

**BOARD MEMBERS**

MARYANNE PINTAR  
Chair  
JAMES MENDELSON  
Vice Chair  
ADELE FASANO  
Secretary  
NORMAN BISSON  
DR. R. LEE BROWN  
NADIA KEAN-AYUB  
ARIANA FEDERICO MONDRAGON  
DANIEL MOODY  
DR. THEODORE THOMAS  
TIM WARE  
BRADFORD WOODS



**EXECUTIVE OFFICER**  
BRETT KALINA

# County of San Diego

## CITIZENS' LAW ENFORCEMENT REVIEW BOARD

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

The Citizens' Law Enforcement Review Board made the following findings in the closed session portion of its **December 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 (16)

### ALLEGATIONS, BOARD FINDINGS & RATIONALES

#### 24-026/BELL (Routine)

1. Misconduct/Procedure – Deputy 1 failed to respond to Candace Bell's request for information.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Candace Bell stated on 01-17-24, SDSO deputies executed a search warrant at Bell's home and confiscated numerous electronics belonging to Bell. Bell's complaint was that she attempted to contact Deputy 1 to get "*the search warrant number*," and "*called and left messages for [Deputy 1]*," who did not return Bell's messages. In an SDSO audio recorded phone call with Bell on 02-13-24, Bell was provided with information related to the search warrant, the reason why her personal electronic devices were confiscated, and that items were reviewed as part of an ongoing investigation. SDSO P&P Section 2.30 Failure to Meet Standards, stated, "*Employees shall properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner which will tend to establish and maintain the highest standards of efficiency in carrying out the mission, functions, and objectives of this Department.*" The investigation clearly established that the allegation was not true.

AYE: 9

ABSENT: 2

NAY: 0

ABSTAIN: 0

## **24-183/CHOE** (Routine)

1. Misconduct/Procedure – Deputy 1 failed to complete a crime report.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Daniel Choe alleged, “*Deputy 1 dismissed my allegations without conducting any investigation or asking probing questions...*” In reviewing Body Worn Camera (BWC), Choe informed Deputy 1 that Choe believed he was a victim of a crime. Deputy 1 explained to Choe that the evidence presented did not meet the elements of a criminal threat and therefore no crime had been committed to document in a crime report. Per SDSO policy 6.71, “*An Officer's Report may be completed to report a miscellaneous incident or provide supplemental information when appropriate.*” As confirmed by the complainant and BWC, Deputy 1 provided Choe with his business card and an event number. A review of the evidence showed Deputy 1’s actions complied with SDSO policy. The investigation showed the alleged act did occur but was lawful, justified, and proper.

2. Misconduct/Procedure – Deputy 1 failed to disclose a conflict of interest.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Choe also stated, “*Deputy 1 shares the same last name as Ricky. If a personal or familial relationship exists, he was obligated to disclose it and recuse himself due to a conflict of interest.*” Per SDSO Policy 2.52, “*No employee shall make, participate in making or in any way attempt to use their official position to influence a governmental decision in which the employee knows, or has reason to know, that they have a financial interest. This regulation and the designating positions and establishing disclosure categories located with the Office of the Sheriff, shall constitute the conflict-of-interest code of the San Diego Sheriff's Office.*” A review of the evidence showed Deputy 1’s actions did not violate SDSO policy. CLERB determined the investigation clearly established that the allegation was not true.

AYE: 9

ABSENT: 2

NAY: 0

ABSTAIN: 0

## **25-006/ANDERSON** (Priority)

1. Excessive Force – Deputies 1 and 3 used force against Lucas Anderson on 02-11-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Lucas Anderson alleged Deputy 1 and Deputy 3 used excessive force during a battery investigation and medical distress incident on 02-11-24. Per Anderson, deputies “beat” him for “30 minutes” causing his eyeglasses to break. During the CLERB investigation reports and BWC were reviewed. BWC refutes the complainant’s description regarding type and duration of the force used. Deputies 1 and 3 responded to a call for medical aid and a family disturbance at Anderson’s home. Dispatch advised they could hear a physical altercation occurring in the residence during the 911 call. Upon arriving at the home two of Anderson’s sisters detailed how Anderson assaulted one of them while their mother was in medical distress. Anderson failed to follow deputies’ instructions to stop touching his distressed mother until medics arrived. Deputies 1 and 3 attempted to place handcuffs on Anderson. Anderson refused to cooperate and tucked his arms and hands away from the deputies and verbalized that he would only cooperate if he could be handcuffed in front. Deputies 1 and 3 used verbal and physical control techniques while attempting to handcuff Anderson. Deputies repeatedly instructed Anderson, “*Put your hands behind your back,*” “*Stop resisting*” and to “*follow instructions.*” The deputies were able to put handcuffs on Anderson after an approximately three minute-long struggle. At no time during this incident was Anderson wearing glasses. Deputies 1 and 3 provided confidential statements during CLERB’S investigation that were taken into consideration. Per SDSO Patrol Policy Manual, absent unusual circumstances deputies shall keep prisoners handcuffed with their hands behind their backs. Per SDSO Addendum Section F, Use of Force Guidelines, deputies 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. By a preponderance of the evidence, the investigation showed the alleged act did occur but was lawful, justified, and proper.

