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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 **October 2, 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

24-112/GREEN (Routine)

1. Misconduct/Procedure – Unidentified deputies failed to provide mail to Incarcerated Person (IP) Christopher Green.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Incarcerated Person Green filed a complaint regarding interception and rejection of his mail while in custody. According to Detention Services Bureau Policies and Procedures, Section P.3, Inmate Mail, *"The incarcerated person will receive a copy of a Contents Unacceptable Notice (J-320) form. The MPC 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."* The mail at issue was inspected by deputies in accordance with Section P.3. Records show that the items were rejected, logged in JIMS with an "MREJ" entry, and that a J-320 "Contents Unacceptable Notice" was issued to IP Green and the sender. The notice documented the item, the sender, and the grounds for rejection, and included instructions for filing an appeal. When IP Green filed a grievance, staff explained that the rejection was carried out under Section P.3 and described the applicable procedures, including the J-320 notice, JIMS entry, and the right to appeal using the J-22 grievance form. The mail was intercepted, inspected, and rejected through the procedures established in Section P.3 of the Detention Services Bureau's Inmate Mail policy. The rejection was

documented in JIMS, and notices with appeal instructions were issued to both the inmate and the sender. By preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

2. Misconduct/Procedure - Unidentified deputies failed to notify IP Green of his attorney call back request.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: IP Green reported deputies failed to notify him of his attorney call back requests while in custody. Jail phone records covering April to September 2024 were reviewed and indicate IP Green made over 120 outgoing calls to a law office, as well as five calls to CLERB. Green also provided email correspondence from his attorney referencing a callback request. According to the SDSO, there was no process to track or verify if an attorney calls to request a callback to an in IP. Detention Processing staff cannot forward incoming phone calls to inmates, do not maintain records of attorney callback requests, and have no way to confirm whether deputies advised an inmate that such a request was made. IPs are permitted to make outgoing calls to their attorneys during open dayroom hours using the facility telephones. The SDSO does not maintain a system for recording or tracking whether such requests are communicated to inmates. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

3. Misconduct/Procedure – Unidentified deputies failed to provide Dayroom time to IP Green.

Board Finding: Unfounded

Staff Recommended Finding: Sustained- **Unfounded**

Rationale: ~~IP Green reported deputies failed to provide dayroom access while he was incarcerated at George Bailey Detention Facility (GBDF) between 06-10-24 and 10-15-24. According to SDSO Inmate History Reports, Green had eight documented instances of dayroom activity between 04-10-24 and 06-07-24. On 06-07-24, there was one documented refusal of dayroom by IP Green. Following this entry, from 06-10-24 through 10-15-24, the records reviewed did not reflect any additional documentation of dayroom being offered, refused, or restricted due to rotating schedules for facility security. The facility's documentation only showed that after 06-10-24, there were no recorded entries regarding dayroom activity. A review of documents, including the SDSO Area Activity Report, showed that IP Green was provided dayroom and recreational yard time during his incarceration, at least three hours a week, from April through October 2024. The records reflect daily documentation of dayroom being offered to Green and bottom-tier IPs, as well as noted instances when the dayroom schedule was modified due to safety or security concerns. Per Title 15, California Code of Regulations §1065 (Recreation): "Adult detention facilities shall provide a minimum of three hours of exercise and recreation per week, outside the inmate's cell, for each inmate. Exercise may take place in an outdoor or indoor area, and the requirement applies regardless of housing status." SDSO Policy I.63, Facility Security–Housing Units: "Inmates are to be granted dayroom access as part of regular housing operations. When security or safety issues require lockdowns, facilities may implement rotating schedules to allow small groups access, with the intent of ensuring equal dayroom time across the population." SDSO DSB Policy I.21, Housing Unit Area Activity Log stated, "Deputies assigned to housing units on each shift shall maintain daily shift records of pertinent information regarding incarcerated persons and their activities." Per DSB Section I.63 (Facility Security–Housing Units): "Inmates are to be granted dayroom access as part of regular housing operations. When security or safety issues require lockdowns, facilities may implement rotating schedules to allow small groups access, with the intent of ensuring equal dayroom time across the population." While Title 15 §1065 and SDSO policies I.21, I.63, require provision and documentation of dayroom access, the lack of entries in the inmate history report does not establish whether I/P Green received unequal dayroom, only that no further activity was documented in the record reviewed. By a preponderance of the evidence, CLERB determines the investigation determined there is evidence sufficient to prove the allegation or conduct was not justified. The investigation clearly established that the allegation is not true.~~

