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The Citizens' Law Enforcement Review Board made the following findings in the closed session portion of its May 1, 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 (7)

ALLEGATIONS, BOARD FINDINGS & RATIONALES

22-124/VOGLEMAN (Death)

1. Death Investigation/Incarcerated Person Homicide - Raymond Vogelmann, an incarcerated person in the custody of the San Diego Sheriff's Office, died on 10-05-22.

Board Finding: **Not Sustained**

Staff Recommended Finding: Action Justified

Rationale: This case was reviewed pursuant to CLERB Rules and Regulations, Section 4.3 Complaint Not Required: Jurisdiction with Respect to Specified Incidents. Evidence received from the San Diego Sheriff's Office (SDSO) showed on 10-05-22, Raymond Vogelmann was in the custody of SDSO, housed at GBDF, when several incarcerated persons (IPs) began fighting in housing module 1A. Vogelmann sustained injuries during the fight that required treatment by emergency medical personnel. Vogelmann was transported to a local hospital where his health continued to decline. Vogelmann was pronounced deceased on 10-05-22. Per the San Diego Medical Examiner's Report, "...the cause of death is multiple blunt force injuries and the manner of death is homicide." During CLERB's investigation, it was noted that several physical altercations occurred at GBDF in housing module 1A, leading up to the 10-05-22 incident. It was also noted that on 08-03-22, in module 1A, Vogelmann was assaulted in his sleep. An investigation conducted by GBDF detention staff was unable to determine who assaulted Vogelmann. Following the 08-03-22 incident, a deputy noted in an Incident Report, "... He should not be placed back into Module A upon returning from the hospital." Between 08-03-22 and 08-10-22, Vogelmann was housed at San Diego Central Jail (SDCJ). On 08-10-22, Vogelmann returned to GBDF and was placed in module 1C. On 09-05-22, Vogelmann was placed back in module 1A where he remained until the 10-05-22 incident. On 09-21-22, in module 1A, several IPs were involved in a fight which resulted in a 24-hour security lockdown. There were no other noted incidents in 1A leading up to the 10-05-22 incident. Vogelmann had no

restrictions that would have prevented him from being housed in module 1A, at the time of the 10-05-22 incident. SDSO Detentions Services Bureau P&P Section R.1, Incarcerated Person Classification, *"The Jail Population Management Unit (JPMU) will conduct classification assessments, assign individuals a classification, and assign housing for all incarcerated persons."* It was also considered that IPs individual housing assignment can often change. The GBDF Floor Count Sheet for module 1A showed that none of the IPs Vogelmann was immediately housed with at quad 201, on 08-03-22, were also housed with Vogelmann in quad 101 on 10-05-22. ~~After reviewing the evidence, there was no policy violation associated with placing Vogelmann back in module 1A. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper~~ **there was insufficient evidence to prove or disprove the allegation that JPMU was notified per R.1. The CLERB Board directs the Executive Officer to create a policy recommendation.**