2. Misconduct/Procedure – Deputies 1, 2, 3, 4 and 6 failed to provide medical aid to Anderson on 02-11-24.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: Complainant Anderson alleged deputies refused his request for medical evaluation by medics after he was handcuffed. During the CLERB investigation BWC and reports were reviewed. See Rationale 1. On approximately ten occasions while on scene, Anderson stated his shoulder hurt and requested to be treated by paramedics. BWC identified Deputies 1, 2, 3, 4 and 6 as present, at various times, during Anderson's requests for medical evaluation. Deputies and paramedics verbally acknowledged Anderson's request to be medically evaluated. The CLERB investigation found no evidence that deputies provided Anderson with medical attention or ensured Anderson was evaluated by medics on scene or transported Anderson to a medical facility. BWC analysis indicated the medic unit left the scene without evaluating Anderson. Per the North County Fire Protection District, no medical records were located for Anderson for 02-11-24. Per SDSO reports and BWC, while at jail a registered nurse met with Anderson during the intake process. Per DIS correspondence, Anderson cleared medical and was booked. Deputies 1, 2, 3, 4 and 6 provided confidential statements during CLERB'S investigation that were taken into consideration for the recommended finding. Per SDSO Addendum Section F, *"Whenever a subject requires or reasonably requests medical attention after a use of force incident, a deputy shall provide medical attention, request medical aid, and/or transport them to a medical facility as soon as it is safe and practical."* The investigation disclosed sufficient evidence to prove the allegation by a preponderance of the evidence.

3. False Reporting - Deputies 1 and 3 wrote inaccurate reports.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: Complainant Anderson alleged deputies filed inaccurate reports, *"...The report that says I was seen by a paramedic is a complete fabrication, the in house 'investigation' also says that I 'assaulted' the officers & my sister which are likewise, complete fabrication."* See Rationales 1 and 2. Deputies 1 and 3's victim/witness statements were corroborated by BWC and audio recordings of the 911 call with regards to the charges against Anderson. Dispatchers heard a struggle on the phone and the sounds of *"slapping."* The victim and witness detailed to deputies how Anderson assaulted a victim. Deputies 1 and 3 wrote in their reports that Anderson was evaluated and cleared by North County Fire Protection District medics at the scene. The CLERB investigation failed to corroborate any medical intervention on the scene by medics. Per the North County Fire Protection District, no medical records were located for Anderson on 02-11-24. Deputies provided confidential statements that were taken into consideration for the recommended finding. Per SDSO P&P Section 2.41, Departmental Reports, *"Employees shall submit all necessary reports on time and in accordance with established Office procedures. Reports submitted by employees shall be truthful and complete; no employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information, nor omit pertinent information reasonably expected to be included."* The investigation disclosed sufficient evidence to prove the allegation by a preponderance of the evidence.

4. Misconduct/Procedure - Deputies 1, 2, 3, 4, and 6 failed to comply with SDSO's BWC policy.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: During CLERB's investigation, Body Worn Camera (BWC) video was reviewed. Per SDSO reports, Deputies 1 and 4 transported Anderson to jail. No BWC video of the transport from the scene to the Vista Detention Facility was located. Deputies 3 and 6 turned off their BWC on scene while the investigation was ongoing. Deputy 1 and 2 muted their BWC without documenting the reason in writing. Deputies 1, 2, 3, 4, and 6 provided confidential statements that were taken into consideration. Per P&P 6.131, Body Worn Cameras, *"Deputies shall activate the BWC to record all law enforcement related contacts. 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...Regardless of the setting, deputies confronting a violent*

or assaultive suspect, or anticipating using force, activate their BWC's to record the encounter....Specific acceptable uses of a BWC include, but are not limited to:...Documenting initial department response, discovery of evidentiary items and actions of the Department pursuant to an investigation...In all cases where BWC video is muted, it shall be documented in writing." The investigation disclosed sufficient evidence to prove the allegation by a preponderance of evidence.

