

**MINUTES
CITIZENS' LAW ENFORCEMENT REVIEW BOARD MEETING
October 12, 2021**

Attachment A

- Call to Order**
- The meeting was held via the BlueJeans Platform and was called to order by Board Secretary Pastor Robert Spriggs Jr. at 5:40 p.m.
- Swearing-in of New Board Members**
- County Counsel led the swearing-in of four CLERB Board Members: Eileen Delaney, Buki Domingos, Nadia Kean-Ayub, and Maryanne Pintar.
- Vote to Fill Vacant Vice Chair Position**
- County Counsel informed the Board of the need to make a motion and vote to reappoint Eileen Delaney to the position of Vice Chair. Spriggs made a motion to reappoint Eileen Delaney to the position of Vice Chair. The motion was seconded by Bonnie Kenk. The vote was unanimous; the motion carried.
- Roll Call**
- All Board members were present except Susan Youngflesh.
- Public Comments**
- Karen Reimus stated her support of agenda item 8. She referenced a KPBS story related to minorities targeted by police and a Union Tribune article in which a person committed suicide while in custody. Reimus applauded Executive Officer Parker's proposals, noting that it was a vitally important step in the right direction.
 - Mary Best thanked the Board and Executive Officer Parker for their proposals to the County Board of Supervisors and applauded the efforts. Best hoped the County Board of Supervisors would follow-up on the proposals and create real change in the climate. She noted the lack of authority by medical staff to make decisions in their realm. Best also was glad that the Review Board had a new member with a medical background.
 - Martina Coffelt spoke regarding the specifics of CLERB Case #20-094.
 - Natalie Neshat expressed her concern about the continued deaths in the County detention facilities and referenced a Union Tribune article regarding an in-custody death. Neshat stated the inability to investigate medical staff and visit death scenes would hamper CLERB's investigations and noted her support of CLERB's Policy Recommendations related to those items. Neshat also stated that CLERB's mission should be expanded beyond peace officers to include medical staff; in order to achieve accountability for the department and humanity for those in custody.
 - Kathryn Barker provided background for the Racial Identity and Profiling Act (RIPA) and spoke about her analysis of the RIPA data.
 - Debbie C. thanked the Board for their efforts and stated she appreciated the desire for increased transparency from both the Board and the Department. As a community member, she liked the idea of having this information available rather than the opinions of the media in order to truly understand what was going on and appreciated CLERB's ability to bring that transparency.
 - Alysson Hartmann expressed her concern for the entire community including law enforcement officers. Hartmann stated the need to keep good officers employed in order to reduce incidents and cited as an example, a "rookie" officer leading to an incident no one would want to see. She noted that many peace officers are mandated to get vaccinated against their own wishes and posed the question of what will happen to the safety of the citizens of San Diego when all of these peace officers are fired. She asked who they would be replaced with and noted that it could lead to unwanted incidents. Hartmann stated that forced vaccinations was a violation of an international law.
 - Yusef Miller stated that the County of San Diego was currently undergoing an audit regarding in-custody deaths and noted there was approximately one death per month. Miller stated this was a serious issue and there was a need for system, protocol, and cultural change in order to save the lives of community members who enter the system, mainly just for misdemeanors.
 - Julia Darling stated that she supported Executive Officer Parker's request to work with the County or Legislators to change policies that will allow for greater transparency, more accountability, access to medical records, as well as death scenes. Those changes would be crucial in assisting the Board in carrying out its duties.
 - Crystal Irving spoke regarding a letter that SEIU Local 221 sent to CLERB regarding agenda item 8b and asked that their proposed changes for oversight of medical staff be included in CLERB's proposal. Irving stated that these revisions would provide critical information regarding the unsafe working conditions in the County detention facilities.

