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# County of San Diego

## CITIZENS' LAW ENFORCEMENT REVIEW BOARD

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The Citizens' Law Enforcement Review Board made the following findings in the closed session portion of its **September 4, 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](http://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

#### 21-009/OLIVER (DoF)

1. Discharge of a Firearm – Deputies Bryson Benavente, Tony Bernal, Michael Cruz, Nicolas McGregor, and Robert Simpson discharged their firearms at Gianni Oliver on 01-31-21.

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 01-31-21, Barona Tribal Enforcement requested assistance from the San Diego Sheriff's Office (SDSO), regarding a call for service on the Barona Reservation. SDSO deputies met with Barona Tribal Enforcement and learned that a female individual, [redacted], was possibly being held hostage by her boyfriend, Gianni Oliver. Deputies were also informed Oliver may be armed and was "shooting guns" at the property earlier in the day. Deputies planned to surround the home and call out the residents. When deputies arrived at the residence and made announcements, [redacted] appeared at the front door but would not leave the home. Deputies moved closer to the entrance of the home and began communicating with [redacted]. [Redacted] continued to deny anyone else was in the house, however, an SDSO helicopter observed a second individual on the second floor of the residence. Given [redacted]'s contradictory statements, and safety concerns based on the original call for service, deputies began searching the home. During the search, Oliver emerged from a stairwell, which led to the second floor of the residence, and began firing his gun toward deputies inside the residence. As a result, Deputy Bernal discharged his firearm at Oliver. During the initial exchange of gunfire, [redacted] suffered non-life-threatening gunshots. Deputies moved to [redacted] and

evacuated her from the residence. While moving [redacted], Oliver again fired his weapon, this time from a position near the balcony of the second floor of the residence, at numerous deputies and [redacted]. During this second incident, Deputies Benavente, McGregor, Simpson, and Cruz, discharged their weapons at Oliver. Oliver remained barricaded in the home and ultimately surrendered to law enforcement personnel without further incident. Neither Oliver nor any deputies were injured. At the time of the incident, SDSO P&P Addendum Section F, Use of Force Guidelines, was the current P&P in place. Regarding "lethal force", Addendum Section F stated, *"Lethal force: refers to any force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm. Deputies may only use lethal force when they reasonably believe, based on the totality of the circumstances, that lethal force is necessary to defend against an imminent threat of death or serious injury to the deputy or to another person; or to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the deputy reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. In situations where lethal force is necessary to defend against an imminent threat of death or serious injury to the deputy or to another person, deputies may use any method of force which is necessary and objectively reasonable to neutralize the threat in defense of human life. When using deadly force, a deputy shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts. A deputy shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the deputy or to another person. Thus, deadly force may not be used on a person who poses only a danger to themselves."* The provided evidence clearly established, in both exchanges of gunfire, deputies were justified and within P&P in defending themselves, and the victim, by discharging their firearms. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

**AYE: 4**

**ABSENT: 2**

**NAY: 1**

**ABSTAIN: 0**

**24-112/GREEN (Routine) DEFERRED**

**AYE: 5**

**ABSENT: 2**

**NAY: 0**

**ABSTAIN: 0**

**24-121/VELAZQUEZ (Priority)**

1. Criminal Conduct - Deputy 3 "sexually harassed" Incarcerated Person (IP) Emmanuel Velazquez on 08-31-24.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Velazquez alleged Deputy 3 *"objected me on August 31<sup>st</sup> at approximately 2030 to a strip search and sexually harassed me during the procedure."* Deputy 3 was investigating Velazquez for hoarding medication. Deputy 3 and another deputy brought Velazquez to a private room to complete a search of Velazquez's wheelchair and to conduct a strip search for contraband. Deputy 3 found hoarded medication in the wheelchair. Deputy 3 and the other deputy remained at least an arms distance from Velazquez and never physically touched Velazquez. Velazquez complied with verbal directions given by Deputy 3. Deputy 3 used anatomical language during verbal directions given to Velazquez. There was no discussion regarding sexual orientation or gender identity. Per Green Sheet Section I.52.G Strip and Pat Down Searches of Incarcerated Persons, *"Strip searches shall be conducted in an area that provides as much privacy as possible without compromising facility security or observed by persons not participating in the search... Except when necessary... to prevent the loss or destruction of discovered evidence, persons conducting a strip search shall not touch the breast, buttocks, genitalia or body cavity of the person being searched...Incarcerated persons may be strip searched any time there is reasonable suspicion to believe they may be concealing contraband or weapons... Strip search – any search that requires a person to remove or arrange some or all of their clothing so as to permit visual inspection of the underclothing, breasts, buttocks, genitalia, or body cavity."* Per Section I.20 Supplemental Guidelines for Detentions: *"Body Worn Cameras (BWC), deputies shall not intentionally record incarcerated persons while the primary task they are performing involves conducting a strip search... Nothing within this policy*