2. Misconduct/Procedure – Deputy 1 recommended IP Vogelmann not return to Module A, on 08-03-22.

Board Finding: **Not Sustained**

Staff Recommended Finding: Action Justified

Rationale: See Allegation #1. Following the 08-03-22 incident, a deputy noted in an Incident Report, *"... He should not be placed back into Module A upon returning from the hospital."* Between 08-03-22 and 08-10-22, Vogelmann was housed at San Diego Central Jail (SDCJ). On 08-10-22, Vogelmann returned to GBDF and was placed in Module 1C. On 09-05-22, Vogelmann was placed back in Module 1A where he remained until the 10-05-22 incident. Vogelmann had no restrictions that would have prevented him from being housed in Module 1A, at the time of the 10-05-22 incident. SDSO Detentions Services Bureau P&P Section R.1, Incarcerated Person Classification, *"The Jail Population Management Unit (JPMU) will conduct classification assessments, assign individuals a classification, and assign housing for all incarcerated persons. An incarcerated person's initial classification is determined by their original booking charges, criminal history information, medical and psychiatric issues or additional special conditions, and information obtained from the incarcerated person interview. The incarcerated person will be assigned to the most appropriate housing location based on their classification designation... Any employee who receives information that could change an incarcerated person's classification code and/or housing assignment has the responsibility of advising a JPMU deputy. The JPMU deputy will evaluate the information to determine whether it requires the incarcerated person to be reclassified. If it does, the reporting deputy may be asked to complete an Incarcerate Person Status Report detailing the relevant information..."* CLERB evaluated if Deputy 1 advised the JPMU Deputy to not return Vogelmann to Module 1A. Confidential responses submitted in Sheriff Employee Response Forms (SERF) were considered in making this finding. The evidence showed Vogelmann did not initially return to Module 1A. Additionally, as noted in allegation #1, the GBDF Floor Count Sheet for Module 1A showed that none of the IPs Vogelmann was immediately housed with on 08-03-22 were also housed with Vogelmann on 10-05-22. ~~Based upon the available evidence, there is a preponderance of evidence that showed DSB P&P Section R.1 was followed. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper~~ **there was insufficient evidence to prove or disprove the allegation that JPMU was notified per R.1. The CLERB Board directs the Executive Officer to create a policy recommendation.**

AYE: 6

ABSENT: 0

NAY: 1

ABSTAIN: 0

24-065/JAMESON (Priority)

1. Excessive Force – Deputies 1 and 2 struck IP Jameson's head.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Incarcerated Person (IP) David Jameson alleged that deputies struck him on the head with their "elbows and knees" while he was incarcerated. San Diego Sheriff's Office (SDSO) evidence showed that on 07-23-23 Jameson was booked and placed into a holding cell with other IPs. While in the holding cell, Jameson was antagonizing other IP's and posturing in fighting stances. Deputy 1 removed Jameson from the holding cell to prevent any altercations and moved him to a sobering cell. During the escort, Jameson actively resisted deputies by attempting to plant his feet, and then tripped Deputy 2, causing both deputies and Jameson to fall to the ground. The evidence showed that at no time did Deputy 1 or Deputy 2 strike Jameson's head (with their elbows or knees) during the escort. Per SDSO DSB P&P 2.49, Use of Force, "Employees shall not use more force in

any situation than is reasonably necessary under the circumstances.” Deputies 1 and 2 utilized department approved control holds while escorting Jameson due to his noncompliance and resistance. In accordance with SDSO Use of Force Guidelines, the deputies use of force was appropriate and proportional to Jameson’s active resistance. CLERB determines that the investigation found no evidence to suggest the act or conduct occurred, by a preponderance of evidence.

2. Misconduct/Procedure – Deputies 1 and 2 placed IP Jameson in solitary confinement.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: IP Jameson claimed, “[He] was left in a solitary cell for 3 days”. A review of SDSO evidence revealed that on 07-23-23, Jameson was placed into a sobering cell, in accordance with SDSO DSB P&P J.2 Sobering Cells. Per policy, sobering cells shall only be used for the holding of incarcerated persons who are a threat to their own safety or the safety of others and require a protective environment due to their state of intoxication (e.g., under the influence of drugs, alcohol, etc.). This excludes incarcerated persons who have life threatening withdrawal symptoms or need long-term detoxification. Sobering cells shall never be used for disciplinary purposes. On 07-24-23, Jameson was moved from the sobering cell to a booking cell with other IPs. On 07-25-23, Jameson was transferred from the booking cell to facility 1, area X, a holding area for IPs awaiting transfer outside of San Diego Central Jail (SDCJ). That same day, Jameson was transferred out of SDCJ to Vista Detention Facility (VDF). The evidence revealed that Jameson was housed alone for approximately 18 hours while in the sobering cell, contradicting his claim. SDSO DSB P&P J.2, Section 2.A states, “Clothing articles, such as pants, shirts, skirts or dresses that must be removed due to their construction, shall be replaced with appropriate jail-issued clothing.” In Jameson’s case, he did not have any clothes removed when he was placed in the sobering cell. Jameson was still in the booking process and could not be classified until cleared from the sobering cell. CLERB determines, by a preponderance of evidence, that this alleged act or conduct did not occur.