- Clovis Honoré voiced his support of Executive Officer Parker's proposed changes. He stated that those hired to protect and serve are dying in record numbers, noting that they are among the highest number of unvaccinated individuals. Honoré questioned the difference between getting vaccinations to serve in the military or getting a vaccination to serve as a law enforcement officer. He stated that children have been vaccinated, and everyone has been vaccinated to attend school, so there should be no difference. Honoré asked that CLERB look into this if they have the authority to do so.
- Karen Brailian thanked the Review Board for their service and stated the homeless population often end up in the criminal justice system, are highly vulnerable, and have no one to advocate for them. Brailian supported the expansion of CLERB's power.
- Lori Saldana acknowledged the actions of the Review Board and the Executive Officer for increased transparency, and was encouraged by those changes and the items proposed in agenda item 8. Saldana stated the lack of social workers remained a concern, and noted the need for more mental health services and counseling for individuals in custody. She believed that many deaths in the detention facilities were due to the lack of trained staff dealing with mental and behavioral health issues.
- Laila Aziz stated that medical staff needed to be questioned, noting the need to obtain all information in order to complete a thorough investigation. She referenced two instances in which she dealt with families who were not provided information surrounding the death of a loved one. Aziz wanted to get to the bottom of those deaths, so others could be prevented.
- Carlos Lizarraga stated his support of CLERB's proposals, noting that medical staff needed to have the ability to use their clinical judgement without interference. Lizarraga stated a need for oversight so that the best medical care could be provided, and to do better there was a need for increased transparency and support of medical staff.
- Darwin Fishman appreciated Executive Officer Parker's efforts to strengthen the way CLERB conducts oversight, and said it is a critical first step to end the vicious cycle in which the County normalizes in-custody deaths, because real lives are being lost. Fishman stated that CLERB is one of the last places where people can get a sense of justice and referenced a Union Tribune article regarding County payouts for families. Fishman hoped the proposals were adopted.
- Tama Becker-Varano stated that CLERB's mission was compromised by its dependence on a body it is meant to review, noting that a delay in receiving information also hindered independent discovery of relevant information. She said that the high volume of in-custody deaths was disturbing and supported all items under agenda item 8, noting that the new measures were a step in the right direction toward independence and accountability.
- Paul Alexander strongly encouraged the Board to expand CLERB's jurisdiction to include medical staff that work in the County detention facilities. He was surprised to learn that they were not already included, and this was extremely problematic and prevented CLERB from completing full and thorough investigations. Alexander thanked the Board for their work, expressed his support of agenda item 8b, and congratulated a new Board Member on their appointment.
- Debbie Kamens wrote: *"I am a member of the Racial Justice Coalition of San Diego, and I'm highly concerned about the number of in-custody deaths in the County. CLERB investigators don't have timely OR sufficient access to important case details that could have contributed to the deaths. And an often-lengthy wait for access can mean vital evidence is gone—or important witnesses are no longer available for interviewing. Also—the jail's medical staff is frequently involved in an inmate's care preceding their death. So—CLERB investigators need authority that includes oversight of those medical staff, AND access to an inmate's full medical record and to death scene investigations. And...investigators need to know whether a deputy—or probation officer—has been in an internal affairs investigation. Because it could reveal a pattern in their behavior that once known, might protect other inmates. And please let us members of the community view case discussions, so we can be confident that cases are handled fairly. And allow us—the people experiencing or witnessing racial discrimination by County officers, allow us to have input into how those complaints are investigated. Without these authorities granted to CLERB—I don't see how effective, independent investigations can truly be conducted."*
- Sally Fonseca wrote: *"To be vaccinated against COVID-19 should be a personal choice. DO NOT FORCE PEOPLE TO CHOOSE BETWEEN THEIR LIVELIHOOD AND THEIR LIFE. Given how many law enforcement, first responders, health care workers, teachers, and county workers are refusing the "vaccine," what position will this leave San Diego in, health, education, and safety wise? Isn't it unlawful and against the Federal and State constitution to coerce someone to take an unwanted medical procedure or medication against their*

wishes by threatening them with the loss of their job? Nothing about this is right. What's next? Home of the brave, land of the free. Be brave and keep us free from these mandates.”

- Robin Hill wrote: “As a Public Health Nurse, I am appalled at these mandates. I worked in the hospital and a prison during Covid. I have personally administered 2500-3000 COVID-19 vaccines. I heard about the adverse events during my time as a vaccinators and now working on a Covid nurse triage line. Most appalling to me is the well-known fact that the vaccine does not prevent one from getting infected or from spreading Covid. From the calls I get at work, I see little difference in transmission, as more fully vaccinated people are testing positive for Covid, though there are more fully vaccinated people than not, in the community. If it doesn't prevent spreading Covid or catching Covid, why are we forcing young, healthy people with a less than 0.1% chance of dying a new vaccine with no long-term data? We are putting our communities at risk by not having much needed services (police, fire department, fully staffed hospitals, etc.), the vaccine, as evidenced by Israel, does little if nothing to mitigate risk.”
- Elizabeth Daly Sato wrote: “I am worried that this unconstitutional vaccine mandate is going to force our essential workers out of their jobs and leave our community vulnerable to a whole host of problems because we are understaffed. I urge the county to drop these mandates so that we can function properly.”

**Minutes
Approval**

- Bonnie Kenk made a motion to approve the September 2021 meeting minutes. The motion was seconded by Spriggs. The motion carried with a vote of seven with two abstentions.

Presentation/Training

- There was no Presentation/Training.