*is intended to prevent a deputy from activating their BWC any time circumstances arise which dictate the need for BWC activation, such as an incarcerated person becoming uncooperative and/or resistive during a contact, or other situations where recording a contact becomes reasonably necessary or the resulting recorded data is likely to hold evidentiary value.”* Deputy 3 conducted a strip search looking for contraband. The strip search was conducted in a private area and deputies gave Velazquez verbal directions during the strip search while standing in the doorway. By a preponderance of the evidence, the investigation clearly established that the allegation is not true.

2. Misconduct/Procedure – Deputies 2 and 3 conducted a strip search of a transgender/nonbinary IP on 08-31-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Velazquez alleged, *“The search was not conducted by a female deputy to comply with my gender identity.”* In April and July 2024, Velazquez was asked by classification deputies about his preferences with regards to housing and searches. He stated he had no search preference and preferred male pronouns. JIMS was updated to reflect his preferences. Velazquez was advised that his housing and search preference would default to his biological sex. Velazquez stated he understood and signed a Voluntary Gender Identify Statement of Preference J-350 form. Per Detentions Policy R.13, Transgender, Intersex, and Nonbinary Incarcerated Persons, *“The J-350 form will be placed in the incarcerated person's custody record and a Jail Information Management System (JIMS) housing modifier will be entered to identify the incarcerated person's strip search preference. All searches of incarcerated persons who have been identified as transgender, intersex, or non-binary will be conducted by staff member(s) in accordance with the individual's documented search preference found in JIMS.”* Based on Velazquez's preferences stated on the J-350 form and two interviews with classification deputies; he had no preference with regards to strip searches. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

3. Misconduct/Procedure – Deputy 1 failed to comply with the IP Grievance process on 09-03-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Velazquez alleged on 09-03-24, he handed Deputy 1 a grievance regarding the strip search and a specific deputy. Deputy 1 *“refused to sign and provide a copy as required to me.”* Per SDSO P&P N.1, Section VIII, *“Some grievances submitted by incarcerated person are actually complaints about employee misconduct...Supervisors must be able to effectively distinguish between grievances that are truly grievances, and grievances that are complaints alleging misconduct by staff. ... If the incarcerated person is alleging that an employee's actions violated policy, this is a personnel complaint...If a grievance addresses the actions of a specific deputy or staff member, the deputy or staff member who receives and signs for the grievance will return the second page to the incarcerated person...Give the J-22 form to a supervisor for review...If immediate action is not required, the J-22 form will be forwarded to the immediate supervisor of the employee named in the complaint to determine if a formal investigation is warranted.* Deputy 1's BWC documented the interaction with Velazquez in which Velazquez handed Deputy 1 what appears to be a grievance form. Deputy 1 did not refuse to sign the form, instead stated he would return it later to Velazquez. The personnel misconduct policy requires the complaint to be handled by the immediate supervisor of the employee. Velazquez's complaint was documented in JIMS, the complaint was forwarded and investigated by a supervisor, and those results were documented in JIMS. Deputy 1 provided a confidential statement during CLERB'S investigation that was taken into consideration. By a preponderance of the evidence, CLERB determines the investigation showed the alleged act did occur but was lawful, justified, and proper.

## **POLICY RECOMMENDATION**

1. It is recommended that the San Diego Sheriff's Department (SDSD) update SDSO Detention Services Bureau (DSB) P&P N.1 Grievance Procedures, by separating the “Personnel Complaint” investigative requirements for clarity.

