

BOARD MEMBERS

MARYANNE PINTAR
Chair
NADIA KEAN-AYUB
Vice Chair
ADELE FASANO
Secretary
DR. R. LEE BROWN
JAMES MENDELSON
ARIANA FEDERICO MONDRAGON
TIM WARE
VACANT
VACANT
VACANT



EXECUTIVE OFFICER
BRETT KALINA

County of San Diego

CITIZENS' LAW ENFORCEMENT REVIEW BOARD

1600 PACIFIC HIGHWAY, SUITE 251, SAN DIEGO, CA 92101
TELEPHONE: (619) 238-6776 FAX: 1 (619) 894-8310
www.sdcounty.ca.gov/clerb

The Citizens' Law Enforcement Review Board made the following findings in the closed session portion of its April 3, 2025, meeting held in person. **Any changes or additions to staff's recommended findings are bolded in red.** Minutes of the open session portion of this meeting will be available following the Review Board's review and adoption of the minutes at its next meeting. Meeting agendas, minutes, and other information about the Review Board are available upon request or at www.sdcounty.ca.gov/clerb.

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 pursuant to Government Code Section 54957 for deliberations regarding consideration of subject officer discipline recommendation (if applicable).

DEFINITION OF FINDINGS	
Action Justified	The evidence shows that the alleged act or conduct did occur but was lawful, justified and proper.
Not Sustained	There was <u>insufficient evidence</u> to either prove or disprove the allegation.
Sustained	The evidence supports the allegation and the act or conduct was not justified.
Unfounded	The evidence shows that the alleged act or conduct did not occur.
Summary Dismissal	The Review Board lacks jurisdiction or the complaint clearly lacks merit.

CASES FOR SUMMARY HEARING (12)

Amended 9/10/2026

ATTENDANCE: Six (Pintar, Kean-Ayub, Brown, Fasano, Mondragon, Mendelson)

ALLEGATIONS, BOARD FINDINGS & RATIONALES

24-046/SINGLETON (Routine)

1. Excessive Force - Deputies 1, 2, 3, 4 and 5 used force to subdue and detain Incarcerated Person (IP) Kwame Singleton.

Board Finding: Action Justified

Rationale: Complainant Singleton reported, "Deputy 3 and unidentified deputy slam Singleton to the ground. Singleton was lifted into the air, due to mobility issues. Deputies then slammed Singleton unconscious on the ground, leaving a cut under his left eye, a concussion and swelling over his right eye brow, breaking his front right tooth, as well as other teeth, a swollen elbow left with severe damage, a deep cut to his lower back right side, causing strenuous pain and a pulling type damage to his back and shoulder, which has also popped out of place right damage to his right knee and re-tearing ligament in his right angle. March 2024 I was placed in a holding cell for court holding being chastise about my injuries as well as me requesting medical support. Well-being moved to court unidentified deputy drop me on my head and pick me back up leaving me nauseous, returning from court I was told I was given a court mandate to be seen by a doctor, dentist, and optometrist. I could not stand nor stay conscious due to injuries." According to court and jail documents, coupled with court CCTV recordings, on the morning of 03-13-24, IP Singleton was scheduled to attend court. Singleton was

escorted to court and ambulated with a cane. While waiting in the court holding cell, Singleton caused a disturbance within the holding cell. Deputy 1 ordered Singleton to exit the cell. Singleton failed to comply, so deputies picked him up and attempted to carry Singleton to another holding cell. While en route, Singleton wrapped his arm around a deputy's head. A use of force ensued. Deputies 1, 2, 3, 4, and 5 used force to subdue and detain Singleton. The physical control techniques used by deputies was reasonable in response to Singleton's assaultive behavior. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

2. Criminal Conduct – Deputy 3 sexually assaulted IP Singleton.

Board Finding: Unfounded

Rationale: Complainant Singleton reported that on 03-13-24, while he was at court, Deputy 3 sexually assaulted him. Singleton explained that *"After being lifted Deputy 3 placed two fingers into Singleton's anus, which caused an initial reaction seen as assault."* Court surveillance video recordings were reviewed. There was no evidence to support an allegation that Deputy 3 or any of the deputies involved in the use of force, sexually assaulted Singleton or touched him in an inappropriate manner. By a preponderance of the evidence, CLERB determines the investigation disclosed sufficient evidence to prove the allegation did not occur.

