

**Roll Call**

- The meeting was held via the BlueJeans Platform and was called to order at 5:30 p.m. All Board members were present except Pastor Robert Spriggs Jr. and Tim Ware.

**Public Comments**

- Robin Sales referenced a CLERB case and stated that no one should die in custody.
- Mary Best thanked the Executive Officer and the Board Members for their efforts and strongly supported the recommendations to the County Board of Supervisors. Best stated that racial bias is a life-threatening issue. Best referenced the Campaign Zero report, noting that racism is a basic violation of rights. Best also stated that CLERB's voice is vital.
- Yusef Miller referenced a CLERB case stating that justice was incomplete. Miller thanked the Executive Officer for their recommendations. Miller also encouraged the Board to seek jurisdiction over medical personnel. Miller listed individuals who have died in custody.
- Natalie Neshat thanked the Board for the reforms. Neshat stated that they were concerned about the injustice in a CLERB case. Neshat referenced the data in the Campaign Zero report. Neshat asked that CLERB investigate all parties not just the sworn staff. Neshat also stated their support of CLERB's recommendations.
- Tom Packard stated that the community appreciated CLERB's report. Packard referenced a CLERB case noting their concern of lack of discipline in regard to the sworn staff. Packard stated that justice needed to be advanced in this case. Packard urged CLERB to ask the Sheriff's Department and the District Attorney's Office to share all relevant information regarding the referenced case. Packard stated that they appreciated CLERB's work.
- Karen Reimus thanked the Executive Officer and the Board Members for their recommendations to the County Board of Supervisors. Reimus asked CLERB to implement additional reforms and referenced the Racial and Identity Profiling Act (RIPA) data regarding disparities.
- Lisa Vicent stated that they would like to echo what had been said. Vicent stated that they appreciated CLERB shedding light on policing and discrimination. Vicent referenced the statistics in the Campaign Zero report. Vicent stated that they supported the Executive Officer's recommendations and urged the Board to move forward. Vicent also stated that CLERB is appreciated in the community.
- Maxi Blasini stated their support of the Executive Officer's recommendations and thanked the Board.
- Clovis Honoré blessed all information shared by the previous speakers. Honoré stated that CLERB's work was critically important, noting that they were glad for CLERB's reforms. Honoré stated that the Board must take their responsibility seriously. Honoré also stated that there needed to be Peace Officers that protect and serve.
- Doris Bittar thanked the Board for their work. Bittar stated that they were concerned about the communities of color. Bittar echoed what was said by previous speakers. Bittar stated that how police are trained impacts how they view people and stated the psychological training they receive is a concern. Bittar stated that the trainings should create safety for all, and that trauma suffered by the officers needs to be considered.
- Marsha Moss echoed everything that was said by previous speakers. Moss stated that they were encouraged by what CLERB is doing and the proactive approach. Moss thanked the Board for their participation. Moss referenced the Campaign Zero report and asked CLERB to take action regarding racial discrimination.
- Curt Harris wrote: *"I am continuing the complaints I made decades ago with the Parkers and Ms. Setzler. As I mentioned then, I am no longer a registered felon and do not live in a registered address. Upon having to move from the address I had then to subsequent addresses including the one where I presently reside I have had no respite from the persons who believe I am still a registered offender. This persecution includes assaults, both verbal and physical, when I leave my apartment both upon my self and my family. This monitoring is illegal and can only be continued with the assistance of law enforcement. Ms. Setzler will remember that Steve Castanada's uncle Willie was my landlord at that time and my vehicles would be vandalized when I had an appointment at CLERB. No matter what the sentiments are concerning ex-felons, the threats that these people make against my child are criminal and needless. I have a custody order from that time period that was never enforced due to the shooting that involved Officers Clark and Oberlies, though my child is my biological offspring and whatever happened down here had absolutely nothing to do with that. I wish to ask that this harassment and criminal assault cease. If needed I can speak in person."*