5. Misconduct/Procedure – Deputy 5 failed to conduct an investigation that was “fair, thorough, impartial.”

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: The complainant's mother filed a complaint with the SDSO Internal Affairs Unit regarding Anderson's arrest. She provided a written response dated 03-26-24 from SDSO Internal Affairs indicating, "...After receiving your complaint, I read the related report. I also reviewed the computer automated dispatch (CAD) record related to the call for service. I also reviewed the related body worn camera (BWC) footage captured by deputies on scene. This footage contains both video and audio...After the arrest your son was evaluated by medics on the scene. He complained of shoulder pain, but his demeanor did not indicate a serious injury had occurred. He was also evaluated by a nurse at the jail. Your son made complaints of pain as the nurse questioned him. The nurse did not see a need for emergency medical care...After reviewing the evidence from the incident mentioned above, I do not see any misconduct by Deputy Ferguson or other deputies present at the scene." SDSO P&P 3.2 stated, "Complaint investigations shall be conducted in a fair, thorough, impartial, and timely manner...The burden of proof in an administrative investigation is "preponderance of evidence," which is defined as such evidence, when weighed with that opposed to it, has more convincing force and the greater probability of truth." The response letter indicated that Deputy 5 reviewed the automated dispatch (CAD), the Body Worn Camera (BWC) footage and deputy reports related to the incident and arrest of Anderson. Deputies failed to provide medical aid following a use of force incident and per Anderson's request as required by policy. See Rationale 2. Based on a preponderance of the evidence, CLERB determines the investigation disclosed sufficient evidence to prove the allegation.

AYE: 9

ABSENT: 2

NAY: 0

ABSTAIN: 0

## **25-010/CHOE** (Routine)

1. Misconduct/Procedure - Deputies 1, 2 and 3 failed to announce themselves on 01-26-25.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Daniel Choe alleged deputies failed to announce themselves upon making contact with him. Per Body Worn Camera (BWC), Deputy 3 announced their presence by yelling out, "Sheriff's Office," shortly after entering the building and within sight of Choe. Additionally, all three deputies were in full uniform with SDSO patches and a star badge attached to their uniform shirt, jacket or outer ballistic vest. There is no SDSO policy requirement for deputies to announce themselves. The investigation clearly established that the allegation against the deputies is not true.

2. Misconduct/Procedure – Deputies 1, 2 and 3 removed Daniel Choe from a business on 01-26-25.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Choe alleged, "Deputies accused me of trespassing despite my valid 24-hour membership access." Body Worn Camera footage and the reporting party's statement showed that on 01-26-25, deputies responded to a business at the request of the business owner, to remove Choe from the premises. Prior to calling SDSO, the owner tried to communicate with Choe via the CCTV intercom system, but Choe was asleep and did not respond. After the owner's attempts were unsuccessful, they called SDSO to request Choe be removed from the private business. Deputies responded and advised Choe he had to leave and if he returned, he would be arrested for trespassing. Although Choe initially had the right to be at the business, Lawrence advised they were "cancelling his membership"; therefore, Choe staying or returning to the business becomes a crime.

Deputies remained on scene while Choe collected his belongings and advised him to contact the business for any questions he had about his removal. SDSO P&P, Section 2.4, *"Unbecoming Conduct – Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on this Office. Unbecoming conduct shall include that which tends to bring this Office into disrepute or reflects discredit upon the employee as a member of this Office, or that which tends to impair the operation and efficiency of this office or employee."* The investigation showed the alleged act did occur but was lawful, justified, and proper.

3. Criminal Conduct – Deputy 2 accessed Cho's personal information through law enforcement databases.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Choe alleged, *"The deputy asked me if my middle name was 'Steven,' which I confirmed. This was highly concerning because this suggests unauthorized access to my personal information through law enforcement databases."* Evidence reviewed included BWC and CAD communication records. Deputies responded to a radio call requesting Choe be "removed" from a business. In the radio call the reporting party advised Choe's vehicle was possibly a "white van." Upon their arrival, deputies observed a white van parked in front of the business. As part of their on-scene investigation, Deputy 2 advised dispatch of the van's license plate. When a deputy advises dispatch of a license plate, the dispatcher will attach the information to CAD and announce the information over the radio. Section 6:24, Law Enforcement Data Base Use and Criminal Record Dissemination, Paragraph 2, *"All CLETS/NCIC/DMV/LOCAL/eARJIS information obtained from any automated files shall be retrieved using an audit trail which clearly links the request for the information to a valid criminal investigation."* The investigation showed the alleged act did occur but was lawful, justified, and proper.

4. Misconduct/Procedure – Deputies 1, 2 and/or 3 recorded Cho's legal documents on their BWC.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Choe alleged, *"The deputies' body cameras potentially captured footage of confidential legal documentation related to my ongoing lawsuits and complaints against the San Diego Sheriff's Department."* Body Worn Camera evidence showed Choe with some paperwork on a table he was seated at, as well as two laptop computers that were open. Deputies spent a minimal amount of time inside the room while Choe was collecting his belongings to leave. Even when the deputies were inside the room, the angle of their BWC, positioned on their uniform, made it impossible to capture any of the documents or computers left on the conference room table. Additionally, there were no actions by the deputies to suggest they were trying to capture anything. Section 6.131, Body Worn Cameras states, *"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..."* The investigation showed the actions that occurred were lawful, justified, and proper.