**Executive Officer's
Report**

- Overview of Activities of CLERB Executive Officer (EO) and Staff
 - On September 17, 2021, Parker was a panelist on the Probation Department's Professional Development Academy Community / Stakeholder session.
 - On September 22, 2021, Parker presented an Update on CLERB at the Finance and General Government monthly leadership team meeting.
 - On September 30, 2021, CLERB staff met with San Diego Sheriff's Department Sergeants Kristin Brayman and Daniel Dennis and provided an overview about current detention-related practices, e.g., booking, classification, suicide prevention, drug interdiction, etc.
 - On September 30, 2021, Parker met with Andrew Strong, the County's Director of the Office of Equity and Racial Justice along with representatives from the NAACP and the Racial Justice Coalition of San Diego and discussed CLERB's the inherent challenges with investigating racial discrimination allegations.
 - On October 13, 2021, Parker will participate on a Supervising Probation Officer promotional interview panel.
 - Parker proposed placing photos and bios of all CLERB members onto the CLERB website. He asked that any CLERB members having concerns with this project and wishing to opt out contact him.
- Investigative Workload and Classification Report for September 2021
 - There were 18 new cases (as compared to nine for September 2020).
 - There are seven cases on tonight's agenda.
 - At the end of September there were 81 active cases (nine in “lodged” status and 72 open and active).
 - There were 24 open death cases.
 - CLERB had documents for 13 cases and was awaiting documents on the remaining 11. Two death cases are on tonight's agenda.
 - There were two new SDSA death cases in September, both in-custody via as-of-yet undetermined causes.
 - There was one new Probation death case in September, an in-custody death of a 16-year-old male.
 - There were 11 open uses of force resulting in gross bodily injury without a complaint.
 - There were two open discharges of firearm without a complaint.
 - There was one use of force at protest or First Amendment protected events without a complaint.
- Case Progress and Status Reports
 - Parker discussed the two reports: “CLERB Reports by Due Date” and “CLERB Reports Due by Case Number.”

- There are five cases scheduled to reach their one-year time limitation by December 31, 2021. Four of those cases are on tonight's agenda.
- Investigators are working through the backlog of routine cases scheduled to time out within the next few months with the ultimate goal of completing all cases within four months of receipt of a signed complaint or, in those cases not requiring a signed complaint, receipt of materials from the respective Department.
- The emphasis continues to be on the prioritization and investigation of death investigations. In addition, priority is given to cases in which excessive force is alleged, uses of force resulting in great bodily injury, uses of force at protests, and discharges of firearms.
- Executive Officer Correspondence to Full CLERB
 - The following emails were sent to CLERB:
 - Two media article compilations containing a total of 24 articles.
- Policy Recommendation Pending Responses
 - 20-014 / Pace – SDSO (received 10-06-21 – will report out in November)
 - 20-047 / Cheatom – SDSO (received 10-06-21 – will report out in November)
 - 20-063 / Morton (Death) – SDSO
 - 20-097 / Huie – SDSO
- Policy Recommendation Response
 - 19-018 / Thornton – Probation (*Attachment E*)
- Sustained Finding Pending Responses
 - 21-024 / Curtis – SDSO (received 10-06-21 – will report out in November)
- Sustained Finding Response
 - None
- Letter of Concern Pending Responses
 - None
- Letter of Concern Response
 - None

Board Chair's Report

- Vice Chair Delaney thanked the Special Investigators for their work prioritizing cases and getting through the backlog.
- Delaney thanked the CLERB Liaisons for their support of CLERB.
- Delaney thanked the community members for their attendance, comments, and suggestions.

New Business

- Agenda Item 8 Public Comments
 - Maleeka Marsden wrote: *"On behalf of Climate Action Campaign, a member of the San Diego Green New Deal Alliance, I support the reforms proposed by the Executive Officer, Paul Parker. These reforms are necessary to increase trust, transparency, and a more just policing system in our County."*
 - Tom Packard was delighted and encouraged to see the items listed under New Business, noting that if implemented, they would represent an important turning point for CLERB resulting in true systemic change regarding accountability and transparency. Packard also strongly encouraged CLERB to implement all items under agenda item 8 and hoped to see more agenda items addressing systemic change, allowing CLERB to be more proactive.
 - David Myers stated that he supported agenda items 8a-g, as put forward by the CLERB Executive Officer as much-needed reforms. Myers spoke about the use of force against non-violent protesters. He also stated that CLERB cannot effectively operate, and because of restrictions to records, witnesses, and access to death scenes; CLERB's recommendations are useless. Myers also said CLERB's role and responsibilities have not kept up with the community's expectations and the changing law enforcement dynamic. He asked that CLERB include three items in the proposals under agenda item 8: the ability for CLERB to conduct pattern and practice review of law enforcement, to obtain permanent independent outside counsel, and to include oversight of District Attorney Investigators.
 - Yusef Miller thanked Executive Officer Parker for his suggestions and recommendations to the Board and asked for their support of the proposals under agenda item 8. Miller stated it was very important that peace officers not make medical decisions, and that medical staff and law enforcement staff be allowed to do their respective roles. Miller was also happy with a new Board Member having a medical background, saying their input would be knowledgeable for discussions. He referenced the Campaign Zero data noting that we were trying to find "bad apples" in the dark, and said the community knows