AYE: 7

ABSENT: 0

NAY: 0

ABSTAIN: 0

24-068/LIPPMAN (Routine)

1. Illegal Search & Seizure – Deputy 1 conducted a traffic enforcement stop on Sasha Lippman on 05-02-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: In his complaint to CLERB, Lippman alleged that Deputy 1 “*violated [his and his passenger’s] civil and constitutional rights*” by “*conducting an illegal traffic stop.*” In review of the evidence, which included Deputy 1’s Body Worn Camera (BWC) recording and the related SDSO Arrest Report, it was noted that Deputy 1 conducted a registration check on Lippman’s vehicle and learned the vehicle did not have a valid registration. While at a stop sign, Lippman’s vehicle went past the limit line of the intersection. Lippman was in violation of failing to stop at a red stop sign. For these reasons, Deputy 1 performed a traffic enforcement stop. According to California Peace Officers Legal Sourcebook (CPOLS), *a traffic stop is considered legal when there is a reasonable suspicion that the driver has violated the Vehicle Code or another law. “Pretext” Stops: The term “pretext stop” carries connotations of deceit. In practice, it refers to a lawful stop initiated to investigate a crime or infraction, accompanied by an additional subjective motive on the part of the officers. A traffic stop is lawful if: (1) there is a legitimate reason for the stop (an actual or suspected violation of the Vehicle Code or other law), and (2) the actions taken are in accordance with that reason.* According to SDSO P&P Section 2.51 titled, “Arrest, Search and Seizure,” *employees shall not make any arrest, search or seizure, nor conduct any investigation or official Office business, in a manner which they know or ought to know is not in accordance with law and established Office policies and procedures.* Deputy 1 articulated the reasons for the stop. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

2. Illegal Search & Seizure – Deputy 1 asked Lippman’s passenger for identification.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Lippman alleged procedural misconduct when he questioned the *“legality and authority of the Deputy [1] to request ID from the passenger.”* In review of Deputy 1’s BWC recording, after conducting the traffic enforcement stop, Deputy 1 asked both the driver (Lippman) and the passenger for their identifications. When Lippman asked Deputy 1 why he needed to see the passenger’s identification, Deputy 1 informed him that he would need to identify everyone in the vehicle. According to CPOLS regarding Occupants/Passengers, *“ the Supreme Court has held that in all traffic stops the driver and passengers are seized and all persons in the car can therefore challenge the constitutionality of the stop. The detention of the occupants “ordinarily continues, and remains reasonable, for the duration of the stop.” As to identification, “merely asking a passenger detained after a car stop for identification does not amount to a ‘separate detention’ requiring separate justification.”* By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

3. Misconduct/Discourtesy – Deputy 1 “threatened” Lippman.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: In his complaint to CLERB, Lippman described Deputy 1 as “threatening.” When asked about having to provide their identification, Deputy 1 calmly replied, *“Are you going to obstruct my investigation? I’m going to identify everyone in this vehicle.”* At this time the passenger provided his identification to Deputy 1. Later, as Deputy 1 inventoried the passenger’s property, Lippman, who was out of view of the BWC, began to get out of his vehicle. Deputy 1 stated, *“Hey! Stay in the car. Don’t make it worse. Stay in the car. I’ll come talk to you in a second.”* A La Mesa Police Officer also said, *“Just stay in the car.”* Deputy 1 then stated, *“Hey, listen, I have no problem with talking with you, but stay in the car before I make this worse for you. Have a seat .”* SDSO Policy Section 2.22 Courtesy, states that *“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.”* Per the BWC, Deputy 1 was not seen or heard losing his temper. He exercised patience and discretion during the entire interaction by speaking calmly and authoritative when needed. By a preponderance of the evidence, CLERB determined the investigation disclosed sufficient evidence to prove the allegation did not occur.