4. Misconduct/Procedure – Unidentified deputies failed to provide or confiscated IP Green's supplies.

Board Finding: Not Sustained

Staff Recommended Finding: Not Sustained

Rationale: In his signed complaint, IP Green reported that all of his pencils were confiscated by deputies, which he stated made it difficult for him to respond to correspondence. Title 15, California Code of Regulations, §1262

Inmate Property: *“Facilities must establish written policies that identify allowable inmate property, including writing materials, and must ensure inmates have access to items necessary for legal correspondence and the preparation of grievances.”* Title 15, California Code of Regulations, §1063 Inmate Correspondence: *“Facilities are required to provide materials necessary for written communication, including writing instruments, paper, and envelopes. Restrictions on such materials must be based on safety, security, or orderly operation of the facility.”* Section N.6, Conditions of Confinement Incarcerated Person: *“Indigent conditions of confinement incarcerated people will be given a supply of the above items by the correctional counselor, which will be paid for by the incarcerated person welfare fund. Replacement of any of the items listed above shall be accomplished through a written request to the correctional counselor. The correctional counselor will determine the validity of the request and furnish the appropriate supplies.”* Title 15 §1262 and §1063 require that inmates be allowed access to basic writing instruments, and SDSO Policy N.6 establishes that such materials must be made available for correspondence and legal purposes. Although IP Green alleged that all of his pencils were confiscated, the complaint he submitted to CLERB was written with a pencil, indicating access to at least one writing instrument. The reviewed documentation did not contain property logs or notations reflecting confiscation of pencils. By a preponderance of the evidence, CLERB determines the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

AYE: 6

ABSENT: 1

NAY: 0

ABSTAIN: 0

24-171/BASKETTE (Routine)

1. False Arrest – Deputies 1 and 2 placed Michael Baskette on a “5150 Hold” on 08-06-24.

Board Finding: Action Justified

Staff Recommend Finding: Action Justified

Rationale: Complainant Michael Baskette alleged he was falsely detained based on the Sheriff’s deputies lying about him making threats to shoot down planes. On 08-06-24, deputies responded to a call reporting that Baskette had been making phone calls and leaving voicemails to a Flyers club, with the content of the phone calls escalating in frequency and intensity. The reporting party provided a voicemail in which Baskette stated, *“Next time this happens, we’re going to put some rounds through the fuselage and see how well that flies.”* Deputies confirmed through a criminal records check that Baskette had a prior arrest record under Penal Code Section 248, which involves interference with the operation of aircraft, and a prior documented incident involving a firearm. Records also showed Baskette owned eleven firearms. Baskette was detained pursuant to Welfare and Institutions Code 5150. In a statement obtained at the station, Baskette acknowledged leaving voicemails but denied intent to shoot aircraft. SDSO Policy & Procedure 2.51 states, “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.” And SDSO Policy & Procedure 6.32 which states, “Upon determining an individual requires an evaluation for a 72-hour hold, pursuant to 5150 of the Welfare and Institutions Code; appropriate documentation is required following the NetRMS reporting procedure. A copy of the Application for 72-Hour Detention for Evaluation and Treatment form shall be attached to the report electronically.” The investigation showed the alleged act did occur but was lawful, justified, and proper.