AYE: 6

NAY: 0

24-047/SCHAPER (Routine)

1. Misconduct/Procedure – Unidentified deputies damaged Incarcerated Person (IP) Oliver Schaper's property on 04-05-24.

Board Finding: Not Sustained

Rationale: Complainant Schaper explained that on the night of 04-05-24, the module he was housed in underwent a search. Upon completion of the search, Schaper returned to his cell and found his *"Yamaka [sic] had been thrown on the floor and stomped on both sides."* According to DSB policy I.41, "Cell Searches of Incarcerated Persons," unscheduled cell searches are for the purpose of preventing violence, preventing escape, or controlling contraband. Searches are not to be conducted for the purpose of harassing, intimidating, or punishing incarcerated persons. This type of search will necessarily cause the incarcerated persons property and bedding to be inspected thoroughly, which may result in some disarray. The deputies conducting the search should make every reasonable effort to assure that the property is not destroyed or misplaced. Jail surveillance recordings of the search, as well as deputies' Body Worn Camera recordings were reviewed. Schaper's yarmulke was not visible in his jail cell during the search. Absent information provided by an independent witness to the incident or additional video or audio recordings of the interaction, there was insufficient evidence to prove or disprove deputies damaged Schaper's personal property during a search. By a preponderance of the evidence, CLERB determines the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

2. Misconduct/Procedure - Unidentified deputies threw clothing items on the floor during a search.

Board Finding: Action Justified

Rationale: Complainant Schaper reported, *"All clothing items were thrown into the floor by staff and searched."* In review of jail surveillance video recordings and the deputies BWC recordings, it was noted that extra clothing items, bedding, and linen items that were found during the search were examined, tossed onto the floor, and were removed from the cells and module upon completion of the search. Per SDSO DSB P&P Section I.41 titled "Cell Searches of Incarcerated Persons," searches will necessarily cause the incarcerated persons property and bedding to be inspected thoroughly, which may result in some disarray. The deputies conducting the search should make every reasonable effort to assure that the property is not destroyed or misplaced. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

3. Misconduct/Procedure – Deputies 1 and 2 scanned and confiscated IP Schaper's legal documents.

Board Finding: Action Justified

Rationale: In his complaint, Schaper reported that he had a manila folder that was “*clearly marked ‘legal documents.’*” After the search of his cell, Schaper alleged that an unknown deputy had gone through his legal documents, noting some items to be missing. In review of the jail surveillance video recordings and Deputy 1’s BWC recordings, Deputy 2 was not observed to read nor confiscate any of Schaper’s legal documents. Deputy 1 was observed to perform a cursory scan of Schaper’s documents, then return them to their manila envelopes. According to SDSO DSB P&P Section I.41 titled “Cell Searches of Incarcerated Persons,” while conducting cell searches and/or inspections, privileged communications (confidential/legal correspondence) may be examined for contraband pursuant to the search and/or inspection. However, privileged communications shall only be scanned for security concerns and validation of privileged content in the presence of the incarcerated person. In review of the available evidence, which included jail surveillance video recordings, Deputy 1’s BWC recording, and jail documentation, neither Deputies 1 nor 2 confiscated Schaper’s legal documents. By a preponderance of the evidence, CLERB determines the evidence showed the actions that occurred were lawful, justified and proper.

4. Misconduct/Procedure – Unidentified deputies looked at and confiscated IP Schaper’s legal documents.

Board Finding: Not Sustained

Rationale: As noted in allegation #3, Schaper reported that he had a manila folder that was “*clearly marked ‘legal documents.’*” After the search of his cell, Schaper alleged that an unknown deputy had gone through his legal documents, noting some items to be missing. In review of the jail surveillance video recordings and the deputies’ BWC recordings that were provided to CLERB, it was noted that not all deputies who participated in the module search either donned BWC or had them turned on. As such, it was unknown what the other deputies’ actions were when they entered Schaper’s jail cell. As previously noted, according to SDSO DSB P&P Section I.41 titled “Cell Searches of Incarcerated Persons,” while conducting cell searches and/or inspections, privileged communications (confidential/legal correspondence) may be examined for contraband pursuant to the search and/or inspection. However, privileged communications shall only be scanned for security concerns and validation of privileged content in the presence of the incarcerated person. Absent information provided by an independent witness to the incident or additional video or audio recordings of the interaction, the actions of the unidentified deputies were unknown. By a preponderance of the evidence, CLERB determined the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

5. Misconduct/Procedure – Unidentified deputies denied IP Schaper’s request to speak with a supervisor.

Board Finding: Action Justified

Rationale: Upon completion of the search, Schaper informed jail staff that he requested to speak with a supervisor, a sergeant and/or a lieutenant. Schaper alleged that his request was not granted and that the sergeant “*was not responding to concerns of IP at all and stated, ‘you should have the yamaka to the strip search. None of the available staff cared or took the matter serious.’*” Schaper asked unidentified deputies if he could speak with a supervisor, but they did not oblige his request. In the jail setting, when an incarcerated person has a non-urgent, non-life-threatening request, they are invited to complete and submit an IP Request Form. When an incarcerated person requests to speak with a certain individual or authority figure, the request is not immediate and is handled according to policy and procedures. DSB Policy Section N.3, Incarcerated Person Request Forms, establishes that any non-urgent requests, incarcerated persons are directed to submit their request in writing, via an Inmate [IP] Request form. That way, their requests are processed in an efficient and expeditious manner. Housing deputies may provide final disposition of various requests, elevating situations from escalating and provide a final disposition. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

6. Misconduct/Procedure - Deputy 2 failed to activate his BWC per SDSO P&P.

Board Finding: Sustained

Rationale: In review of the evidence, it was noted that Deputy 2 failed to activate his BWC prior to entering the housing module and performing the cell search. Deputy 2 did not document that he failed to turn on his BWC, per policy. According to SDSO Detention Services Bureau Policies and Procedures (DSB P&P) Section I.20

titled "Supplemental Guidelines for Detentions: Body Worn Cameras," deputies shall activate their BWCs in accordance with San Diego Sheriff's Department Body Worn Camera Policy and Procedure 6.131, as well as whenever possible, prior to engaging in and for the entire duration of the performance of the following duties: Entering a cell, dormitory housing, or holding area occupied by an incarcerated person. By a preponderance of the evidence, CLERB determined the investigation disclosed sufficient evidence to prove the allegation.