4. Discrimination/Sex - Deputy 1 was “biased” towards Lippman.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: In Lippman’s complaint, he alleged that Deputy 1 was *“homophobia biased.”* According to SDSO P&P Section 2.55 titled *“Non-Biased Based Policing,” members of the San Diego County Sheriff’s Office are prohibited from inappropriately or unlawfully considering race, ethnicity, religion, national origin, sexual orientation, gender, or lifestyle in deciding whether enforcement intervention will occur. All investigative detentions, traffic stops, arrests, searches, and seizures of property by employees will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution, applicable case law and relevant statutory authority. Employees must be able to articulate specific facts and circumstances, which support probable cause for an arrest or search or reasonable suspicion for a traffic stop, or detention.* Deputy 1’s BWC recording of his interaction with Lippman and his passenger did not provide any evidence of derogatory, biased, or inappropriate language directed to Lippman’s sexual orientation. By a preponderance of the evidence, CLERB determined the investigation disclosed sufficient evidence to prove the allegation did not occur.

5. Criminal Conduct – Deputy 1 “sexually assaulted” Lippman.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: In Lippman’s complaint, he alleged that Deputy 1 sexually assaulted him. In review of Deputy 1’s BWC recording, Deputy 1 advised Lippman that he would conduct a patdown search. Lippman extended his arms away from his body, in a T-shape. Deputy 1 grabbed Lippman’s hands and placed them at the small of his back. Deputy 1 held both of Lippman’s hands with his left hand while he patted Lippman’s right side. Deputy Lippman asked, *“Are these your keys?”* Deputy 1 then used his right hand to grasp Lippman’s hands at the small of his back and used his left hand to pat Lippman’s left front pant pocket and the left pocket of his sweater. The patdown search took 12 seconds to perform. According to California Penal Code Section 243.4(a) Sexual Battery: *“any person who touches an intimate part of another person while that person is unlawfully restrained*

by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.” Deputy 1 actions of performing a patdown search of Lippman did not constitute a sexual assault on Lippman as no elements of the crime were noted, including that Lippman was not unlawfully restrained. By a preponderance of the evidence, CLERB determined the investigation disclosed sufficient evidence to prove the allegation did not occur.

AYE: 7
ABSENT: 0
NAY: 0
ABSTAIN: 0

24-075/SINGLETON (Routine)

1. Misconduct/Procedure – Unidentified deputies housed Incarcerated Person (IP) Singleton in a 3-man cell.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Singleton filed a complaint about 3-man cell housing. A review of the evidence showed no SDO policy or procedure in place preventing jail staff from housing three incarcerated persons in a single cell to meet the operational needs of the facility. The only exception to this rule is an individual “keep separate” order placed on IP’s. A review of Singleton’s classification file confirmed that he was housed properly in accordance with SDO DSB P&P Section R.1 which states, “The Jail Population Management Unit (JPMU) will conduct classification assessments, assign individuals a classification, and assign housing for all incarcerated persons. An incarcerated person’s initial classification is determined by their original booking charges, criminal history information, medical and psychiatric issues or additional special conditions, and information obtained from the incarcerated person interview. The incarcerated person will be assigned to the most appropriate housing location based on their classification designation.” By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

2. Misconduct/Procedure - Unidentified deputies housed IP Singleton in a cell with a non-working intercom.

Board Finding: Not Sustained

Staff Recommended Finding: Not Sustained

Rationale: Singleton’s complaint alleged his cell panic button (intercom) did not work for a month. A phone interview was conducted with Singleton to clarify his allegation. Singleton informed CLERB staff that the intercom was in fact working, and that was the normal way deputies would contact him. However, Singleton stated that deputies would ignore his calls when he utilized the intercom system. SDO DSB P&P Section I.2 Intercom Systems states, “Intercoms are generally located in areas accessible by incarcerated persons (e.g., dayrooms, cells, classrooms, etc.). Each facility shall maintain an intercom system for the purpose of providing a means of communication between sworn staff and incarcerated persons. Intercom systems should be primarily used as a means of relaying and or summoning emergency assistance. Intercoms shall not be routinely muted or silenced. In the event an intercom is silenced or muted, sworn staff must make an entry in the Area Activity log, utilizing the “ALARMS” drop-down in the Jail Information Management System (JIMS). At a minimum, the description field must include the cell number or the incarcerated person’s name and booking number. The notes field must indicate the reason the intercom was silenced or muted.” A review of the evidence showed no documented events where Singleton’s intercom was silenced, muted, or had mechanical defect(s). By a preponderance of the evidence, CLERB determines that the investigation failed to provide sufficient evidence to clearly prove or disprove the allegation.