5. Misconduct/Retaliation – Deputies 1, 2 and/or 3 "retaliated" against Choe due to his IA complaint(s).

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Choe alleged deputies *"demonstrated a potential pattern of retaliation and misconduct."* *\*Evidence of Retaliation\** *This incident occurred approximately \*\*one hour after I filed complaints with Internal Affairs\*\* against [redacted] and sent an email directly to Sergeant [redacted] requesting information regarding Deputy [redacted] handling of prior incidents. The timing strongly suggests a coordinated effort to retaliate against me for exercising my First Amendment rights.* Choe filed a complaint with Internal Affairs on 01-26-25. In a letter dated 01-30-25 from SDSO IA to Choe, he was advised IA received his complaint on 01-26-25. The correspondence advised *"I do not believe there is sufficient basis for an administrative investigation at this time."* SDSO P&P, Section 2.4, *"Unbecoming Conduct – Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on this Office. Unbecoming conduct shall include that which tends to bring this Office into disrepute or reflects discredit upon the employee as a member of this Office, or that which tends to impair the operation and efficiency of this office or employee."* The investigation clearly established that the allegation against the deputies was not true.

ABSENT: 2  
NAY: 0  
ABSTAIN: 0

**25-017/KELSON** (Routine)

1. Misconduct/Procedure – Unidentified deputies did not take a report from Kelson, for one week.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Lance Kelson alleged that San Diego Sheriff's Office (SDSO) deputies "*refused*" to take a report regarding fraud and extortion that Kelson was a victim of, "*for a week.*" SDSO reports and Body Worn Camera (BWC) footage showed that on 04-07-24, deputies were dispatched to a report of an alleged fraud, following a report submitted by Kelson. SDSO records showed no other calls for service associated with Kelson, or Kelson's address, between 03-30-24 and the incident occurring on 04-07-24. BWC footage showed deputies took Kelson's report regarding a dispute over a breach of contract, on the day Kelson made the report to SDSO. The evidence showed SDSO deputies did respond to a call for service regarding a report submitted by Kelson, and that Kelson was provided with the associated report number. Section 2.23, Request for Assistance, stated, "*When any person requests assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner, and will be properly and judiciously acted upon consistent with established Office procedures.*" Additionally, Section 6.71 Crime Case Reports, stated, "*A Crime/Incident Report shall be completed for the following Uniform Crime Reporting part-one, part-two crimes, and listed incidents: Part 2 Crimes: All other reported felony crimes. All other reported misdemeanor crimes.*" The investigation clearly established that the allegation is not true.

2. Misconduct/Procedure – Deputy 1 "*colluded*" with a subject of an investigation.

Board Finding: Not Sustained

Staff Recommended Finding: Not Sustained

Rationale: Complainant Lance Kelson alleged that Deputy 1 colluded with, and showed preferential treatment for, the alleged suspect in Kelson's report. Following Kelson's report to SDSO, Deputy 1 called Kelson to take a report. Body Worn Camera footage of the call between Kelson and Deputy 1 showed Kelson accused Deputy 1 of collusion with the other involved party in Kelson's report. Deputy 1 denied any collusion with the other party involved. Additionally, a Sheriff Employee Response Form (SERF) was sent to Deputy 1, regarding this allegation. Deputy 1's confidential statements were considered in making a finding. SDSO records showed no record of any communication between Deputy 1 and the other involved party in Kelson's report. SDSO P&P Section 2.1, Rules of Conduct for Members of The San Diego County Sheriff's Department, stated, "*All employees shall conform to Federal, State, and Local laws, as well as to the policies of this Department. It shall be the responsibility of all employees to familiarize themselves and comply with all such policies, orders, directives, rules and regulations of this Department.*" Section 2.52, Conflicts of Interest, stated "*No employee shall make, participate in making or in any way attempt to use their official position to influence a governmental decision in which the employee knows, or has reason to know, that they have a financial interest. This regulation and the designating positions and establishing disclosure categories located with the Office of the Sheriff, shall constitute the conflict of interest code of the San Diego Sheriff's Office.*" Additionally, SDSO P&P Section 2.4, Unbecoming Conduct, "*Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on this Department. Unbecoming conduct shall include that which tends to bring this Department into disrepute or reflects discredit upon the employee as a member of this Department, or that which tends to impair the operation and efficiency of this Department or employee.*" The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

3. Misconduct/Procedure – Unidentified deputies did not pursue a criminal investigation.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Kelson alleged SDSO did not pursue a criminal investigation against the individual listed in Kelson's report. Body Worn Camera footage showed deputies took Kelson's report regarding a dispute over a breach of contract. Responding deputies reviewed the evidence presented by Kelson and advised the matter was civil.