- Darwin Fishman stated their support of agenda item 8a. Fishman stated that it is important to acknowledge that people bring life experiences to the discussions. Fishman encouraged the Board to continue their work and thanked the Board for the reforms.
- Minutes Approval**
  - Eileen Delaney made a motion to approve the October 2021 meeting minutes. The motion was seconded by Bonnie Kenk. The motion carried with a vote of six with one abstention.
- Presentation/Training**
  - [SDSD Detention Facility Drug Interdiction and Rehabilitation Efforts](#) presented by Sergeant Daniel Dennis
    - Board Chair Susan Youngflesh asked for clarification regarding the data presented.
    - Maryanne Pintar asked if there were any tools that the Sheriff's Department staff wished they had in regard to the presentation. Dennis stated nothing was needed at the moment.
- Executive Officer's Report**
  - Overview of Activities of CLERB Executive Officer (EO) and Staff
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      - On October 13, 2021, Executive Officer Parker participated on the Probation Department's Supervising Probation Officer interview panel.
      - On October 13, 2021, Parker was interviewed by the San Diego Union-Tribune and discussed the changes and policy recommendations proposed at the October CLERB meeting.
      - On October 14, 2021, Lenore Aldridge, Ellen Bohan, Briana Chiesa, Lynn Setzler, Claudia Wigfall, and Parker attended a Probation Department Overview presented by Supervising Probation Officers Brian Barnum and Ross Lewin.
      - On October 19 and November 1, 2021, Parker met with San Diego Sheriff's Department (SDSD) Deputy Sheriff's Association (DSA) representatives to discuss the changes and policy recommendations proposed at the October CLERB meeting.
      - On October 20, 2021, Parker was interviewed on KPBS Midday Edition and discussed the changes and policy recommendations proposed at the October CLERB meeting.
      - On October 20, 2021, Parker attended an In-Custody Death Data Analysis Project kick-off meeting with Analytica Consulting representatives. Parker and the representatives will meet weekly and Analytica's final report will be presented in late March 2022.
      - On October 29, 2021, the San Diego Pro Chapter of the Society of Professional Journalists contacted Parker and advised it had written a letter to Sheriff Gore in support of CLERB's policy recommendation to stop the routine sealing of autopsy reports.
      - On November 2, 2021, Husband and Parker met with County Information Technology personnel to discuss a transition from the BlueJeans platform to Zoom, starting at the December CLERB meeting.
      - On November 3, 2021, Parker presented an Overview of CLERB at the Juvenile Justice Commission's regular meeting.
      - On November 4, 2021, Parker provided a quote to the San Diego Union-Tribune in response to manslaughter charges being filed against an SDSD nurse in the death of Elisa Serna.
      - On November 3, 2021, Parker was contacted by La Prensa and asked for his thoughts about the content of the recently leaked DSA survey, about which La Prensa published an article.
      - On November 4, 2021, Parker met with County Labor Relations, Human Resources, and County Counsel representatives for a high-level discussion about CLERB jurisdiction over personnel providing medical, mental, and multi-disciplinary services to County detention facility inmates.
      - On November 5, 2021, Parker presented a two-hour block of instruction about CLERB to recruits at the SDSD 58<sup>th</sup> Detentions/Court Services Academy.
      - The California State Auditor's audit of CLERB continues and is scheduled to be completed in the first quarter of 2022.
      - Chiesa and Wigfall have successfully completed training and are doing a wonderful job. Our other new hire has been out of the office on leave, which has resulted in Setzler carrying a full caseload and Parker working some death cases.

- Mike Gray resigned from CLERB after last month's meeting. The resignation resulted in a vacancy in District 3 to go along with the existing vacancy in District 1. The District offices are in the process of reviewing existing candidate applications.
- Investigative Workload and Classification Report for October 2021 (*Attachment B*)
  - There were nine new cases (as compared to 10 for October 2020).
  - At the end of October there were 113 cases for the calendar year. There were 116 cases in all of calendar year 2020.
  - There are eight cases on tonight's agenda.
  - At the end of October there were 80 active cases (four in "lodged" status and 76 open and active).
    - There were 24 open death cases.
      - CLERB had documents for 14 cases and was awaiting documents on the remaining 10. One death case is on tonight's agenda.
      - There was one new SDSD death case in October, an attempted hanging at San Diego Central Jail. The gentleman was transported to the hospital, compassionately released from custody, and subsequently died. The SDSD reported the death to the public even though it no longer met the criteria of an "in-custody" death and was not reportable to the state as such. The death does fall under CLERB jurisdiction and Mr. Parker commended SDSD for its dedication to proactively reporting this incident occurring in its facility resulting in a death.
    - There were 13 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 (*Attachment C*)
  - Parker discussed the two reports: "CLERB Reports by Due Date" and "CLERB Reports Due by Case Number."
  - There is one case scheduled to reach its one-year time limitation by December 31, 2021, and it is scheduled to be on December'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 (*Attachment D*)
  - The following emails were sent to CLERB:
    - Three media article compilations containing a total of 15 articles.
- Policy Recommendation Pending Responses
  - 20-063 / Morton (Death) – SDSD
  - 20-097 / Huie – SDSD
  - CLERB Staff Response to Death Scenes – SDSD
  - CLERB Staff Response to Death Scenes – Probation
  - Discontinue Standard Practice of Sealing In-Custody Death Cases – SDSD
- Policy Recommendation Response
  - 20-014 / Pace – SDSD (*Attachment E*)
    - SDSD agreed with the recommendation to clearly define a cell extraction as a "planned" event.
  - 20-047 / Cheatom – SDSD (*Attachment F*)
    - SDSD agreed with the recommendation to amend P&P to the require the sanitary distribution of meals.
- Sustained Finding Pending Responses
  - None
- Sustained Finding Response
  - 20-012 / Wilson (Death) – SDSD (*Attachment G*)
    - The deputy involved in this incident is no longer employed by SDSD.
  - 21-024 / Curtis – SDSD (*Attachment H*)
    - CLERB's findings were shared with the deputy's command staff for

determination of appropriate administrative action.