3. Misconduct/Procedure - Unidentified deputies confiscated and/or refused IP Singleton’s mail packages.

Board Finding: Not Sustained

Staff Recommended Finding: Not Sustained

Rationale: Singleton’s complaint alleged submitting numerous grievances for four undelivered packages and two that were confiscated without a reason and not getting them back. Jail Information Management System (JIMS) showed that no mail was rejected or confiscated. SDO DSB P&P Section P.3 states, “The incarcerated person will receive a copy of a Contents Unacceptable Notice (J-320) form. The mail processing center deputy will identify the article, sender, and disposition on the J-320 form. In cases where incarcerated person mail is not deliverable and placed into the incarcerated person’s property, the incarcerated person will receive a copy of the

J-320 form and a J-53 form. The notice of appeal rights shall include sufficient information identifying the non-delivered item/mail and the reason(s) why the item(s) pose a threat to detention facility safety and security." This was explained to I/P Singleton on 05-24-24, in a grievance response report. A witness also failed to produce any evidence to support Singleton's allegation of not receiving his mail. By a preponderance of the evidence, CLERB there was insufficient evidence to either prove or disprove the allegation.

4. Misconduct/Procedure - Unidentified deputies suspended in-person visitation.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Singleton alleged that phones did not work, and in-person visits were paused until after the phones were fixed. SDSO DSB P&P Section P.2 states, "All incarcerated persons will be provided reasonable access to a telephone beyond those telephone calls required by section 851.5 PC. Sworn staff members shall not turn off telephones as a punitive measure when incarcerated persons delay their response to programs, services, medication distribution, etc. 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 their attorney and the courts by telephone." A review of Singleton's SDSO Visitation Report showed, between 03-03-24 and 05-30-24, Singleton had approximately 50 documented visitations. These visitations averaged almost every other day, to include video visits, professional visits, and social visits. Singleton's records did not note any visitations restrictions. By a preponderance of the evidence, CLERB determined the alleged act or conduct did not occur.

5. Misconduct/Medical - Unidentified medical staff refused IP Singleton medical and/or dental services on 03-13-24 and 03-20-24 through 05-21-24.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: Singleton alleged he was denied medical and dental services for extended periods. SDSO medical care providers are non-sworn personnel over whom CLERB has no authority. CLERB Rules and Regulations Section 4, Authority & Jurisdiction states, "Pursuant to the Ordinance, 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...The Review Board lacks jurisdiction.

6. Misconduct/Procedure - Unidentified staff failed to respond to IP Singleton's grievances.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Singleton alleged he did not receive responses to grievances dated 04-24-24, 05-08-24, 05-14-24, and 05-19-24. A review of the evidence showed SDSO addressed Singleton's grievances in a grievance report dated 05-24-24. SDSO DSB P&P Section N.1 states, "Each facility shall attempt to resolve grievances from incarcerated persons in compliance with the California Code of Regulations, Title 15, Section 1073 and the Prison Rape Elimination Act of 2003, Section 115-52. Informal resolution of an issue is both desirable and recommended. Furthermore, written grievances can often be resolved without the intervention of a supervisor, and every effort should be made by a deputy or staff member who receives a grievance to handle it at their level. Grievance forms shall be available in housing areas and upon request. Staff may not refuse to provide a requested grievance form, destroy a grievance form, or otherwise obstruct or interfere with an incarcerated person's ability to submit a grievance form. Incarcerated persons are required to exhaust the grievance process prior to filing a lawsuit [42 U.S. Code section 1997e(a)]. Grievances alleging that an incarcerated person is subject to a substantial risk of imminent sexual abuse or physical harm shall be referred to as an "Emergency Grievance" and immediately forwarded to the watch commander or designee." CLERB determines the evidence shows that the alleged act or conduct did not occur.