Additionally, SDO reports showed that SDO detectives completed a review of the matter on 04-09-24 and determined the issue did meet the level for a criminal investigation. Kelson also submitted a copy of a letter from SDO Internal Affairs (I.A.), which reiterated that Kelson was advised that his report was of civil nature. SDO P&P Section 2.30, Failure to Meet Standards, stated, *"Employees shall properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner which will tend to establish and maintain the highest standards of efficiency in carrying out the mission, functions, and objectives of this Department. Failure to meet standards may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; absence without leave; unauthorized absence from the assignment during a tour of duty; the failure to submit complete and accurate reports on a timely basis when required or when directed by a supervisor."* The investigation showed the alleged act did occur but was lawful, justified, and proper.

AYE: 9  
ABSENT: 2  
NAY: 0  
ABSTAIN: 0

### **25-019/ABDI** (Routine)

1. Misconduct/Discourtesy – Deputy 1 was discourteous to Yussef Abdi on 02-20-25.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: Complainant Yussuf Abdi reported Deputy 1 made a confrontational statement, that he interpreted as a challenge to fight. Abdi reported that Deputy 1 shouted at him when he requested directions, followed him and positioned himself in a doorway in a manner Abdi perceived as intimidating. Abdi's cell phone video showed that when Abdi asked if Deputy 1 was *"stalking"* and *"trying to intimidate"* him, Deputy 1 twice responded *"yes."* The video also showed Deputy 1 responding to Abdi's request for his name and badge number by stating, *"Come outside and I'll tell you,"* a statement that Abdi interpreted as confrontational and challenging him to a fight. SDO Policy & Procedure Section 2.22, Courtesy: *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.* Cell phone video, CCTV, witness statement, and Deputy 1 confidential statements were taken into consideration during this investigation. The investigation disclosed evidence sufficient to prove the allegation by a preponderance of the evidence.

2. Misconduct/Procedure – Deputy 1 failed to disclose identifying information per Abdi's request.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: Complainant Yussuf Abdi stated he attempted to obtain Deputy 1 name and badge number. During the 02-20-25 interaction, Abdi requested Deputy 1's name and badge number while both were inside the County Administration Center. Deputy 1 responded, *"Come outside and I'll tell you."* This response, captured on cell phone video, indicated that Deputy 1 did not provide his identifying information at the time and place of the request. There was no evidence that providing the information would have posed a safety risk or interfered with an investigation. SDO Policy & Procedure Section 2.20, Identification states, *"While on duty, all employees shall furnish their first and last name or ARJIS number to any person requesting his or her identity, except when the withholding of such information is necessary for the performance of police duties."* Cell phone video, CCTV and Deputy 1's confidential statements were taken into consideration during this investigation. The investigation disclosed evidence sufficient to prove the allegation by a preponderance of the evidence.

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

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: During CLERB's investigation, it was noted Deputy 1 did not activate his BWC. SDO Division of Inspectional Services (DIS) was contacted regarding the use of body cameras by deputies assigned to the County Administration Center (CAC), where the interaction between Abdi and Deputy 1 took place. Per DIS, deputies

assigned to the CAC have the current practice of not recording daily activities and are instructed to only activate their BWC when making an arrest. Due to this practice being outside of SDSO's BWC policy, a confidential statement was obtained from the supervisor of deputies assigned to the County Administration Center. The supervisor clarified that deputies are instructed to follow policy regarding the use of BWC. SDSO Policy & Procedure Section 6.131, Body Worn Camera Operation: 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. The investigation disclosed evidence sufficient to prove the allegation by a preponderance of the evidence.

AYE: 9  
ABSENT: 2  
NAY: 0  
ABSTAIN: 0

## **25-020/SINCLAIR** (Priority)

1. Excessive Force – Deputies 1, 2 and 3 used force against the aggrieved on 08-21-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: The complainant alleged deputies used excessive force against the aggrieved at school when school officials escorted the aggrieved to the office after engaging in a physical altercation with another student. The complaint alleged deputies threw the aggrieved forcefully onto concrete stairs causing an injury to their head. During the CLERB investigation, SDSO reports, BWC and CCTV were reviewed. Campus staff requested SDSO respond to the school for a fight. Deputy 2 responded and found the aggrieved being escorted by campus security and administrative school personnel. Campus security immediately told Deputy 2, the aggrieved was *"Non-compliant he just keeps on wanting to fight."* The aggrieved refused to comply with Deputy 2's directive to stop and speak with them. The aggrieved used profanity, racial slurs and threatened Deputy 2. While the aggrieved and Deputy 2 ascended a set of stairs, the aggrieved threatened Deputy 2, *"I'll snap the (redacted) out that bitch."* The aggrieved noticed Deputy 3 and said, *"This bitch (redacted) too."* The aggrieved stopped walking up the stairs, turned toward and leaned closer to Deputy 2, and screamed *"Stop touching me!"* Deputies attempted to handcuff the aggrieved but they leaned back against the railing and refused to produce their arms. Deputy 1 arrived and assisted Deputies 2 and 3. Deputies used physical control techniques and verbal techniques to overcome resistance and handcuff the aggrieved. It took deputies approximately 30 seconds to apply the handcuffs. The aggrieved was treated and transported by medics for treatment. The aggrieved was interviewed at the hospital by a sergeant and stated the use of force was, *"...normally how you guys would take people down that aren't complying is how it happened on steps."* Per SDSO's Addendum Section F, Use of Force Guidelines in place at the time of the incident, *"...any Deputy Sheriff, in the performance of his/her official law enforcement duties, who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance... Deputies 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."* The CLERB investigation showed the alleged act did occur but was lawful, justified, and proper.