7. Misconduct/Procedure – Unidentified deputies failed to activate their BWC per SDSO P&P.

Board Finding: Not Sustained

Rationale: In review of the jail surveillance video records (CCTV) and of the BWC recordings that CLERB was provided, CLERB was unable to confirm that all deputies who participated in the module search had donned BWCs or if those deputies who donned BWC had their BWCs turned on. As noted, according to SDSO Detention Services Bureau Policies and Procedures (DSB P&P) Section I.20 titled "Supplemental Guidelines for Detentions: Body Worn Cameras," deputies shall activate their BWCs in accordance with San Diego Sheriff's Department Body Worn Camera Policy and Procedure 6.131, as well as whenever possible, prior to engaging in and for the entire duration of the performance of the following duties: Entering a cell, dormitory housing, or holding area occupied by an incarcerated person. By a preponderance of the evidence, CLERB determines there was insufficient evidence to either prove or disprove the allegation.

AYE: 6

NAY: 0

24-048/SANCHEZ (Routine)

1. Illegal Search & Seizure - Deputy 4 conducted a traffic stop on Joseph Sanchez on 08-31-23.

Board Finding: Action Justified

Rationale: The complainant reported, *"On August 31, 2023, Mr. Sanchez was driving when he noticed that Deputy 4 was following him. After following Mr. Sanchez for approximately one mile, Deputy 4 put on his lights. Mr. Sanchez stopped his car..."* The California Peace Officer Legal Sourcebook (CPOLS), states traffic stops as a traffic stop that is lawful if based on reasonable suspicion that the motorist has violated the Vehicle Code or other law. According to Deputy 4's Body Worn Camera (BWC) recording, Deputy 4 performed a traffic stop on Sanchez because Sanchez was speeding, driving 50mph in a 40mph zone. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

2. Misconduct/Procedure – Deputy 4 delayed contacting Sanchez on 08-31-23.

Board Finding: Unfounded

Rationale: The complainant reported, *"Mr. Sanchez remained in his truck for 15 minutes before three additional patrol cars and a canine unit arrived at the scene."* In review of Deputy 4's BWC recording of the 08-31-23 incident, upon stopping Sanchez's vehicle, Deputy 4 conducted a check for wants and warrants on the vehicle before he approached the vehicle. Approximately two minutes, 14 seconds lapsed from the time that Deputy 4 pulled Sanchez over until he addressed Sanchez, via intercom. Regarding length of detention, CPOLS states that a routine traffic stop *"must be temporary and last no longer than is necessary to effectuate the purpose of the stop."* Typically, this means no longer than the time it takes to perform the duties necessary to warn the driver or issue a citation. A traffic stop begins when the deputy pulls a vehicle over, not when the deputy initially observes the traffic violation leading to the enforcement stop. By a preponderance of the evidence, CLERB determines the investigation disclosed sufficient evidence to prove the allegation did not occur.

3. Excessive Force – Deputies 2, 3, and 4 removed Sanchez from his vehicle at gunpoint on 08-31-23.

Board Finding: Action Justified

Rationale: The complainant reported, *"Several deputies got out of their patrol vehicles, drew their firearms, and pointed them at Mr. Sanchez."* After conducting a traffic stop on Sanchez's vehicle, deputies became suspicious that the vehicle Sanchez was driving was stolen. As such, they conducted a 'vehicle hot stop.' The SDSO maintains a comprehensive Manual of Policies and Procedures, which includes guidelines on the use of force and the display of weapons by deputies. There are no specific policies prohibiting deputies displaying

their weapons during high-risk vehicle stops. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

4. Illegal Search & Seizure – Deputy 4 detained Sanchez on 08-31-23.

Board Finding: Action Justified

Rationale: The complainant reported, *“Deputy 4 use a microphone to order Mr. Sanchez out of the truck and to turn around and walk backwards towards them. Mr. Sanchez complied and was handcuffed. The deputy’s placed Mr. Sanchez into the back of one of the squad cars, where he remained, handcuffed, for approximately 20 minutes.”* According to the evidence, which included BWC recordings and documents, Deputy 4 conducted a vehicle stop on Sanchez because he was speeding. Upon further investigation, Deputy 4 suspected that the vehicle Sanchez was driving may have been stolen. Sanchez was detained, pending further investigation into the vehicle. Per Deputy 4’s BWC recording, and as documented in his report, once it was determined that Sanchez’s vehicle was not stolen, Sanchez was immediately released without further incident. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