2. Illegal Search & Seizure – Deputies 1 and 2 seized Baskette’s firearms.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Baskette stated, *“My gun collection would be returned in ten days, and nothing further would come of the incident to affect me; it would all stay in-house. To date my legally owned guns have not been returned, Attorney General’s office claims I have a 5150. Everything from SDSO was a lie.”* See Rationale #1. Baskette was detained under Welfare and Institutions Code (WIC) section 5150. At the time of the detention, deputies identified firearms owned by Baskette. WIC section 8102 (a) states: *“Whenever a person, who has been detained or apprehended for examination of his or her mental condition or who is a person described in Section 8100 or 8103, is found to own, have in his or her possession or under his or her control, any firearm whatsoever, or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by any law enforcement*

agency or peace officer, who shall retain custody of the firearm or other deadly weapon.” After explaining this to Baskette, deputies also received a signed consent form from Baskette, to search his residence. Deputies went to Baskette’s home and confiscated the firearms. Baskette was informed that he could file a request for a hearing to have his firearm rights restored. Per Baskette’s own admission, he chose not to request the hearing. SDO informed Baskette that his firearms would be destroyed or they could be turned over to licensed gun dealer. At Baskette’s direction, his firearms were turned over to Discount Gun Mart to be sold. At that point, SDO no longer had Baskette’s firearms in their possession. The investigation showed the alleged act did occur but was lawful, justified, and proper.

AYE: 6

ABSENT: 1

NAY: 0

ABSTAIN: 0

24-186/CARTWRIGHT (Routine)

1. Misconduct/Discourtesy – Probation Officers (PO) 1 and 2 were discourteous towards Cartwright.

Board Finding: **Not Sustained**

Staff Recommended Finding: Unfounded

Rationale: Per Shondel Cartwright’s complaint to CLERB, Cartwright alleged, “[I] *was treated in a belittling [sic], condescending [sic], derogatory manner.*” Cartwright did not provide testimony in the complaint to CLERB which supported the allegation. Attempts were made to obtain a statement from Cartwright regarding the allegation, without success. Numerous Probation records were reviewed which documented the interactions between Probation staff and Cartwright. Probation Policy Manual Section 801, Standards of Conduct, “*establishes standards of conduct that are consistent with the values and mission of the San Diego County Probation Department and are expected of all department members.*” Probation Policy Manual Section 801.5.9 (f), listed, as *Causes for Discipline*, “*Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the County.*” ~~By a preponderance of evidence, CLERB investigators determined the investigation clearly established that the allegation is not true.~~ **There was insufficient evidence to either prove or disprove the allegation.**

2. Discrimination/Other – PO 1 treated Cartwright with a “*discriminating attitude.*”

Board Finding: **Not Sustained**

Staff Recommended Finding: Unfounded

Rationale: Cartwright alleged, “[PO 1] *had/is displaying negligence, unprofessional treatment... and treating me with an [sic] discriminating attitude for my mental health and substance use disorder.*” See rationale #1 and #4. Probation Policy Manual Section 801.5.3, *Discrimination, Oppression, or Favoritism*, stated, “*Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.*” ~~By a preponderance of evidence, CLERB investigators determined the investigation clearly established that the allegation is not true.~~ **There was insufficient evidence to either prove or disprove the allegation.**

3. Misconduct/Procedure – Unidentified PO “*demande*d” Cartwright report in two weeks.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Cartwright alleged, “*Against procedure/protocol [sic] was demanded to report in two weeks instead of normal reporting period of a month.*” Cartwright’s Court ordered terms of Probation were reviewed. Included was an order that Cartwright “Follow such course of conduct that the P.O. communicates to defendant... Report to the P.O. as directed/within 72 hours of any release from custody... Thereafter, report in person the first day of each month until directed to do otherwise.” Probation Policy Manual Section 400.11, Minimum Contact Standards, provides guidelines for “*face-to-face contact frequency standards.*” The Policy does not prohibit a PO from requiring a “*face-to-face contact*” within a one-month period. The evidence showed Probation’s contacts with

Cartwright were within policy. By a preponderance of evidence, the investigation showed the alleged act did occur but was lawful, justified, and proper.