7. Misconduct/Procedure- Unidentified deputies failed to respond to an intercom request.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: According to Singleton, on or around 05-12-24, deputies failed to respond to an inmate who allegedly was sexually assaulted and had pressed his intercom for assistance. Based on Singleton's allegation, a request was made to the Sheriff's Office for any information on an alleged sexual assault that had taken place on or about 05-12-24, in module 5A, cell 17. According to the SDSO Departmental Inspectional Services (DIS), there were no Prison Rape Elimination Act (PREA) reports for the entire month of May 2024 in the entire facility. CLERB determines the evidence shows that the alleged act or conduct did not occur.

8. Misconduct/Procedure - Unidentified staff denied Singleton dayroom and/or recreational yard access.

Board Finding: **Unfounded**

Staff Recommended Finding: Not Sustained

Rationale: Singleton alleged that he was denied dayroom and recreational yard due to "staff emotions." A review of the evidence showed there was no documented instances in Singleton's records where he was denied dayroom or recreational yard time. The records show daily dayroom/phone time, and certain occasions where recreational yard is offered but declined by the inmate population. SDSO DSB P&P T.11.V states, "Housing deputies will make JIMS entries for recreation yard usage (started and ended) and refusal s in accordance with Detentions P&P Section T.11. Housing deputies will review JIMS entries for their assigned housing units daily to ensure Title 15 recreation yard requirements are being fulfilled. Deputies will use the Flood button in the Operations Status Board to log administrative segregation inmates into "Rec Yard Started, Rec Yard Ended, Rec Yard Refused, or Rec Yard Unavailable." This method will ensure administrative segregation inmates recreation yard usage is logged into their Inmate History and the Area Activity Log." By a preponderance of the evidence, CLERB determines the investigation ~~failed to disclose sufficient evidence to clearly prove or disprove the allegation~~ **shows that the alleged act or conduct did not occur.**

9. Misconduct/Procedure - Unidentified deputies failed to credit Singleton's IP account.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Singleton claimed that his wife deposited money into his IP account, but he never received the deposits and/or verification of such. A review of IP Singleton's account activity showed multiple deposits of different monetary increments between 03-13-24 and 05-29-24 amounting to \$265.00. A witness also failed to produce any evidence to support Singleton's allegation of not receiving deposits. The evidence shows that the alleged act or conduct did not occur.

AYE: 7

ABSENT: 0

NAY: 0

ABSTAIN: 0

24-076/MARADIAGA (GBI)

1. Use of Force Resulting in Great Bodily Injury – Deputies Nahom Getnet, Patrick McAnany, Salvador Ordonez, Adrian Valenzuela, Andrey Wanzer, John Weldon, and Corporal David Uson utilized force against Incarcerated Person (IP) Jose Eduardo Maradiaga on 02-24-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: On 05-21-24, CLERB was notified of a San Diego Sheriff's Office (SDSO) use of force incident which resulted in an injury. This case was reviewed in accordance with CLERB Rules & Regulations 4.3, Complaint Not Required: Jurisdiction with Respect to Specified Incidents. Also, on 06-01-24, Maradiaga filed a complaint with CLERB claiming Deputies were "*beating him up*." On 02-24-24, Deputy Valenzuela attempted to transport Maradiaga from a holding cell to the second floor for booking. Maradiaga was transported to the elevator without handcuffs without incident. Upon reaching the rear of the elevator, Maradiaga began to resist control and actively resisted when asked to place his hands behind his back. Deputy Valenzuela took Maradiaga to the floor and used body strikes. Deputy Ordonez entered the elevator and assisted in restraining Maradiaga and used body strikes. For many minutes, Maradiaga exhibited assaultive behavior and active resistance by pushing and kicking deputies even after numerous body strikes. Maradiaga was injured because of the use of force. Deputy Valenzuela was also injured. According to SDSO Use of Force guidelines, deputies' use of force was appropriate

and proportional to Maradiaga's assaultive actions and active resistance. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