**AYE: 5**

**ABSENT: 2**

**NAY: 0**

**ABSTAIN: 0**

## **24-128/HOPKINS** (Routine)

1. False Arrest – Deputy 1 arrested Mark Hopkins on 07-25-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Hopkins reported that he was falsely arrested by Deputy 1 for Domestic Violence and alleged that Deputy 1 may have previously known his ex-wife. California Penal Code §243(e)(1) defines domestic battery as any willful and unlawful use of force or violence against a spouse, former spouse, cohabitant, or person with whom the suspect has had a relationship. Additionally, SDSO Policy & Procedure Section 6.97 requires deputies responding to calls involving potential domestic violence to employ a “*pro-arrest*” response and to investigate such incidents in accordance with the San Diego County Domestic Violence Protocol. Evidence demonstrated a physical altercation occurred in which Hopkins pushed his ex-wife during a dispute. The video footage showed Deputy 1 conducting an investigation into a potential domestic violence incident. The recording reflected that Deputy 1 gathered and reviewed available evidence at the scene, including observed conduct and video documentation. Also, a review of the Deputy’s BWC footage did not show any reference to a personal relationship with the complainant’s ex-wife. Hopkins was arrested after an investigation was conducted. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

**AYE: 5**

**ABSENT: 2**

**NAY: 0**

**ABSTAIN: 0**

## **24-168/LEONE** (Routine)

1. Illegal Search & Seizure - Deputy 1 conducted a traffic stop on Michael Leone on 06-18-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Leone alleged Deputy 1 did not have legal justification to pull him over, failed to tell him why he was pulled over and characterized the stop as “*targeted*.” After greeting Leone, Deputy 1 said, “*I pulled you over cause your third brake light isn’t working*” and explained “*all lights have to work*” per CVC 24252(a)(1), Lighting Equipment Requirements. At the 17:20 mark of Deputy 1’s BWC, he explained to Deputy 2, “*He went by and then when I got behind him, he switched lanes tapped the brakes and his third brake light don’t work.*” By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

2. Excessive Force – Deputies 1 and 2 used force during their arrest of Leone.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Leone alleged he was forcibly removed from his vehicle with “*excessive force*.” Deputy 1 conducted a traffic stop of Leone, explained the reason for the stop, and asked for documents including a driver’s license. Leone provided registration and insurance documents but said he did not know where his driver’s license was. While reaching around the passenger compartment for documents, Leone reached down between the seats and appeared to drop something. Deputy 1 asked Leone what he dropped two times without getting a response. Instead, Leone ignored the question while continuing to reach around the passenger compartment and into his right pocket. Deputy 1 wrote, “*I was unsure if he was reaching for a concealed weapon or concealing or attempting to destroy contraband/evidence of a crime.*” Leone was ordered out of the vehicle by Deputy 2, and he refused. Leone was given ten opportunities to comply with the order and failed to do so while continuing to move his right hand in and out of the Deputies sight. Deputy 1 went back to the passenger’s side of the vehicle, reached into the passenger compartment and unfastened Leone’s seatbelt. Leone tensed up prompting Deputy 2 to tell him, “*Stop tensing up.*” Both deputies utilized physical control techniques by grabbing Leone’s hands and forcing them behind his back for handcuffing. SDSO P&P Section 6.48 stated, “*It shall be the policy of this Office whenever any Deputy Sheriff of this Office, while in the performance of his/her official law enforcement duties, deems it necessary to utilize any degree of physical force shall only be that which the Deputy Sheriff believes necessary*”

and objectively reasonable to effect the arrest, prevent escape or overcome resistance (per 835(a) PC). Deputies shall utilize appropriate control techniques or tactics which employ maximum effectiveness with minimum force to effectively terminate, or afford the Deputy control of, the confrontation incident.” Subsequent to his detention, multiple items of illegal substances were recovered on Leone’s person and in the area Leone had been reaching toward during the initial encounter. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

AYE: 5

ABSENT: 2

NAY: 0

ABSTAIN: 0

## **24-172/CASTILLO** (Routine)

1. Misconduct/Procedure – Deputy 1 failed to activate his Body Worn Camera (BWC) pursuant to policy.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: The complainant, Ysabel Castillo, alleged Deputy 1 did not activate his BWC prior to Castillo being arrested. Per SDSO reports, on 02-16-24, Deputy 1 responded to a call of “*criminal threats*” at a 7-Eleven in Lakeside. Body Worn Camera footage recorded from Deputy 1’s BWC begins as he was standing in front of a vehicle speaking to the parties involved in the call for service. SDSO P&P Section 6.131, Body Worn Cameras, stated, “*Deputies/ CSO’s shall wear the BWC in a position that provides for the most effective recording angle for the model provided to the wearer while also ensuring the ability to safely activate the camera prior to, or during an incident... When responding to a call for service, a deputy/CSO shall activate their BWC in record mode prior to arriving on scene or upon arrival and prior to exiting their patrol vehicle. In situations where activation was not accomplished prior to arriving on scene, those reasons shall be articulated in writing via case related report, or if no report, in CAD. Deputies/CSO’s should also begin recording prior to initiating any law enforcement related contact.*” The evidence showed Deputy 1 did not activate the BWC prior to exiting their patrol vehicle. By a preponderance of the evidence, CLERB determines the investigation determined there is sufficient evidence to prove the allegation or conduct was not justified.