2. Misconduct/Procedure – Deputy 2 failed to comply with SDSO's Body Worn Camera (BWC) policy.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: During the CLERB investigation it was discovered that Deputy 2 muted their BWC but did not document the reason in writing. Per SDSO P&P 6.131 Body Worn Cameras, *"In all cases where BWC video is muted, it shall be documented in writing."* 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.

AYE: 9  
ABSENT: 2  
NAY: 0  
ABSTAIN: 0



## **25-023/VALENT** (Routine)

1. Illegal Search & Seizure – Deputy 1 served a search warrant on 02-11-25.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Jocelyn Valent reported on 02-11-25, a sealed search warrant was conducted at her location. On 02-11-25, deputies of the SDSO served a search warrant in the city of Fallbrook. The search resulted in the seizure of multiple firearms, illegal drugs, and stolen vehicles. One individual was arrested and an arrest warrant was obtained for another. SDSO P&P Section 6.116, Search Warrant Service, stated, *“Deputies and supervisors participating in the execution of search warrants will be thoroughly familiar with Penal Code Sections 1525 et seq. and applicable case law regarding warrant preparation and service.”* Deputy 1 obtained a signed search warrant from a San Diego Superior Court judge on 02-03-25. The warrant authorized the search of a parcel which included two residences located in Fallbrook. The warrant was served on 02-11-25, within the statutory ten-day period. Deputies made amplified announcements instructing occupants to exit the structures which they complied with. Upon completion of the search, a Receipt and Inventory was left at the location listing the search warrant number, the detective’s name, and all items seized. 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 proved the alleged actions were lawful, justified and proper.

2. Misconduct/Procedure – Deputy 1 did not provide for basic needs.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Valent alleged her children were not allowed to eat for four hours and they were forced to sit outside in cold weather for eight hours. Valent and her children exited the residence at approximately 7:12am, about 40 minutes after the children’s father. The search area covered roughly seven acres and included numerous structures, trailers, and vehicles occupied by various individuals. Valent and her children, along with the rest of the contacted individuals, were kept in a designated area during the search warrant operation. Valent was not restrained in handcuffs at any time and was permitted to sit with her children in an SDSO patrol vehicle for warmth on two occasions. SDSO P&P Section 6.3, Juvenile Detention Procedures stated, *“The following must be made available to all juveniles held in non-secure detention: One nutritious snack, upon request, during the term of temporary custody if the juvenile has not eaten within 4 hours or is otherwise in need of nourishment.”* Although Section 6.3 only applies to juveniles held in SDSO facilities, deputies nevertheless provided food and drink to Valent and her children within four hours of contact. Due to the large number of unsecured, loaded firearms and easily accessible drugs discovered on the property, the location where Valent and her children were kept was necessary for their safety during the operation. 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 disclosed sufficient evidence to prove the allegation did not occur.

3. Misconduct/Procedure – Unidentified deputies failed to allow Valent to change her minor child.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Valent alleged that her child wore the same diaper for 16 hours and was not permitted to change it or provided with a replacement. Deputies did not enter the residence where Valent was staying until after she and the children exited, about 40 minutes after the children’s father exited. Evidence revealed Valent and her child were later escorted into the house by deputies and she was allowed to change the diaper during the operation. 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 disclosed sufficient evidence to prove the allegation did not occur.

4. Misconduct/Procedure – Unidentified deputies denied food to an elderly person.

Board Finding: Not Sustained

Staff Recommended Finding: Not Sustained

Rationale: Valent alleged an unidentified elderly male with a feeding tube was denied food during the investigation. Review of the evidence found no indication that anyone requested food, and no additional complaints were received from individuals other than Valent. 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 failed to disclose sufficient evidence to clearly prove or disprove the allegation.

5. Misconduct/Procedure – Unidentified deputies denied medication to an elderly person.

Board Finding: Not Sustained

Staff Recommended Finding: Not Sustained

Rationale: Valent alleged an unidentified elderly male with serious medical conditions was denied access to medication. Review of the evidence found no indication that anyone requested medication, and no additional complaints were received from individuals other than Valent. 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 failed to disclose sufficient evidence to clearly prove or disprove the allegation.