4. Misconduct/Procedure – PO 1 did not refer Cartwright for services.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Cartwright alleged, “*Never has [PO 1] gave me any referrals [sic], suggestions, and/or offered [sic] any resources.*” The evidence reviewed showed Cartwright received numerous referrals for services related to behavioral health, housing, employment, and substance use. Additionally, at the time Cartwright submitted a complaint to CLERB, Probation records showed Cartwright was actively engaged in services. Probation Policy Manual Section 400.1, Purpose and Scope, stated, “*This policy is being adopted to ensure officers utilize Evidence Based Practices for Community Corrections, the Department’s Supervision Practice Model, and a balanced approach to monitor clients in the community.*” The evidence showed Cartwright was referred to services. By a preponderance of evidence, the investigation clearly established that the allegation is not true.

5. Misconduct/Procedure – PO 1 denied Cartwright a “revocation hearing.”

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Cartwright alleged, “[PO 1] [violated] *my rights by denying revocation hearing.*” The evidence showed Cartwright had numerous court appearances and that Cartwright did appear in court for matters related to a revocation of Probation. CLERB reviewed Court related material dated 05-17-23, 12-14-23, 01-03-24, 08-01-24, 09-30-24, 10-08-24, 11-06-24, Probation Policy Manual Section 402.5.2, Violation Proceedings – “*Once the officer has determined a formal response is warranted in response to violation(s) not managed through the administrative process, the officer must schedule a violation hearing with the appropriate court. The report and subsequent recommendation summarizing the offender’s conduct under supervision shall embrace the Balanced Approach and the principles of Incentives and Sanctions. Officers shall also highlight their use of IBIS skills to enhance the offender’s motivation to participate in appropriate treatment intervention services...*” The evidence showed PO 1’s actions were within policy. By a preponderance of evidence, the investigation clearly established that the allegation is not true.

AYE: 6

ABSENT: 1

NAY: 0

ABSTAIN: 0

24-191/DAIMLER (GBI)

1. Use of Force Resulting in Great Bodily Injury – Corporal Whitney Worthington used force causing injury to Devon Daimler on 09-15-24.

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. Corporal Worthington responded to a 911 call from a victim who reported her stepfather assaulted her and he was currently in an argument with his wife and “*slamming*” items. A review of the evidence showed dispatchers notified Corporal Worthington and Deputy 2 of previous calls for service to the residence and reported it was unknown if weapons were in the home. Upon arrival, deputies were invited into the home by the adult victim who had a noticeable face injury. Deputies heard yelling in another room and went to investigate. They found Devon Daimler and his wife were in an argument in the bedroom. Corporal Worthington attempted to investigate by asking questions to Daimler. Daimler’s body was tense, and he was noncompliant as he approached Corporal Worthington, yelling profanities, with his arm and hand raised. Fearing Daimler was going to assault her, Corporal Worthington punched Daimler once in the face using her right hand causing an injury. Daimler continued to resist. Corporal Worthington and Deputy 2 held Daimler using control techniques until additional deputies arrived to assist in taking him into custody. Per P&P Section 11.4 Use of Force Legal Standards, “*In determining whether a deputy’s use of force is reasonable in a particular case, it is necessary to evaluate the facts and circumstances confronting the deputy at the time force was used... All the*

surrounding circumstances will be considered, including whether the subject posed an imminent threat to the safety of the deputy or others..." Per P&P Section 11.11, Use of Force Matrix, "personal body weapons" can be used on a subject "actively resisting" or exhibiting "assaultive behavior." Per P&P Section 11.2 Use of Force Definitions, "A deputy may only use a level of force they reasonably believe is proportional to the seriousness of the suspected offense, or the reasonably perceived level of actual or threatened resistance. Deputies should consider the totality of the circumstances, including the nature and immediacy of any threats posed to deputies and others." Based on Daimler being investigated for assaulting another, the victim having visible injuries, and Daimlers active resistance and assaultive behavior, Corporal Worthington deployed the use of a personal impact weapon (fist) to reasonably protect the safety and welfare of the deputies and others in the home. The investigation showed the alleged act did occur and was lawful, justified, and proper.