2. Misconduct/Intimidation – Deputy 1 “*threatened*” Ysabel Castillo.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Castillo alleged Deputy 1 “*was threatening me and cussing at me...*” The evidence reviewed, which included BWC footage, deputy reports, and video footage captured via a cell phone, showed Castillo verbally threatened to assault Deputy 1. Additionally, the evidence showed Castillo attempted to kick Deputy 1. After Castillo kicked at Deputy 1, Deputy 1 stated, “*If you do that again, I’m going to slam you against the fucking car. Don’t do that.*” SDSO P&P Section 2.22 Courtesy, stated, “*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. Coarse, profane, or violent language is generally prohibited.*” The evidence showed Deputy 1 advised Castillo force may be used against her in response to the assaultive behavior. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

3. Excessive Force – Deputy 1 used force against Castillo.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Castillo alleged Deputy 1 “*... slammed my head against the back of his squad car as well as slammed me on the ground he dug his knee into my back.*” The evidence showed Castillo was arrested in handcuffs and placed in the back of a SDSO patrol vehicle. Castillo was able to slip her hands out of the handcuffs while in the patrol vehicle. This was captured on BWC, as Deputy 1 placed his BWC to face Castillo. While Deputy 1 attempted to reapply handcuffs to Castillo, Castillo resisted by pulling her arms away and again attempted to kick Deputy 1. Per Deputy 1’s report, “*I shoved her into the side of the patrol, striking her forehead. Immediately afterwards, I placed my right hand on her right shoulder and left hand on her left wrist and guided her to a prone position*”

outside of the car. I instructed Castillo to place her hands behind her back. She continually refused. I placed my left knee over her left buttock to prevent her from standing. I then grabbed her left wrist with my left hand, placed it on the small of her back, and secured it in handcuffs.” The evidence reviewed showed the use of force was within SDSO’s P&P, given Castillo’s active resistance and assaultive behavior. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

4. Misconduct/Procedure – Deputy 1 failed to admonish Castillo of her Miranda Rights.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Castillo alleged Deputy 1 did not read Castillo her Miranda Rights. SDSO P&P Section 2.6, Conformance to Laws, *“Employees shall obey all laws of the United States, of this state, and of local jurisdictions.”* The evidence reviewed showed Deputy 1 did not admonish Castillo of her Miranda rights. Miranda provides that both ‘custody’ and ‘interrogation’ must co-exist at the same time before Miranda advisements are required. The evidence showed Deputy 1’s actions did not violate SDSO P&P. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

5. Misconduct/Procedure – Deputy 1 searched Castillo.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Castillo alleged, while Deputy 1 was conducting a pat down, Deputy 1 touched Castillo *“in places he should not be touching.”* SDSO P&P Section 2.51, Arrest, Search and Seizure, stated, *“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.”* The evidence reviewed showed Deputy 1 conducted a cursory pat-down search after Castillo was arrested, and prior to placing Castillo in the back of a SDSO patrol vehicle. The evidence showed Deputy 1’s actions were within SDSO P&P. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

6. Misconduct/Procedure – Deputy 1 did not provide medical aid to Castillo.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Castillo alleged Deputy 1 *“ignored”* Castillo request for medical aid. SDSO Section 11.24, Aftercare, stated, *“Whenever a subject requires or reasonably requests medical attention after a use of force incident, a deputy shall promptly provide medical attention, request medical aid, and/or transport them to an emergency medical facility when safe to do so.”* The evidence showed Deputy 1 did request medical aid for Castillo and that Castillo was medically evaluated prior to being booked into custody at Las Colinas Detention and Reentry Facility (LCDRF). Additionally, the evidence showed Castillo did not make a reasonable request for medical aid. By a preponderance of the evidence, CLERB determines the investigation disclosed sufficient evidence to prove the allegation did not occur.

**AYE: 5**

**ABSENT: 2**

**NAY: 0**

**ABSTAIN: 0**

## **24-174/RENDON** (GBI)

1. Use of Force Resulting in Great Bodily Injury – Deputy Robert Mata used force against Incarcerated Person (IP) Omar Rendon on 10-17-24.

