investigative staff.
 - An article pertaining to Maryland’s repeal of its peace officer bill of rights was sent to the CLERB at the request of Pastor Spriggs.
 - In response to an inquiry about de-escalation from the public at a recent CLERB meeting, attached are SDDS’s Addendum Section F to its Policies and Procedures Manual. De-escalation is covered on pages one and two of the document.
 - In response to a question from Mr. Wilson, SDDS provided information pertaining to fentanyl overdoses and deaths in custody.
- Pending Responses for Policy Recommendations
 - 17-150 / Horsey – SDDS
 - 18-150 / Morris – SDDS
 - 19-018 / Thornton – Probation
 - 19-091 / Brooks – SDDS
- Policy Recommendation Response
 - 17-020 / Lindhardt – SDDS
 - Based upon CLERB’s recommendation, the SDDS Missing Person Reporting Policy was updated. The recommendation was accepted.
 - 18-080 / Ghio – SDDS
 - Based on staffing resources being unable to constantly monitor SDCJ exercise/recreation areas, to ensure health and safety and the BSCC indicating compliance with the Title 15 standard, the policy is appropriate and will not be changed. The recommendation was not accepted.
 - 19-076 / Burgess – SDDS

- Based upon CLERB's recommendation, SDSD determined that P&P Section 2.20 was not in compliance with Penal Code 8.30.10 and it was revised. However, CLERB's actual recommendations were not implemented.
- 20-004 / Rodak – SDSD
 - To reduce redundancy and eliminate potential for errors when revisions are made, SDSD avoids placing the same language into two different policy sections. Therefore, the recommendations were not accepted, however, Section J.4 was added to the "Related Sections" header on both policies on Sections N.5 and P.9. The recommendations were not accepted.
- Sustained Findings Pending Responses
 - None
- Letter to Tri-City Medical Center (TCMC) re: Adding Fentanyl and its Metabolites to Urine Toxicology Screen re: CLERB Case #20-096 / Armendo
 - Fentanyl use has spiked in San Diego County, but TCMC's urine toxicology screen does not screen for fentanyl or its metabolites. CLERB requested reconsideration of this practice and recommended the inclusion of fentanyl and its metabolites in future urine toxicology screens. CLERB understands that urine toxicology screens are not quantitative, however, the identification of possible fentanyl in a patient's system shortly after admission may subsequently lead to more accurate diagnoses and the provision of the most appropriate treatment. In addition, it may result in more accurate data so that the true picture of community and detention facility fentanyl use can be realized.
 - On April 8, 2021, CLERB received a response from TCMC's Chief Medical Officer Gene Ma, M.D., thanking CLERB for the observation and suggestion. Dr. Ma reported that in June 2020, TCMC implemented a new toxicology screen that detects fentanyl and its metabolites.

Board Chair's Report

- Board Chair Susan Youngflesh thanked Executive Officer Paul Parker for his hard work and for all of the outreach he is doing. Chair Youngflesh stated that CLERB is doing more outreach than it had planned.
- Board Chair Susan Youngflesh thanked staff for their dedication and continued hard work.
- Board Chair Susan Youngflesh thanked all of the CLERB Liaisons for being available to CLERB Board Members.
- David Alberga, Chair of the In-custody Death Inspection subcommittee resigned. Board Members interested in chairing this subcommittee should contact Board Chair Susan Youngflesh. This subcommittee needs an additional member, interested Board Members should contact Board Chair Susan Youngflesh.

New Business

- There are two proposed changes to the CLERB Rules and Regulations:
 - Add section J to section 3.6 regarding Diversity Inclusion and Implicit or Unconscious Bias.
 - Strike from the second paragraph in section 3.9 "*the Executive Officer shall recommend for approval to CLERB specific staff members for approval*" and add "*the CLERB Executive Officer shall have the authority to fill, manage and discipline staff positions.*"
- There was discussion regarding the proposed amendments in regard to the terminology used regarding "Bias Training." Executive Officer Paul Parker noted that the verbiage used was not only what was referenced by community members, but also the verbiage of existing training programs provided to staff by the County of San Diego.
 - Vice-Chair Eileen Delaney made a motion to approve the amendments to the CLERB Rules and Regulations. The motion was seconded by Michael Gray. The motion carried.