5. Illegal Search & Seizure – Deputies 2, 3, and 4 “ransacked” Sanchez’s vehicle on 08-31-23.

Board Finding: Unfounded

Rationale: The complainant reported, *“The deputies ransacked Mr. Sanchez’s truck.”* According to CPOLS, regarding searches during a detention, in general, deputies may not conduct a full search either of a vehicle during a traffic stop or investigative detention. In review of BWC recordings, the deputies searched the vehicle’s glove compartment for the vehicle’s registration and proof of insurance. While doing so, Deputy 2 located the vehicle’s front license plate in the glove compartment. The deputies acknowledged that they did not have enough probable cause to search the vehicle, so they did not search Sanchez’s vehicle. By a preponderance of the evidence, CLERB determines the investigation disclosed sufficient evidence to prove the allegation did not occur.

6. Misconduct/Procedure - Deputy 4 accused Sanchez of operating a vehicle with improper registration on 08-31-23.

Board Finding: Action Justified

Rationale: The complainant reported, *“Deputy 4 told Mr. Sanchez that he had pulled him over because the 2021 Ram truck was registered as a van, not a pick-up truck, insinuating that it may have been a stolen vehicle with the license plate switched with another vehicle. Mr. Sanchez and his father explained that the truck was a commercial vehicle that bears the license plate. After realizing that the Ram 3500 was not stolen, Deputy 4 let Mr. Sanchez go.”* In review of the evidence, Deputy 4 did not accuse Sanchez of driving a vehicle with improper vehicle registration. Deputy 4’s suspicion that the vehicle might be stolen was based on incorrect information provided by dispatch, which misidentified the vehicle’s make and model. This led to Sanchez’s temporary detention and further investigation. However, once the correct vehicle information was confirmed, Sanchez was released without any charges related to improper registration. Deputy 4 issued warnings for other violations, a blocked rear license plate, no front license plate, and no proof of insurance. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

7. Illegal Search & Seizure - Deputy 4 conducted a traffic stop on Sanchez on 03-28-24

Board Finding: Action Justified

Rationale: The complainant reported, *“On March 28, 2024, Mr. Sanchez was detained by Deputy 4 again. Mr. Sanchez was driving his Ram 3500 truck on Imperial Beach Boulevard. Deputy 4 was driving in front of Mr. Sanchez... Deputy 4 pulled over, let Mr. Sanchez pass him and then put on his lights. Mr. Sanchez stopped his truck.”* Per the SDSO Background Event Chronology (CAD), coupled with Deputy 4’s BWC recording, he explained that he stopped Sanchez because he was speeding. Deputy 4 also noted that Sanchez’s vehicle windows were tinted, that the vehicle’s rear license plates was *“blocked”* [covered], that the vehicle was without a front license plate, and that the vehicle’s registration came back as van, versus a truck. In the CAD report,

Deputy 4 also noted that the vehicle's "*reg was incorrectly done by DMV or other.*" The traffic stop was lawfully conducted in accordance with SDO policy and legal standards. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

8. Illegal Search & Seizure – Deputy 4 detained Sanchez on 03-28-24.

Board Finding: Action Justified

Rationale: The complainant reported, "*Deputy 4 recognize Mr. Sanchez and told him his truck was still showing as stolen. Mr. Sanchez and his father explain that the truck was not stolen and was a commercial vehicle owned by the family business. Deputy 4 responded that he had 25 years of experience and does not make mistakes. Deputy 4 gave Mr. Sanchez a speeding ticket and a fix-it ticket for his rear license plate. To be detained again for the same reason, simply due to the arrogance and lack of education of one deputy is both inappropriate and insulting.*" In review of the evidence, Deputy 4 conducted a traffic enforcement stop on Sanchez on 03-28-24, because Sanchez was driving at an unsafe speed. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

9. Misconduct/Intimidation – Deputies 1 and 4 threatened Sanchez on 03-28-24.

Board Finding: Not Sustained

Rationale: The complainant reported, "[Deputy] 4 and the other deputies told Mr. Sanchez that he was lucky that they had not 'drawn down' their weapons on him. Mr. Sanchez was badly shaken after being detained at gunpoint on August 31, 2023." In review of the deputies' BWC recording, Deputy 4 said, "Here's the thing, I almost pulled you out at gunpoint again," Deputy 4 also said, "Today, he didn't get hot stopped, but he could have also been taken out at gunpoint again. I recognized who he was, and I didn't take him out at gunpoint." Deputy 1 said, "Your son is fortunate that he didn't get stopped at gun point today." By a preponderance of the evidence, CLERB determines the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

10. Misconduct/Truthfulness – Deputy 4 failed to meet Sanchez at a substation on 03-28-24.

Board Finding: Action Justified

Rationale: The complainant reported, "*Mr. Sanchez's father then asked to speak with a superior officer and suggested that he and the deputies go over to the Imperial Beach Sheriff's Department substation together to allow Mr. Sanchez to lodge a complaint. The deputies agreed. Mr. Sanchez's father, then travel to the substation, but the deputies never showed.*" In review of the deputies' BWC recordings, Deputy 4 told Sanchez's father, "*You can come over to the station right now if you want to come over and have a discussion. Our lieutenant is available, and he will talk to you. If you come over to the station, I can have you talk to both of them, of the sergeants that are there.*" Deputy 4 invited Mr. Sanchez and his son to go the substation to speak with a supervisor; however, he did not say that he nor the other deputies would accompany them. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

AYE: 6

NAY: 0

24-055/COPPOTELLI (GBI)

1. Use of Force Resulting in Great Bodily Injury – Deputies Pedro Arellano, Sage Banegas-Saska, and John Newton used force to subdue and detain Incarcerated Person Anthony Joseph Coppotelli on 03-28-24.