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 10-17-24, at San Diego Central Jail (SDCJ) deputies responded to 4th floor, module A, cell #10, which housed Omar Rendon. Per the Control Tower Deputy, Rendon

made comments that he was going to jump. When deputies responded, Rendon refused to be handcuffed and threatened deputies which resulted in a use of force incident. Consequently, Rendon sustained an injury and was treated at a local hospital. Per, SDSO P&P Section 2.49, Use of Force, *"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."* Additionally, Section 11.9, Types of Resistance, provides the following definitions: *"Active Resistance: refers to physically evasive movements to defeat a deputy's attempt at control, including bracing, tensing, running away, or verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody. Assaultive Behavior: is represented by aggressive or combative behavior, attempting to assault the deputy or another person, or verbally or physically displaying an intention to assault the deputy or another person."* The evidence reviewed, including Deputy reports and Body Worn Camera (BWC) footage, showed the use of force was within SDSO's P&P, given Rendon's active resistance and assaultive behavior, demonstrated by Rendon physically resisting deputies attempts to detain him. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

**AYE: 5**

**ABSENT: 2**

**NAY: 0**

**ABSTAIN: 0**

### **24-175/RUIZ** (GBI)

1. Use of Force Resulting in Great Bodily Injury – Deputy Robert Thompson used force against Ramiro Ruiz on 10-28-24.

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. The San Diego Sheriff's Office (SDSO) reported that on 10-28-24, Ramiro Ruiz burglarized a home in Vista, CA. The owner of the residence, who arrived home, discovered a window and garage door was broken, and observed that the home had been ransacked. The owner of the residence subsequently called 911, and SDSO deputies were dispatched to the call for service. While enroute to the call for service, the owner of the residence flagged down responding deputies, and pointed out Ruiz as the individual walking out of the home with her property to the deputies. Ruiz fled and hid in a nearby canal covered by dense vegetation. During the incident, a SDSO canine was used to search for and apprehend Ruiz. Consequently, Ruiz sustained injuries due to the canine deployment. SDSO Policy and Procedure Manual (P&P) Section 2.40, Use of Force, stated, *"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."* Additionally, Section 11.21, Canines, stated, *"law enforcement trained canines are a viable intermediate force option when employed under the direction of their handlers in accordance with the Sheriff's Canine Unit Manual. Canines may be deployed to locate, apprehend, or control suspects when the handler has evaluated the severity of the crime, level of resistance, and whether the suspect's actions pose an immediate threat to the safety of deputies or others."* The evidence reviewed, including Deputy reports and Body Worn Camera (BWC) footage, showed the use of force was within SDSO's P&P, given Ruiz's active resistant behavior, demonstrated by Ruiz running away to avoid being taken into custody. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

**AYE: 5**

**ABSENT: 2**

**NAY: 0**

**ABSTAIN: 0**

2. Misconduct/Procedure – Deputy 1 failed to activate Body Worn Camera (BWC) pursuant to policy and procedure.

Board Finding: **Action Justified**

Staff Recommended Finding: Sustained

Rationale: During CLERB's investigation, it was noted Deputy 1 did not activate his BWC until Deputy 1 was on foot and in pursuit of Ruiz. SDSO P&P Section 6.131 Body Worn Cameras, stated, *"When responding to a call for service, a deputy/CSO shall activate their BWC in record mode prior to arriving on scene or upon arrival and*

prior to exiting their patrol vehicle. In situations where activation was not accomplished prior to arriving on scene, those reasons shall be articulated in writing via case related report, or if no report, in CAD. 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. While away from Office facilities, deputies shall keep their BWC powered on and in stand-by mode, anticipating law enforcement related contacts. If for confidential or personal reasons, deputies/CSO's feel the need to power-off their BWC momentarily (i.e., phone call, email or bathroom break) while away from Office facilities, they need to remember to power-on and reactivate their BWC after their reasoning for powering-off has concluded. The record mode of the camera should be activated prior to actual contact with a citizen (victim/witness/suspect), or as soon as safely possible, and continue recording until the contact is completed. Deputies shall begin recording prior to arriving to an incident if the call has the potential to involve immediate enforcement action upon arrival..." Deputy 1 provided a confidential statement that was taken into consideration. By a preponderance of the evidence, CLERB determines the investigation determined there is sufficient evidence to prove the allegation or conduct was not justified. **alleged act or conduct did occur but was lawful, justified and proper.**

**AYE: 4**

**ABSENT: 2**

**NAY: 1**

**ABSTAIN: 0**

***Adjourned 10:57 pm***

***End of Report***

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