#### **Board Chair's Report**

- Board Chair Susan Youngflesh encouraged the community to apply for the vacant CLERB position.
- Youngflesh welcomed the new CLERB Board Members.
- Youngflesh thanked CLERB's Executive Officer and staff for their work and dedication.
- Youngflesh thanked the CLERB Liaisons for their support of CLERB.
- Youngflesh thanked the community members for their attendance, comments, and suggestions.

#### **New Business**

- Authorization of Teleconferencing Meeting Option Pursuant to Government Code Section 54953(e)
  - Delaney made a motion to cancel the regular CLERB meeting scheduled for December 14, 2021, and have a virtual Special Meeting on December 7, 2021. The motion was seconded by Kenk. The vote was unanimous; the motion carried.

#### **Unfinished Business**

- Agenda Item 8 Public Comments
  - Katie Jorstad wrote: *"Good evening CLERB Members. My name is Katie Jorstad and I am a resident of San Diego County, a mental health therapist and a mother. The report by Campaign Zero that evaluated the policing practices of the San Diego Sheriff's Department found strong evidence of discriminatory policing. This included: When using force against Black people, the San Diego Sheriff's Department, on average, used a level of force 2.7 times more severe than when using force against white people. These practices are unacceptable, unethical and racist. I am asking the CLERB to investigate and take action to address racial discrimination in policing by the San Diego Sheriff's Department. Thank you."*
  - Meg Pierce wrote: *"Good evening CLERB Members, My name is Meg Pierce and I am a resident of San Diego County. The report by Campaign Zero that evaluated the policing practices of the San Diego Sheriff's Department found strong evidence of discriminatory policing. Among its findings were: San Diego Sheriff's Department deputies were more likely to use force against Black people than white people - regardless of whether the person was arrested or found with evidence of a crime. These practices are unacceptable. I am asking the CLERB to investigate and take action to address racial discrimination in policing by the San Diego Sheriff's Department. Thank you."*
  - Kathleen Rooney wrote: *"Hello Paul and CLERB Members, My name is Kathleen Rooney and I am a resident of San Diego County. The report by Campaign Zero that evaluated the policing practices of the San Diego Sheriff's Department found strong evidence of discriminatory policing. Among its findings were: When using force against Black people, the San Diego Sheriff's Department, on average, used a level of force 2.7 times more severe than when using force against white people. These practices are unacceptable. I am asking the CLERB to investigate and take action to address racial discrimination in policing by the San Diego Sheriff's Department. Thank you."*
  - Christie Turner wrote: *"When using force against Black people, the San Diego Sheriff's Department, on average, used a level of force 2.7 times more severe than when using force against white people. I ask that the CLERB initiate a further study of discrimination with the purpose of eliminating this kind of bias and establishing an equitable manner of policing in our county. Thank you."*
  - Sue Walsh wrote: *"As a resident of SD County, I am very concerned re: Campaign Zero's Report that evaluated the Policing practices of SD Sheriff's Department. It reported increased use of force against BIPOC people than white people. These practices are unacceptable and I encourage the CLERB to investigate and take action to address Racial discrimination. Thank you for your work and your consideration."*
  - Dale Burchby wrote: *"Good evening CLERB members. My name is Dale Burchby and I am a resident of San Diego County. I feel very strongly that as citizens we need to take every action possible to reduce discriminatory police practices. While many of us may have heard anecdotes or stories from friends about biased police practices, the report from the investigation analytically documents discriminatory policing by the Sheriff's Department: "Black people were 130% more likely than white people to be stopped overall and 199% more likely to be stopped for reasons other than a traffic-violation." There is also strong evidence of biased practices by deputies during stops, with more frequent and severe use of force against people of color, and bias against LGBT and gender non-conforming people. This behavior by our public servants is unacceptable and*

*demands concrete actions in response. We urgently need to find alternatives to arrest, limit pretext stops, ban strangleholds, and otherwise implement the recommendations in the report. Besides the other recommendations in the report, it is particularly important that the CLERB should have the power to impose discipline and determine the policies of the San Diego Sheriff's Department. It is simply wrong that the employees that WE as a society are hiring and arming are not held to account more closely. Thank you for your attention."*