2. Misconduct/Procedure – Deputy 1 failed to comply with SDSO's BWC policy.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: During CLERB'S investigation it was discovered that Deputy 1 muted their BWC during the incident but did not document the reason in writing. Per P&P 6.131, *"In all cases where BWC video is muted, it shall be documented in writing."* No documentation was located identifying the reason Deputy 1 muted their BWC. Deputy 1 provided a confidential statement during CLERB'S investigation that was considered in arriving at the recommended finding. The investigation disclosed sufficient evidence to prove the allegation by a preponderance of evidence.

3. Misconduct/Procedure - Deputy 2 failed to comply with SDSO's BWC policy.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: During the CLERB investigation it was discovered Deputy 2 violated BWC policy twice during this incident. They muted their BWC during the incident without documenting the reason in writing and failed to activate BWC at the hospital or subsequent transport to jail. Daimler was arrested and transported by medics to the hospital for treatment of an injury sustained during a confrontation with deputies. Deputy 2 accompanied Daimler in the medic unit to the hospital and remained at the hospital during Daimler's treatment. After treatment, Deputy 2 transported Daimler to jail. Per SDSO P&P 6.131, *"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/CSO's shall be sensitive to patients' rights to privacy when in a hospital or medical facility setting and attempt to avoid recording persons other than the victim, witness, or suspect... Regardless of the setting, deputies confronting a violent or assaultive suspect, or anticipating using force, shall activate their BWC's to record the encounter."* Per SDSO P&P 6.46 Guarding Hospitalized Inmates, *"When an arrested prisoner is admitted to a hospital, before being booked, the arresting agency shall be responsible for providing security for that person."* Deputy 2 provided a confidential statement during CLERB'S investigation that was considered in arriving at the recommended finding. The investigation disclosed sufficient evidence to prove the allegation by a preponderance of evidence.

4. Misconduct/Procedure - Deputy 3 failed to comply with SDSO's BWC policy.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: During the CLERB investigation it was determined no BWC video existed from Deputy 3 that documents the time spent at the hospital or subsequent transport to jail. Daimler was arrested and transported by medics to the hospital for treatment of an injury sustained during a confrontation with deputies. Deputy 3 arrived and remained at the hospital during Daimler's treatment. After treatment, Deputy 3 transported Daimler to jail. Per SDSO P&P 6.131, *"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/CSO's shall be sensitive to patients' rights to privacy when in a hospital or medical facility setting and attempt to avoid recording persons other than the victim, witness, or suspect... Regardless of the setting, deputies confronting a violent or assaultive suspect, or anticipating using force, shall activate their BWC's to record the encounter."* Per SDSO P&P 6.46 Guarding Hospitalized Inmates, *"When an arrested prisoner is admitted to a*

hospital, before being booked, the arresting agency shall be responsible for providing security for that person.” Contact with Daimler continued from Daimler’s residence, into the hospital, while providing security at the hospital, transportation to jail, and booking Daimler at jail. Deputy 3 provided a confidential statement during CLERB’S investigation that was considered in arriving at the recommended finding. The investigation disclosed sufficient evidence to prove the allegation by a preponderance of evidence.

POLICY RECOMMENDATION

1. It is recommended that the San Diego Sheriff’s Office (SDSO) update Policy & Procedure 6.131, Body Worn Cameras, to include additional options for documenting reasons for muting, **such as contemporaneous verbal statements.**

AYE: 6

ABSENT: 1

NAY: 0

ABSTAIN: 0

25-007/JEFFERSON (Summary Dismissal)

1. Misconduct/Medical – An unidentified SDSO health care provider “*ignored*” Jefferson’s requests for medical treatment.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: Complainant Christian Jefferson alleged medical staff at Vista Detention Facility (VDF) “*ignored*” his request for an “*MRI*” on his back. Jefferson stated he received “*xrays*.” Jefferson alleged he was transferred to San Diego Central Jail (SDCJ) and medical staff there “*ignored*” Jefferson’s requests for additional “*testing*.” Jefferson also included allegations related to his “*mental health notes*.” A review of this complaint, including the availability of the complainant, percipient witnesses, documents and other evidence was conducted. Staff determined there was insufficient basis for further investigation of this matter and Summary Dismissal is recommended. Pursuant to CLERB Rules and Regulations, Section 15, Summary Dismissal, CLERB investigators determined CLERB does not have jurisdiction over the subject matter of the complaint.