Board Finding: Action Justified

Rationale: This case was reviewed in accordance with CLERB Rules & Regulations 4.3, Complaint Not Required: Jurisdiction with Respect to Specified Incidents. Incarcerated Person Anthony Joseph Coppotelli was incarcerated at the San Diego Central Jail (SDCJ). On the night of 03-28-24, Coppotelli refused deputies' commands to return to his jail cell and lockdown. Deputy Arellano initially attempted to guide Coppotelli back to his cell by grabbing his left arm. Coppotelli resisted by pulling his arm away Deputy Arellano's grasp, planted his feet on the floor, and turning his face towards Deputy Arellano. A use of force ensued with Deputies

Banegas-Saska and Newton assisting. Coppotelli exhibited passive and active resistance by refusing to obey deputies' commands, tucking his arms under his body, and struggling with deputies. After several verbal commands, Coppotelli stopped resisting and became compliant; deputies were able to overcome Coppotelli's resistance and place him in handcuffs. After the use of force, Coppotelli was escorted to medical. Jail medical/health staff medically evaluated Coppotelli, and it was their recommendation that Coppotelli be transported to a hospital for a higher level of care. Coppotelli was transported to a hospital, where he was found to have sustained a fractured left elbow. According to SDSO Use of Force guidelines, Deputies Arellano, Banegas-Saska, and Newton's use of force was appropriate and proportional to Coppotelli's assaultive actions and active resistance. By a preponderance of the evidence, CLERB determined the investigation proved the alleged actions were lawful, justified and proper.

2. Misconduct/Procedure – Deputy 1 failed to activate his Body Worn Camera.

Board Finding: Sustained

Rationale: In review of the evidence, it was noted that Deputy 1 failed to activate his BWC prior to entering the housing module and before addressing IP Coppotelli. Deputy 1 documented in his written report, "Due to the exigence circumstance of the situation I was not able to turn on my BWC." According to SDSO Detention Services Bureau Policies and Procedures (DSB P&P) Section I.20 titled "Supplemental Guidelines for Detentions: Body Worn Cameras," deputies shall activate their BWC, prior to engaging in and for the entire duration of the performance of the following duties: Entering a cell, dormitory housing, or holding area occupied by an incarcerated person. By a preponderance of the evidence, CLERB determines the investigation determined there is evidence sufficient to prove the allegation.

3. Misconduct/Procedure – Deputy 3 failed to activate his Body Worn Camera.

Board Finding: Sustained

Rationale: In review of the evidence, it was noted that Deputy 3 failed to activate his BWC prior to entering the housing module and before addressing IP Coppotelli. Additionally, Deputy 3 failed to document the reason he failed to turn on his BWC in his written report. According to SDSO Detention Services Bureau Policies and Procedures (DSB P&P) Section I.20 titled deputies shall activate their BWCs whenever possible, prior to engaging in and for the entire duration of the performance of the following duties: Entering a cell, dormitory housing, or holding area occupied by an incarcerated person. By a preponderance of the evidence, CLERB determines the investigation determined there is evidence sufficient to prove the allegation.

AYE: 6

NAY: 0

24-083/VP MOTORCADE (Use of Force at Protest) **DEFERRED**

Aye: 6

Nay: 0

24-088/MARTIN (Routine)

1. Excessive Force – Deputies 1 and 3 used force towards Incarcerated Person (IP) Rodney Martin on 05-23-24.

Board Finding: Action Justified

Rationale: Complainant Martin stated deputies used "excessive force" towards him. Martin stated deputies "slammed his head" against the desk inside his cell while he was in handcuffs, which caused "blunt force" to his "forehead, right chest, left side of his ear/head." Per Deputy reports and CCTV, deputies escorted Martin to his new housing assignment. As deputies and IP Martin entered the cell, Martin was noncompliant with deputies' verbal commands. Deputies attempted to remove his handcuffs, and Martin became resistant. Deputies took him down to his knees and applied downward pressure on his back. When deputies took him down, Martin hit his head on a table. Deputies removed Martin's handcuffs and exited the cell. There were no injuries noted by deputies. Martin denied medical attention following the incident but was assessed by medical the next day. SDSO P&P Section 2.49, Use of Force states employees shall not use more force in any situation than is reasonably necessary under the circumstances. Due to Martin's active resistance the level of force used was justified per policy. By a preponderance of the evidence, CLERB determines the investigation

proved the alleged actions were lawful, justified and proper.