6. Misconduct/Procedure – Unidentified deputies caused property damage.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Valent alleged that the flooring in her children's bedroom had been "*ripped out*" and that a vehicle window had been "*smashed open*." Valent provided pictures of the alleged damage including pictures of the vehicle's broken window, disconnected electrical wires, and a damaged safe however none of the pictures showed evidence of damaged flooring. Valent's pictures showed cluttered and messy rooms however, the overall condition of the residence was described by Deputy 1 as, "*Overall, the house was dirty. The kitchen pantry had hundreds if not thousands of rat droppings and smelled like urine. The rat droppings were on the floor and it was apparent no one had tried cleaning it. There was marijuana "shake" in a bucket on the floor that had a kid toy on top of it.*" Per the evidence reviewed, members of the Special Enforcement Detail broke two vehicle windows to enter locked vehicles. Under California Penal Code 1531, sworn law enforcement officers are authorized to forcibly enter structures or vehicles when necessary to gain access. Law Enforcement may cause reasonable property damage if the damage caused was necessary to find items specified in the warrant. SDSO P&P Section 6.71 stated, "*A Crime/Incident Report shall be completed for the following Uniform Crime Reporting part-one, part-two crimes, and listed incidents. Deputy caused property damage (Damage done by a deputy during the course of his/her duties i.e.: forced entry for medical emergencies, check the welfare calls, search warrant service, etc.).*" The property damage was appropriately noted in Deputy 1's report. 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 proved the alleged actions were lawful, justified and proper.

AYE: 9

ABSENT: 2

NAY: 0

ABSTAIN: 0

**25-034/NORRIS** (Priority)

1. Discrimination/Racial – Deputy 1 racially profiled Quentin Norris during a traffic stop

Board Finding: Not Sustained

Staff Recommended Finding: Not Sustained

Rationale: Complainant Norris alleged that his race influenced Deputy 1's decision to stop him. He stated that Deputy 1 followed him for, "*an extended period*" before initiating the stop and asking, "*You were driving around, were you waiting on something?*" Norris interpreted this comment as implying he was out of place and that race was a factor in the decision to stop him. During the encounter, Deputy 1 explained the stop was due to expired registration, which was confirmed to be accurate. Deputy 1 did not issue Norris a citation during the detention. SDSO P&P 2.55 stated, "*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 provided a confidential statement during CERB’s investigation that was taken into consideration. By a preponderance of the evidence, CLERB determines the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.*

2. Illegal Search or Seizure – Deputy 1 detained Norris for expired registration.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: Complainant Norris alleged that Deputy 1 stopped him for driving with expired vehicle registration. Deputy 1 advised Norris that the basis for the traffic stop was the registration, which expired on 01-02-25. The stop occurred on 02-01-25. Per California Vehicle Code 4000A (4)(A)(4), *“A violation of this subdivision shall not be the sole basis for any enforcement action before the second month after the month of the vehicles expiration.”* Accordingly, a traffic stop based solely on the expired registration could not lawfully occur before 03-01-25. SDO P&P Section 2.51 said, *“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.”* Although no citation was issued, the complainant was subjected to a seizure as a result of the stop. Deputy 1 provided a confidential statement during CERB’s investigation that was taken into consideration. Based on a preponderance of the evidence, CLERB determines the investigation disclosed sufficient evidence to prove the allegation.

3. Misconduct/Procedure – Deputy 2 failed to identify misconduct.

Board Finding: Not Sustained

Staff Recommended Finding: Not Sustained

Rationale: Complainant Norris reported that he filed a complaint with the SDO Internal Affairs Unit alleging race played a role in his detention and that he was not provided clear justification for the stop by Deputy 1. In his complaint to CLERB, Norris alleged his, *“concerns about the nature of the stop and the deputy’s initial statement were not meaningfully addressed”* by Internal Affairs and included the additional complaint alleging Deputy 1 did not have justification for stopping him due to Assembly Bill 256. Norris received a response from Internal Affairs indicating Deputy 2, *“determined that the stop was conducted in accordance with policy.”* The letter further stated, *“After Deputy 2’s investigation of the allegations in your complaint, I do not see any conduct by our employees warranting an Internal Affairs administrative investigation.”* The response letter indicated that Deputy 2 reviewed the automated dispatch (CAD) and the Body Worn Camera (BWC) footage related to the traffic stop and noted, *“Deputy 1 was courteous, professional, and conducted the traffic stop as required per our policy and procedures. Deputy 2 noted that upon first contact with you, Deputy 1 explained to you the reason for the stop was your vehicles expired registration.”* The response letter did not address a review of the relevant California Vehicle Code that was provided as a reason for the traffic stop as the scope of the Internal Affairs investigation was confined to Norris’ initial complaint. California Vehicle Code 4000A (4)(A)(4) stated, *“A violation of this subdivision shall not be the sole basis for any enforcement action before the second month after the month of the vehicles expiration.”* SDO P&P 3.2 stated, *“The Sheriff’s Office will accept complaints of inadequate service or alleged employee misconduct, and process those complaints according to procedure. Complaint investigations shall be conducted in a fair, thorough, impartial, and timely manner.”* Based on a preponderance of the evidence, CLERB determines the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