AYE: 6

ABSENT: 1

NAY: 0

ABSTAIN: 0

25-015/SMITH (Summary Dismissal)

1. False Arrest – Deputy 1 arrested Vance Smith on 12-29-22.

Board Finding: Summary Dismissal

Recommended Finding: Summary Dismissal

Rationale: Complainant Smith alleged he was unjustly arrested on 12-29-22. Per the signed complaint and SDSO records, Vance Smith was arrested for auto theft on 12-29-22 and released from custody on 05-10-23. Smith did not submit his complaint to CLERB until 02-18-25, 21 months after his release from SDSO custody. The following CLERB rules apply, 4.1.2, Complaints: Jurisdiction, states CLERB shall not have jurisdiction to take any action in respect to complaints received more than one year after the date of the incident giving rise to the complaint, except that if the person filing the complaint was incarcerated or physically or mentally incapacitated from filing a complaint following the incident giving rise to the complaint, the time duration of such incarceration or incapacity shall not be counted in determining whether the one year period for filing the complaint has expired. And Section 15: Summary Dismissal, states Summary Dismissal may be appropriate because the complaint was not timely filed. CLERB attempted to contact Smith by telephone on 02-18-25, with no response and again on 09-05-25, but his phone was no longer in service. A letter to Smith’s last known address was mailed but SDSO reports indicate Smith has experienced homelessness. The Review Board lacks jurisdiction.

2. Misconduct/Procedure – Deputy 1 “violated” Smith’s Miranda rights.

Board Finding: Summary Dismissal

Recommended Finding: Summary Dismissal

Rationale: Complainant Smith alleged Deputy 1 “violated” Smith’s Miranda rights following his arrest on 12-29-22. Per Smith’s CLERB complaint, Deputy 1 “...*violated my Miranda Rights.*” See Rationale #1. The Review Board lacks jurisdiction.

3. False Reporting - Deputy 1 submitted a “false” police report on 12-29-22.

Board Finding: Summary Dismissal

Recommended Finding: Summary Dismissal

Rationale: Complainant Smith alleged Deputy 1 submitted a false police report on 12-29-22. Per Smith’s CLERB complaint, Deputy 1 “...*falsified documents, and submitted a false police report.*” See Rationale #1. The Review Board lacks jurisdiction.

4. Misconduct/Truthfulness – Deputy 1 “lied” to Smith, and about Smith.

Board Finding: Summary Dismissal

Recommended Finding: Summary Dismissal

Rationale: Complainant Smith alleged Deputy 1 “lied” to Smith and about Smith. Per Smith’s CLERB complaint, Deputy 1 “...*lied concerning several storage units being in my name at Rocket Storage. He lied concerning the identity of the suspect being me*” and Deputy 1 “...*claimed that I was wearing the same clothing as the suspect in the theft of the trailer. He said that me and the suspect who stole the trailers had the same gait.*” See Rationale #1. The Review Board lacks jurisdiction.

AYE: 6

ABSENT: 1

NAY: 0

ABSTAIN: 0

25-050/QUINTERO (GBI)

1. Use of Force with Great Bodily Injury – Deputy Marcus Ballesteros-Perez deployed his canine partner resulting in injury to Julian Quintero on 03-25-25.