2. Misconduct/Retaliation – Deputies 1 and 3 retaliated against IP Martin.

Board Finding: Unfounded

Rationale: Complainant Martin stated he believed the use of force was a form of retaliation due to a complaint he submitted prior to the incident. See Rationale #1. Martin did not specify the complaint referenced nor provide any further information. On 06-11-24, Martin submitted a complaint with CLERB; the complaint did not involve the same deputies that used force. By a preponderance of the evidence, CLERB determines the investigation disclosed sufficient evidence to prove the allegation did not occur

3. Misconduct/Discourtesy – An unidentified deputy “taunted” IP Martin on/around 05-24-24.

Board Finding: Unfounded

Rationale: Complainant Martin stated an unidentified deputy “bragged, laughed and taunted” Martin in front of jail medical staff. Martin reported the deputy said, “That’s why you got knocked unconscious.” Martin listed a Sheriff’s Detentions Nurse as a witness. The Nurse responded to an Employee Response Form and denied any interaction with Martin and denied she heard any deputy statements as alleged by Martin. SDSO P&P Section 2.22, Courtesy states employees shall be courteous to the public and fellow employees. They shall be tactful in the performance of their duties, shall control their tempers, exercise patience and discretion even in the face of extreme provocation. Course, profane or violent language is generally prohibited. Employees shall not use insolent language or gestures in the performance of his/her duties. By a preponderance of the evidence, CLERB determines the investigation disclosed sufficient evidence to prove the allegation did not occur

4. Misconduct/Procedure – Deputy 2 approved disciplinary separation for IP Martin.

Board Finding: Action Justified

Rationale: Complainant Rodney Martin reported IPs were on restricted movement for an incident that occurred in another module (3C). Martin complained about the “jail politics” and the manner that SDSO staff house IPs of different races and gang affiliations causes the IPs to “suffer.” Martin did not provide a date for the alleged incident. On 05-26-24, Martin had a disciplinary hearing where Deputy 2 recommended Martin receive 10 days of disciplinary separation. Martin was placed in disciplinary separation/Protective Custody for 10 days. There were no other documented instances where Martin was placed on “restricted movement.” SDSO Detention Services Bureau (DSB) P&P, Section O.1 Disciplinary Actions states that major disciplinary Sanctions include placement into a disciplinary separation cell. This means loss of all personal items except bedding, clothing, legal papers, personal correspondence and hygiene items. Placement into disciplinary separation cannot exceed 10 days for each hearing. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

AYE: 6

NAY: 0

24-115/GORDON (Routine)

1. Misconduct/Procedure – Deputy 1 placed Incarcerated Person (IP) Jose Luis Gordon into Administrative Separation (ADS) housing.

Board Finding: Action Justified

Rationale: Complainant Gordon stated that his “due process rights” were violated in county jail because he is housed in Ad-Sep for “no reason.” On 07-29-23, Deputy 1 met with Gordon and placed him in Administrative Separation (ADS) due to his propensity for violence and other documented behaviors. Jail Population Management Unit (JPMU) staff met with Gordon on a weekly basis to determine if he should remain in ADS throughout his incarceration. According to SDSO Detention Services Bureau (DSB) P&P, Section R.1 Incarcerated Person Classification, the purpose of the incarcerated population Classification System is to screen, assess and house incarcerated persons in a manner that will protect the safety of the community, staff, and other incarcerated persons. The JPMU will conduct classification assessments, assign individuals a

classification, and assign housing for all incarcerated persons (IPs). An IP's initial classification is determined by their original booking charges, criminal history information, medical/psychiatric issues or additional special conditions, and information obtained from the IP interview. In addition, SDSO Detention Services Bureau (DSB) P&P Section J.3 Separation: Definition and Use states, separation shall be used only for those incarcerated persons who are classified for safety and/or security reasons, are pending disciplinary action or for investigative purposes. Administrative separation (ADS) shall consist of separate and secure housing, but shall not involve any other deprivation of privileges, other than is necessary to obtain the objective of protecting the incarcerated person, staff, or public. Those who have shown a propensity for violence towards other incarcerated persons and/or staff, demonstrated influence over other incarcerated persons are deemed appropriate for ADS. Due to Gordon's documented behaviors, his placement in ADS was justified per policy. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

2. Misconduct/Medical – Unidentified jail medical staff denied IP Gordon medical treatment.

Board Finding: Summary Dismissal

Rationale: Complainant Gordon stated he was denied "proper medical treatment." Gordon did not provide dates, names or details for the alleged incident(s). Medical staff are responsible for providing medical care. Per Medical Services Division Operations Manual, Access to care means that, in a timely manner, a patient is seen by a qualified health care professional, is rendered clinical judgement, and receives care that is ordered. According to CLERB Rules & Regulations, Section 4: Authority, Jurisdiction, Duties and Responsibilities of CLERB, CLERB shall have authority to receive, review, investigate, and report on complaints filed against peace officers or custodial officers employed by the County in the Sheriff's Department or the Probation Department. CLERB determines the investigation showed that CLERB lacks jurisdiction on the allegation.