- Review of and Request for Public Input on CLERB's Investigation of Racial Discrimination Allegations
  - There was discussion about whether Board Members had read the recent articles that were sent to them. Youngflesh clarified that Board Members were expected to read all materials that were provided to them.
  - There was discussion regarding how to prove racial discrimination allegations based on the evidence available to CLERB.
  - Domingos made a motion that CLERB staff provide an individual's race if known. The motion was seconded by Kenk. The vote was unanimous; the motion carried.
- Authorization for CLERB Executive Officer to Respond to Media Articles/Editorials
  - Parker provided a brief background regarding this topic.
  - Kenk stated that Parker does a fabulous job, noting that there was no need to change it.
  - County Counsel noted per CLERB Rules, no action was taken. Parker stated that action was taken a few months ago.
  - Eileen Delaney stated that the Board had authorized Parker and/or Youngflesh to respond to media inquiries.
  - Domingos asked the best way for new Board Members to get caught up.
  - Youngflesh stated that new Board Members should contact Parker.
  - The Board asked Parker to find out what training is currently available for Board Members as well as investigative staff.
- 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
  - Parker informed the Board that conversation with County Staff had begun and that the legislative program was scheduled for County Board of Supervisors discussion on December 7, 2021.
  - Natalie Neshat asked the guidelines for determining racial discrimination.
  - Parker provided a background regarding CLERB's role stating that CLERB reviews information and compares it to the policies and laws in place at the time of the incident.
  - Debbie Kamens wrote: *"My name is Debbie Kamens and I'm a member of the Racial Justice Coalition of San Diego, and I strongly support the recommendations for expanding CLERB's authority. I'll echo other speakers assertions that no one should die in custody because of the current system in place. In addition to San Diego County having the highest rate of deaths in custody, it has a nearly 35% higher rate than San Bernadino's and almost 40% higher than Los Angeles, making San Diego's horrible rate of deaths much more disturbing. And along with others on this call, I question why the nurse was charged in Elisa Serna's death but not the deputy involved. ...without charging and prosecuting officers in these instances, accountability will not begin."*
- 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
  - Parker informed the Board that he had met with County Staff and the next step was approval by the County Board of Supervisors. If approved, there would need to be a Meet and Confer.
- In-Custody Death Data Review Subcommittee Update
  - Parker informed the Board that the kickoff meeting was held on October 20, 2021; and that the proposal was reviewed. Parker added that there are weekly meetings with Analytica and that they are compiling data. Parker stated that the first report is expected March 2022.

**Board Comments**

- Board Chair Susan Youngflesh informed the Board of the use of the Board Comments section so all Board Members could be consistent with its use.

**Sheriff/Probation Liaison Query**

- Maryanne Pintar referenced an article about a record COVID outbreak and asked if the Board could receive a report out about why the rate of refusal is so high.

Sergeant Brayman informed the Board that inmates are provided with a fact sheet during intake, however getting the vaccine is their choice. Brayman also stated that the Sheriff's Department is not aware of why the vaccine is being refused.

Parker stated that the Board could ask Brayman to consult with medical staff and report back.

- Pinter asked when inmates are informed that they have one year to file their complaint, as missing this deadline removes the complaint from CLERB's jurisdiction. Parker stated that the burden falls to CLERB to get the word out better, noting that CLERB is trying to do more community outreach.
- Pinter asked if the Sheriff's Department informs inmates of their right to file a complaint. Brayman stated that the Sheriff's Department does not advertise CLERB, noting that when an inmate raises a concern, they are informed at that time.
- Domingos asked if medical staff deferred to the Sheriff's Deputies in order to see inmates. Sergeant Dennis informed the Board that the inmates see medical facilitated by sworn staff. Dennis also informed the Board that deputies are required to be present for safety reasons.
- Youngflesh noted that CLERB is mentioned on the Sheriff's Department website. <https://www.sdsheriff.gov/i-want-to/file/commendations-complaints>

The Board entered closed session at 7:58 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).

<b>CASE NO.</b>	<b>LAST NAME</b>	<b>CASE NO.</b>	<b>LAST NAME</b>
20-114	Gonzaba	21-068	Roberts
21-013	Chavez	21-090	Dellerman
21-023	Mascorro	21-091	Dellerman
21-025	Migdalski	21-109	Linde

The meeting was adjourned at 8:23 p.m.

*Minutes prepared by Tamicha Husband, Administrative Secretary*



PAUL R. PARKER III  
Executive Officer



ROBERT SPRIGGS, JR.  
Secretary to the Board