Board Finding: Action Justified

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. Deputy Ballesteros-Perez deployed his canine partner “Hero” to track and locate suspects wanted for exhibiting a firearm, assault with a deadly weapon (firearm) and felony evading. Victims believed the incident was gang-related and feared they could be shot. Deputy Ballesteros-Perez saw the suspects flee from the vehicle into a large, occupied apartment complex. Deputy Ballesteros-Perez made surrender announcements before tracking with Hero. Hero located suspect Quintero who was completely concealed inside a bush and made contact with Quintero’s arm causing injuries during his apprehension. Quintero was transported by ambulance to the hospital for treatment of dog bites. Per Policy and Procedure Section 11.21 Canines: *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.* Per Section 4.4 Sheriff’s K-9 Unit Manual, *a canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing, or threatening to commit any serious offense and if any of the following conditions exist: (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputy/officer, or the handler. (b) The suspect is actively resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance. (c) The suspect is believed to be concealed in an area where entry by anyone other than the canine would pose a threat to the safety of deputies/officers or the public.* Quintero was wanted for serious offenses with a firearm which posed a significant threat to the public, and he resisted arrest when he fled in the vehicle and on foot. Quintero had several opportunities to surrender, including at the time of the initial traffic stop, after exiting the vehicle, and when Deputy Ballesteros-Perez announced his presence and potential for

getting bit. The suspect was concealed in a bush when Hero found him. By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

2. Excessive Force - Deputy 1 used "excessive force" against Quintero on 03-25-25.

Board Finding: Action Justified

Recommended Finding: Action Justified

Rationale: Julian Quintero alleged Deputy 1 used excessive force when deploying canine partner Hero. Quintero stated, *"I feel like the K-9 used excessive force on me." The Sheriff's couldn't handle the K-9 dog. I felt like I was being attacked by a wild animal!"* See Rationale 1. Deputy 1 deployed his canine partner to search an occupied apartment complex because there was an outstanding felony suspect and firearm. Hero alerted on a bush near an apartment door and went into the bush. Initially it was unclear if Hero located a person or was exploring a scent. Hero made contact with Quintero's arm. Deputy 1 could not see Quintero or his hands to identify if Quintero had the firearm. Deputy 1 gave commands to Quintero as additional deputies arrived to assist. Additional deputies established control of Quintero and conducted a pat down search for the firearm. Per Deputy 1, for safety reasons he did not release Hero until *"positive control"* of Quintero was established and a pat down search for the firearm was conducted. No firearm was located. Quintero was placed in handcuffs and walked with deputies to the medic unit. A review of the BWC identified it took approximately 1 minute and 8 seconds from the time Hero alerted on the bush, to when Hero released his hold on Quintero. Per Section 4.4 Sheriff's K-9 Unit Manual, *a canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing, or threatening to commit any serious offense and if any of the following conditions exist: (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputy/officer, or the handler. (b) The suspect is actively resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance. (c) The suspect is believed to be concealed in an area where entry by anyone other than the canine would pose a threat to the safety of deputies/officers or the public.* By a preponderance of the evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

3. Misconduct/Procedure - Deputies 2-5 failed to comply with SDSO's BWC policy.

Board Finding: Sustained

Recommended Finding: Sustained

Rationale: During the CLERB review of the evidence provided it was noted that Deputies 2, 3, 4, and 5 muted their BWC's during the incident. They did not document the reason in a report or the CAD. Per SDSO Operations Manual Section 6 BWC...*In all cases where BWC video is muted, it shall be documented in writing. How it is documented will be situationally dependent. The reason for muting the camera(s) will be briefly noted in the body of a report (arrest, crime misc. incident). In the case of confidential information, a separate supplemental report shall be written as detailed above. Additionally, a brief explanation noting the muting of the camera(s) will be documented via CAD by each deputy that muted their camera. If no report for an event is otherwise needed, CAD documentation shall suffice.* Deputies 2, 3, 4, and 5 provided confidential statements during CLERB'S investigation that were considered in arriving at the recommended finding. By a preponderance of the evidence, CLERB determines the investigation determined there is evidence sufficient to prove the allegation or conduct was not justified.

AYE: 5

ABSENT: 1

NAY: 0

ABSTAIN: 1

Adjourned 10:08 pm

End of Report