3. Misconduct/Procedure - Unidentified deputies denied IP Gordon medical treatment.

Board Finding: Not Sustained

Rationale: Complainant Gordon stated he was denied "proper medical treatment." Gordon did not provide dates, names or details for the alleged incident(s). It was noted in the records that on multiple occasions when Gordon asked for medical care, he was escorted by deputies for care. SDSO Detention Services Bureau (DSB) P&P Section M.1 Access to Care states, any incarcerated person in the custody of the San Diego Sheriff shall have quality and timely access to care for their medical, dental and mental health needs. Access to care is defined as; incarcerated persons are seen by a qualified healthcare provider, rendered a clinical judgement, and receive care that is ordered in a timely manner. By a preponderance of the evidence, CLERB determines the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

4. Misconduct/Retaliation – Unidentified deputies denied IP Gordon phone/visitation rights.

Board Finding: Not Sustained

Rationale: Complainant Gordon stated that deputies denied him visitation/phone privileges with his family due to "retaliation." Gordon stated if he "makes an issue" he is "moved to a building where visitation is banned." Gordon failed to provide CLERB with deputy names, dates or details of the alleged incident(s). SDSO documentation showed IP Gordon had several telephone and/or video visits and one professional visit throughout his incarceration. Gordon was provided dayroom time throughout his incarceration, which allowed him access to the telephones. There was no corroborating documentation that showed Gordon was denied his phone/visitation privileges. SDSO Visitation and telephone policy is in compliance with Title 15, Minimum Standards for Local Detention Facilities. Title 15 §1062, Visiting, states visits may not be cancelled unless a legitimate operational or safety and security concern exists. All cancelled visits must be documented. The facility manager or designee shall regularly review cancelled visits and document such review. Video visitation may be used to supplement existing visitation programs but shall not be used to fulfill the requirements of this section if in-person visitation is requested by an incarcerated person. In addition, SDSO DSB P&P Section P.2 Telephone Access states incarcerated persons (IPs) are to use telephone during normal operating procedures. Nothing in this section is intended to limit the authority of the facility commander to revoke an incarcerated person's telephone access as necessary to preserve institutional safety and security, nor prevent criminal activity. When such action is taken, the facility commander shall implement a plan that allows an incarcerated person to contact by telephone their attorney and the courts. By a preponderance of the evidence, CLERB

determines the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

AYE: 5

ABSTAIN: 1 (Pintar)

24-137 Doe 2405 (GBI)

1. Use of Force Resulting in Great Bodily Injury – Unidentified Probation Officers used unspecified force on “Doe 2405”, juvenile probationer.

Board Finding: Not Sustained

Rationale: CLERB was notified of this incident in accordance with CLERB Rules & Regulations 4.3, Complaint Not Required: Jurisdiction with Respect to Specified Incidents. On 05-29-21, at the Kearney Mesa Juvenile Detention Facility (KMJDF) a use of force incident occurred in which Doe 2405 sustained a “Pseudo Seizure.” On 10-10-24, CLERB was informed the juvenile case records were sealed by Court Order and would not be produced. There are several grounds for sealing juvenile records in California, including but not limited to the youth turning 18 years old, or a youth successfully completing rehabilitation as specified pursuant to applicable law even if the youth was over 18 years old but still in the juvenile system. The sealing laws are intended to provide a youth in the juvenile system with a clean slate as they become adults, and to enable them to obtain employment, scholarships, and other benefits without the stigma of a juvenile court record. Based upon current law, there is no way for CLERB to obtain sealed juvenile records for use in its investigations. Due to a lack of information and no identification of subject officer(s) CLERB is unable to conduct any type of investigation. The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

AYE: 5

ABSTAIN: 1 (Kean-Ayub)

24-141 Doe 2409 (GBI)

1. Use of Force Resulting in Great Bodily Injury – Unidentified Probation Officers used unspecified force on “Doe 2409”, juvenile probationer.

Board Finding: Not Sustained

Rationale: CLERB was notified of this incident in accordance with CLERB Rules & Regulations 4.3, Complaint Not Required: Jurisdiction with Respect to Specified Incidents. On 03-01-22, at the East Mesa Juvenile Detention Facility (EMJDF) a use of force incident occurred in which Doe 2409 sustained a “Dislocated Shoulder.” On 10-10-24, CLERB was informed the juvenile case records were sealed by Court Order and would not be produced. There are several grounds for sealing juvenile records in California, including but not limited to the youth turning 18 years old, or a youth successfully completing rehabilitation as specified pursuant to applicable law even if the youth was over 18 years old but still in the juvenile system. The sealing laws are intended to provide a youth in the juvenile system with a clean slate as they become adults, and to enable them to obtain employment, scholarships, and other benefits without the stigma of a juvenile court record. Based upon current law, there is no way for CLERB to obtain sealed juvenile records for use in its investigations. Due to a lack of information and no identification of subject officer(s) CLERB is unable to conduct any type of investigation. The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

AYE: 5

ABSTAIN: 1 (Kean-Ayub)

24-142 Doe 2410 (GBI)

1. Use of Force Resulting in Great Bodily Injury – Unidentified Probation Officers used unspecified force on “Doe 2410”, juvenile probationer.