2. Excessive Force – Deputies 1-7 “beat up” Maradiaga.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Following this incident, Maradiaga filed a complaint with CLERB claiming “the deputy told me something, and I don’t (sic) understand English he got mad and then him and 3 other officers started beating me up.” Maradiaga began active resistance once Deputy 5 placed him in a safe position in the back of the elevator and before he asked in Spanish “*where are we going*”? Please see Rationale #1 for information on the use of force. By a preponderance of evidence, CLERB determines the investigation proved the alleged actions were Action Justified.

3. Misconduct/Procedure – Unidentified deputies placed Maradiaga on lockdown.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Following this incident, Maradiaga filed a complaint with CLERB claiming he was placed on lockdown for two weeks unable to see family. As a result of Use of Force incident along with Maradiaga's active resistance and assaultive behavior, Maradiaga was placed in the highest classification 5 and was also placed in dayglow green clothing to indicate assaultive status. Pursuant to Detentions Services Bureau Policies and Procedures, Section O.1. “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: 4

ABSENT: 0

NAY: 3

ABSTAIN: 0

24-081/UCSD PROTEST (Use of Force at Protest)

1. Use of Force at Protest – San Diego Sheriff's Office (SDSO) Deputies 1-37 used force during a protest at the University of California, San Diego (UCSD) campus on 05-06-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: This matter was investigated pursuant to CLERB Rules and Regulations Section 4.3, Complaint Not Required: Jurisdiction with Respect to Specified Incidents. In addition, CLERB received a signed complaint related to the incident. SDSO responded to a call for mutual aid at the University of California San Diego (UCSD) campus in La Jolla. California Highway Patrol (CHP) and UCSD PD were there to remove an encampment that was part of a protest. SDSO was tasked with booking and transporting any arrested individuals and providing traffic control. A review of the evidence showed the decision was made to move arrested individuals out of the temporary processing area inside of a building on the UCSD campus, and to place them on a sheriff's transportation bus to be taken to a local detention facility. While deputies moved the arrested individuals, they were met by a large group of protestors demanding the release of detainees. Multiple unidentified individuals assaulted deputies and attempted to block the SDSO transport bus from departing with the detainees. Deputies utilized their batons to jab at individuals to push them back and create space. Body Worn Camera (BWC) captured unidentified individuals attempting to take away deputies' batons and pushing back against deputies. Deputy 7 and Deputy 4 were observed utilizing their OC spray on individuals who continued to engage with deputies. After clearing the roadway and having the SDSO transport bus depart, deputies began retreating to the Price Center building on the UCSD campus. The demonstrators did not disengage and armed themselves with barricades to push against the retreating deputies. Deputy 4 deployed OC spray against the protestors to create distance and allow deputies to retreat into the building. SDSO Policy Section 2.49 states, “Employees shall not use more force in any situation than is reasonably necessary under the circumstances. Employees shall use force in accordance with law and established Office procedures, and report all use of force in writing.” Based upon the active resistance and assaultive behavior of some of the protestors, Deputies deployed physical control

techniques (jabs and pushes) along with chemical agents (OC Spray) which were reasonably necessary to protect the safety and welfare of the deputies. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

2. Excessive Force – Deputy 26 aimed less lethal bean bag munition shotgun at protestors on 05-06-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: A complainant alleged, “[SDSO] pointed guns with non-lethal... without providing any reason to do so.” See Rationale #1. CLERB identified Deputy 26 as being equipped with less lethal bean bag munition shotgun. Deputy 26 was tasked with being the last deputy in the building and preventing any demonstrators from following deputies into the building. Deputy 26 was armed with a less lethal bean bag munition shotgun. The evidence showed Deputy 26 racked the action on the less lethal bean bag munition shotgun and pointed it at the protestors while he and the other remaining deputies retreated into the Price Center Building. There is no policy stating the pointing of a less than lethal munition weapon constitutes use of force. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