who these officers and deputies are, and asked why CLERB does not. He also spoke of agenda item 8f leading to more transparency and allowing the community to be more informed and have more confidence in CLERB.

- Auggie Fojtik referenced an article regarding the homeless population and the misdemeanors associated with this population. He inquired about how the San Diego Police Department treated this group and how they might treat them with the respect they deserve.
- Deidre McLeod wrote: *“My name is Deidre McLeod, I reside in 92128 and I STRONGLY SUPPORT the 7 CLERB oversight reform recommendations being proposed. Increasing the independence, transparency and thoroughness of investigations into in-custody deaths in San Diego County is vital to improving overall conditions in our jails. Executive Officer Parker’s proposals are a critically important first step towards insuring effective law enforcement oversight to the County of San Diego.”*
- Sharon Nichols wrote: *“I strongly support the seven policy recommendations put before the Board under agenda item #8, New Business, by Executive Officer Parker. I applaud Parker for listening to community feedback and proposing actions to bring more effective and fair oversight to law enforcement in San Diego County.”*
- Bertha Rodriguez wrote: *“My name is Bertha Rodriguez speaking on behalf of the San Diego Green New Deal Alliance I support the Executive Officer’s proposed reforms, they are necessary to increase transparency, accountability, trust, and a more just policing system.”*
- [SEIU Letter to CLERB dated October 12, 2021](#)
- Maxi Blasini stated her support of Executive Officer Parker’s recommendations in agenda item 8.
- Clovis Honoré stated his support of Executive Officer Parker’s recommendations in agenda item 8 and expressed his excitement upon learning of a specific Board Member’s participation on the Review Board. Honoré stated that CLERB was responsible to the citizens of the County of San Diego and stated he hoped the Board took into consideration what was being said by the citizens. Honoré also stated that if citizens are unable to hold law enforcement accountable, then they are “rogue” and do not have the same agenda as the citizens who hired them to do the job requested of them.
- Malcolm Morgan expressed his support of CLERB having jurisdiction to question medical staff since they would be the last person to see an individual that died in custody, and would have insight about that person. If staff did not want to be questioned, one might think they have something to hide. He stated this was not about trying to get anyone in trouble, but about trying to find out what happened. Morgan stated no one was above the law and this was about justice.
- Robin Sales wrote: *“My name is Robin Sales and I am a 44 year resident of San Diego County. I am a retired LCSW so my comments reflect my experience working with crisis intervention and chronically and situationally mentally ill people. I support Paul Parker’s agenda item that urges the Board to ask the Board of Supervisors to expand CLERB’s oversight of medical personnel in the County jails. As reported in the UT article on 10/7, Heron Moriarity was jailed for having a mental health crisis and instead of being taken to a psychiatric hospital, he was incarcerated and shortly after, despite his wife’s desperate pleas to have placed on suicide watch, he was found dead by hanging. His case was dismissed by the CLERB due to “timing out” in 2017. Rachel Solov of the DA’s office reported to the BHAB Criminal Justice Workgroup last month that the Probation Department conducts pre-trial mental health assessments to evaluate competency to stand trial. I ask you why these cannot be performed in the jails to prevent the ongoing trail of suicides and “natural deaths”? According to another UT article this week looking at national trends, “More than three-quarters of those who killed themselves over the 20-year study period — 76 percent — had not been convicted of a crime. Almost half had been held for a week or less at the time they died. During the five-year period from 2015 to 2019, nearly 3 of 4 suicide cases in local jails took place in the person’s cell, and 8 percent occurred in segregation units.” This study sheds light on what the Sheriff’s Department must prepare for to prevent needless deaths. Video cameras must be maintained in working order, and mental health clinicians must be able to make clinical judgements on placement and treatment without interference from deputies or their superiors who have very few hours of mental health training. Again, the taxpayers paid out millions to his family in civil damages. This is now an old refrain. The CLERB must demand oversight of medical personnel so that in the future, incarcerated persons can*

be treated appropriately for their mental illness in jails and not end in tragedy. The Moriarity case should be reopened and re-evaluated. Thank you.”