Board Finding: Not Sustained

Rationale: CLERB was notified of this incident in accordance with CLERB Rules & Regulations 4.3, Complaint Not Required: Jurisdiction with Respect to Specified Incidents. On 03-21-22, at the East Mesa Juvenile Detention Facility (EMJDF) a use of force incident occurred in which Doe 2410 sustained a “chipped tooth.” On 10-10-24, CLERB was informed the juvenile case records were sealed by Court Order and would not be

produced. There are several grounds for sealing juvenile records in California, including but not limited to the youth turning 18 years old, or a youth successfully completing rehabilitation as specified pursuant to applicable law even if the youth was over 18 years old but still in the juvenile system. The sealing laws are intended to provide a youth in the juvenile system with a clean slate as they become adults, and to enable them to obtain employment, scholarships, and other benefits without the stigma of a juvenile court record. Based upon current law, there is no way for CLERB to obtain sealed juvenile records for use in its investigations. Due to a lack of information and no identification of subject officer(s) CLERB is unable to conduct any type of investigation. The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

AYE: 5

ABSTAIN: 1 (Kean-Ayub)

24-145 Doe 2413 (GBI)

1. Use of Force Resulting in Great Bodily Injury – Unidentified Probation Officers used unspecified force on “Doe 2413”, juvenile probationer.

Board Finding: Not Sustained

Rationale: CLERB was notified of this incident in accordance with CLERB Rules & Regulations 4.3, Complaint Not Required: Jurisdiction with Respect to Specified Incidents. On 05-08-22, at the East Mesa Juvenile Detention Facility (EMJDF) a use of force incident occurred in which Doe 2413 sustained a “possible loss of consciousness.” On 10-10-24, CLERB was informed the juvenile case records were sealed by Court Order and would not be produced. There are several grounds for sealing juvenile records in California, including but not limited to the youth turning 18 years old, or a youth successfully completing rehabilitation as specified pursuant to applicable law even if the youth was over 18 years old but still in the juvenile system. The sealing laws are intended to provide a youth in the juvenile system with a clean slate as they become adults, and to enable them to obtain employment, scholarships, and other benefits without the stigma of a juvenile court record. Based upon current law, there is no way for CLERB to obtain sealed juvenile records for use in its investigations. Due to a lack of information and no identification of subject officer(s) CLERB is unable to conduct any type of investigation. The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

AYE: 5

ABSTAIN: 1 (Kean-Ayub)

24-147 Doe 2415 (GBI)

1. Use of Force Resulting in Great Bodily Injury – Unidentified Probation Officers used unspecified force on “Doe 2415”, juvenile probationer.

Board Finding: Not Sustained

Rationale: CLERB was notified of this incident in accordance with CLERB Rules & Regulations 4.3, Complaint Not Required: Jurisdiction with Respect to Specified Incidents. On 05-17-22, at the East Mesa Juvenile Detention Facility (EMJDF) a use of force incident occurred in which Doe 2415 sustained a “possible loss of consciousness.” On 10-10-24, CLERB was informed the juvenile case records were sealed by Court Order and would not be produced. There are several grounds for sealing juvenile records in California, including but not limited to the youth turning 18 years old, or a youth successfully completing rehabilitation as specified pursuant to applicable law even if the youth was over 18 years old but still in the juvenile system. The sealing laws are intended to provide a youth in the juvenile system with a clean slate as they become adults, and to enable them to obtain employment, scholarships, and other benefits without the stigma of a juvenile court record. Based upon current law, there is no way for CLERB to obtain sealed juvenile records for use in its investigations. Due to a lack of information and no identification of subject officer(s) CLERB is unable to conduct any type of investigation. The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

AYE: 5

ABSTAIN: 1 (Kean-Ayub)

24-154 Doe 2422 (GBI)

1. Use of Force Resulting in Great Bodily Injury – Unidentified Probation Officers used unspecified force on “Doe 2422”, juvenile probationer.

Board Finding: Not Sustained

Rationale: CLERB was notified of this incident in accordance with CLERB Rules & Regulations 4.3, Complaint Not Required: Jurisdiction with Respect to Specified Incidents. On 08-02-23, at the Youth Transition Campus (YTC) a use of force incident occurred in which Doe 2422 sustained a “broken tooth.” On 10-10-24, CLERB was informed the juvenile case records were sealed by Court Order and would not be produced. There are several grounds for sealing juvenile records in California, including but not limited to the youth turning 18 years old, or a youth successfully completing rehabilitation as specified pursuant to applicable law even if the youth was over 18 years old but still in the juvenile system. The sealing laws are intended to provide a youth in the juvenile system with a clean slate as they become adults, and to enable them to obtain employment, scholarships, and other benefits without the stigma of a juvenile court record. Based upon current law, there is no way for CLERB to obtain sealed juvenile records for use in its investigations. Due to a lack of information and no identification of subject officer(s) CLERB is unable to conduct any type of investigation. The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

AYE: 5

ABSTAIN: 1 (Kean-Ayub)

End of Report