3. Excessive Force – Deputies 4 and 7 “pepper sprayed” protestors on 05-06-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: A complainant alleged SDSO deputies violated SDSO Policy and Procedures by using “chemical weapons inappropriately.” See Rationale #1. CLERB identified Deputy 4 and Deputy 7 as having deployed their “OC” spray during the incident. Based upon the active resistance and assaultive behavior of some of the protestors, Deputies 4 and 7 deployed chemical agents (OC Spray) which were reasonably necessary to protect the safety and welfare of the deputies. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

AYE: 5

ABSENT: 0

NAY: 0

ABSTAIN: 2

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

1. Use of Force at a Protest – Deputies 1 and 2 used force during a protest in Fairbanks Ranch on 05-31-24.

Board Finding: Action Justified

Staff Recommended 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. On 05-31-24, Vice President of the United States, Kamala Harris (VP), was scheduled to attend an event at a private community in Fairbanks Ranch. United States Secret Service, California Highway Patrol (CHP), and the San Diego Sheriff’s Office (SDSO) were tasked with providing a security motorcade for the VP. A group of protestors were present outside of the private community as the VP’s motorcade was attempting to enter. An unknown protestor began to cross the road, as the motorcade was entering the community, and was stopped by SDSO deputies. Several additional protestors intervened by pushing and grabbing deputies and CHP officers to free the initial protestor from being detained. The initial protestor was able to escape, however, one of the protestors who intervened was arrested. A subsequent complaint was received which included allegations of improper use of force, false arrest, and harassment. 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. Employees shall use force in accordance with law and established Departmental procedures, and report all use of force in writing.” The evidence showed Deputy 1 and Deputy 2’s use of physical control techniques to detain an individual was appropriate and proportional to individual’s active resistance. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

2. False Arrest – Deputy 1 arrested a protestor on 05-31-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Included in a complaint received by CLERB was an allegation that Deputy 1 arrested a protester. See Rationale #1. A review of the evidence showed Deputy 1 had probable cause to arrest and the arrest was within SDSO policy and procedure. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

3. Misconduct/Discourtesy – Deputy 1 made “harassing” comments towards a protestor on 05-31-24.

Board Finding: Not Sustained

Staff Recommended Finding: Not Sustained

Rationale: Included in a complaint received by CLERB was an allegation that Deputy 1 made “harassing comments on the protestor’s weight and appearance, and took photographs of her.” See Rationale #1. When interviewed, the complainant did not provide testimony supporting the allegation. Attempts were made to interview the individual arrested, however, they were unsuccessful. See Rationale #4. The BWC that was received and reviewed in the matter did not show any harassing comments were made. Four digital photographs of the individual arrested were entered into evidence and noted in Deputy 1’s report. By a preponderance of the evidence, CLERB determines the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

4. Misconduct/Procedure – Deputy 1’s body worn camera was not activated per policy.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: During CLERB’s investigation, it was noted Deputy 1 did not activate his BWC pursuant to P&P. SDSO P&P Section 6.131, Body Worn Camera, stated, “Deputies/CSO’s should also begin recording prior to initiating any law enforcement related contact. Deputies/CSO’s shall activate the BWC to record all law enforcement related contacts... Law enforcement related contacts include but are not limited to the following: traffic stops, field interviews, vehicle tows, issuing of citations, issuing of parking tickets, detentions, arrests, persons present at radio calls who are accused of crimes, serving court orders or civil papers, investigative interviews, deputy initiated consensual encounters and private person-initiated contacts of a confrontational nature.” Deputy 1 arrested an individual and transported them to the SDSO North Coastal Station. Deputy 1’s BWC was recording for the duration of the transport to the North Coastal Station, and during the interview of individual. No BWC footage was available showing Deputy 1’s citation and release of the individual, as required by policy. By a preponderance of the evidence, CLERB determines the investigation determined there is evidence sufficient to prove the allegation.

AYE: 6

ABSENT: 0

NAY: 0

ABSTAIN: 1

Adjourned 9:15pm

End of Report