- Michael Whyte voiced his support of CLERB having the ability to question medical staff. He stated there were too many deaths and there needed to be a clearer picture of what was going on.
- Authority for the Executive Officer to Work with County Staff to Pursue Legislation and/or to Add a Policy to the County Legislative Program in Support of Increased Transparency in Civilian Oversight of Peace Officers and Custodial Officers
 - Executive Officer Parker provided the background leading to this request. There was discussion about what had been done working with other County personnel and what would be covered moving forward. Delaney stated that she would like to receive reports as this item progresses and Domingos stated that the motion should be amended to note specific report out dates. Executive Officer Parker stated that he would report out on this item under Unfinished Business each month.
 - Kenk made a motion to approve agenda item 8a. The motion was seconded by Spriggs. The vote was unanimous; the motion carried.
- Authority for the Executive Officer to Work with County Staff to Request that the County Board of Supervisors Expand CLERB’s Jurisdiction to Include Personnel Involved in Providing Medical Care in County Detention Facilities
 - Executive Officer Parker provided the background leading to this request. There was discussion about how information would be obtained if an individual refused to cooperate. There was further discussion about qualified staff and how to incorporate items noted by Irving. County Counsel informed the Board that the details could be examined after determining what changes needed to take place.
 - Gary Wilson made a motion to approve agenda item 8b. The motion was seconded by Spriggs. The vote was unanimous; the motion carried.
- Review of and Request for Public Input on CLERB’s Investigation of Racial Discrimination Allegations
 - Executive Officer Parker provided the background leading to this request. There was discussion about information currently available via Campaign Zero. And further discussion about whether this was an appropriate topic for the Review Board to entertain. Additionally, there was discussion about public interest in this topic; and it was noted that the public would be emotional, and emotion comes from trauma.
 - Domingos made a motion to continue agenda item 8c to the November 2021 CLERB meeting. The motion was seconded by Spriggs. The motion carried by a vote of seven to two.
- Policy Recommendation to San Diego Sheriff’s Department: CLERB Staff to Respond to Death Scenes
 - Executive Officer Parker provided the background leading to this request. There was no additional discussion by the Board.
 - Spriggs made a motion to approve agenda item 8d. The motion was seconded by Kenk. The vote was unanimous; the motion carried.
- Policy Recommendation to San Diego Probation Department: CLERB Staff to Respond to Death Scenes
 - Executive Officer Parker provided the background leading to this request, explaining how it was different from item 8d. There was no additional discussion by the Board.
 - Kenk made a motion to approve agenda item 8e. The motion was seconded by Spriggs. The vote was unanimous; the motion carried.
- Policy Recommendation to San Diego Sheriff’s Department: Discontinue the Standard Procedure of “Sealing” In-Custody Death Cases
 - Executive Officer Parker provided the background leading to this request. There was discussion regarding the appropriateness of this action and that it should not just be a “blanket request”.
 - Nadia Kean-Ayub made a motion to approve agenda item 8f. The motion was seconded by Spriggs. The motion carried by a vote of eight to one.
- Authorization of Teleconferencing Meeting Option Pursuant to Government Code Section 54953(e)
 - Maryanne Pintar made a motion to approve agenda item 8g. The motion was seconded by Spriggs. The vote was unanimous; the motion carried.

Unfinished Business

- Authorization for CLERB Executive Officer to Respond to Media Articles/Editorials

- Mike Gray made a motion to table this item so the Board Chair could be present during the discussion. The motion was seconded by Kenk. The vote was unanimous; the motion carried.
- Update: In-Custody Death Data Review Subcommittee
 - Executive Officer Parker provided the background regarding this subcommittee. Executive Officer Parker stated that the contract was signed on October 11, 2021, and stated that he expected to provide a timeline at the November 2021 CLERB meeting.

Board Comments

- Vice Chair Delaney and Board Secretary Spriggs welcomed the new CLERB Board Members.

Sheriff/Probation Liaison Query

- The liaisons from the Sheriff's Department (Sergeant Kristen Brayman) and the Probation Department (Supervision Probation Officer Brian Barnum) welcomed the new CLERB Board Members.

The Board entered closed session at 8:54 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
20-094	Coffelt	20-103	Ferreira
20-101	Pulido	20-106	Brumfield
20-102	Rogers	21-001	Martinez

The meeting was adjourned at 10:41 p.m.

Minutes prepared by Tamicha Husband, Administrative Secretary



PAUL R. PARKER III
Executive Officer



ROBERT SPRIGGS, JR.
Secretary to the Board