Unfinished Business

- Detention Facility Inspection Subcommittee Update Presented by Vice-Chair Eileen Delaney
 - This subcommittee is reconvening with the goal of completing the first inspection in January 2022.
- In-Custody Death Review Subcommittee Update Presented by Executive Officer Paul Parker
 - The subcommittee met, drafted a scope of work, and submitted the draft scope of work to the County of San Diego's Department of Purchasing and Contracting.
 - The draft Request for Proposal has been received; a meeting to discuss this draft proposal is scheduled for April 15, 2021.
 - The Request for Proposal will be published on April 19, 2021, for four weeks. The subcommittee will assist in reviewing and selecting the proposal applicants.

Board Comments

- Lourdes Silva stated that she appreciated Executive Officer Paul Parker's work in regard to community outreach and she noted that she was aware that the jail inspections would begin once the pandemic ended. Ms. Silva stated that she felt that it was important for the public to understand the Board Members' roles as well as, the rules and processes.
- Board Chair Susan Youngflesh thanked Tim Ware and Bonnie Kenk for attending the Townhall meeting. Chair Youngflesh stated that it is great when Board Members have the ability to attend these meetings.
- Gary Wilson informed the Board of his continued education certification completion in Extremism and Advanced Threat Assessment. He informed the Board that he has been recertified as a Certified Threat Manager by Specialized Training Services. Mr. Wilson stated that this certification is recognized by the Association of Threat Assessment Professionals and the American Society for Industrial Security.
- Bonnie Kenk noted that Executive Officer Paul Parker did a phenomenal job at the Townhall meeting. She also noted that she was very proud to be associated with CLERB during that time.

**Sheriff/Probation
Liaison Query**

- Sergeant Aaron Meleen introduced Lieutenant Michelle Craig.
- Lieutenant Michelle Craig stated that she was looking forward to working with the CLERB Board. She noted that she attended the Townhall to learn about CLERB's process. Lieutenant Craig stated she was interested in learning more about the process and working together in the future. Lieutenant Michelle Craig stated that she appreciated the Board and the time they have invested.
- Board Chair Susan Youngflesh thanked Lieutenant Michelle Craig and stated that the Board was looking forward to working with her as well.
- Sergeant Aaron Meleen informed the Board that Sergeant Kristen Brayman would be CLERB's Liaison effective June 1, 2021, and he would be her back up. He also informed the Board that Sergeant Daniel Dennis would be attending CLERB's meetings in order to facilitate the detention specific questions.
- Sergeant Aaron Meleen stated that the Sheriff's Department is working to promote transparency with the community in regard to in-custody deaths. The protocol for in-custody death notifications was changed effective the week of April 5, 2021.
- Gary Wilson thanked Sergeant Aaron Meleen for the fentanyl report; it was very insightful and addressed some anecdotal information received.
- Board Chair Susan Youngflesh thanked Sergeant Aaron Meleen for his time as the CLERB Liaison.
- Time Ware asked the difference between detention facility staff medical training and the outside medical technicians (i.e., paramedics) training. He asked what they do differently and if detention facility staff could receive the same training.
- Sergeant Aaron Meleen stated that the deputies were trained in basic lifesaving and first aid while medical staff received additional training. He noted that the outside medical technicians had even more training. Sergeant Aaron Meleen stated that he could not speak to the medical training and would need to look into it. He reconfirmed that the deputies were trained solely in basic lifesaving efforts and first aid.

The Board entered closed session at 6:36 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 NO.	LAST NAME
19-126	Ralph	20-017	Mota
20-010	Shepard	20-025	Boyd
20-014	Pace	20-035	Dia
20-015	Montoya	21-006	Bullock
20-016	Dia	21-029	McFarland

The meeting was adjourned at 8:39 p.m.

Minutes prepared by Tamicha Husband, Administrative Secretary


PAUL R. PARKER III
Executive Officer


ROBERT SPRIGGS, JR.
Secretary to the Board