AYE: 9

ABSENT: 2

NAY: 0

ABSTAIN: 0

**25-042/RODRIGUEZ** (Routine)

1. Misconduct/Procedure – Unidentified deputies did not provide an Incarcerated Person (IP) mail.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: On 04-03-25, Maria Rodriguez alleged an Incarcerated Person (IP) had not received incoming mail sent from their mother, girlfriend, and from Rodriguez. Per the IP’s SDO detentions records, mail for the IP was noted to be rejected on three separate occasions. In each instance mail was rejected, a rationale was noted in

the Detentions records. SDSO Detention Services Bureau (DSB) P&P, Section P.3, Incarcerated Person Mail, stated *"Incarcerated persons shall be allowed to receive and possess U.S. mail, incoming letters, confidential/legal mail, and mail from official government agencies (as defined below). They may also receive electronic email messages, periodicals, and new books... Any of the following will cause incoming U.S. mail to be rejected... U.S. mail depicting nudity, obscenities, suggestive images, or other offensive materials... Facilities shall not forward any incarcerated person mail, packages, or periodicals outside of the Sheriff's detention system... Periodicals and new soft covered books delivered to the facility by publishers or bookstores via the U.S. Postal Service may be accepted..."* The investigation showed the alleged act did occur but was lawful, justified, and proper.

AYE: 9  
ABSENT: 2  
NAY: 0  
ABSTAIN: 0

### **25-048/RIVERO** (Routine)

1. Misconduct/Procedure – Unidentified deputies failed to properly classify/house Incarcerated Person (IP) Raul Rivero.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: P Raul Rivero alleged that when he was processed and booked into jail, deputies failed to classify him correctly. IP Rivero alleged that he should have been classified with "the people that don't really go to jail." IP Rivero alleged that he was assaulted on two separate occasions because of his improper classification. SDSO Booking records showed that IP Rivero was booked into custody on 03-14-25 and charged with violent offenses. SDSO records showed on 03-18-25, IP Rivero was assaulted by other IPs on two separate occasions while incarcerated. The first assault occurred on 03-18-25 while attending a court appearance at South Bay Detention Facility and the second assault occurred on 04-02-25 while housed at San Diego Central Jail (SDCJ). A review of SDSO jail records showed IP Rivero was evaluated and initially classified as a level 4 inmate. Per DSB Section I.C., Level 4 is the classification for IPs with "current assaultive charges". After the first assault on 03-18-25, deputies investigated and although the assault occurred at South Bay Detention Facility, deputies arranged to have IP Rivero moved to a different housing module upon his return to SDCJ. On 03-26-25, deputies reclassified IP Rivero from a level 4 to a level 3 and moved him to a lower-level housing module. Although IP Rivero was initially booked into SDSO custody for violent offenses, jail staff had the discretion to reclassify him based on his "custody risk" as outlined in SDSO DSB P&P R.3 Section II.C. On 04-02-25, while IP Rivero was at SDCJ and housed in a lower level (1-3), he was assaulted again by several IPs. Deputies conducted an investigation and were able to identify the IPs that were involved in IP Rivero's second assault. A "keep separate" order was put into place as required in SDSO DSB P&P, F.5 Incarcerated Person Incident Reports. SDSO Booking records show that IP Rivero was booked into SDCJ for violent offenses and was appropriately classified as a level 4 IP and housed accordingly as outlined in SDSO DSB P&P R.3 Section I.C. The investigation showed the alleged act did occur but was lawful, justified, and proper.

AYE: 9  
ABSENT: 2  
NAY: 0  
ABSTAIN: 0

### **25-060/CASTILLO** (Priority)

1. Excessive Force – Deputies 1-6 used force on Incarcerated Person (IP) Ysabel Castillo on 04-18-25.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Ysabel Castillo alleged deputies, *"proceeded to slam me and start beating the shit out of me they held my head down while putting (their) knees into my back."* After being placed in a housing unit, Castillo began to experience, *"Nightmares along with a flash back."* The Mental Health Clinician (MHC) arrived and determined that Castillo needed to be placed in Enhanced Observation Housing (EOH) because Castillo said she was not feeling "safe". Deputies escorted IP Castillo to the medical unit and directed her to change into a safety garment. It was at this point that Castillo began to show signs of agitation. Deputies calmly tried for approximately

eight minutes to convince Castillo they would keep her safe, she would be checked on every fifteen minutes, the lights would remain on in the unit, etc... Castillo became increasingly agitated. Once the deputies got Castillo into her cell, she was again told, *"You need to follow our instructions to remove your clothing, or we are going to have to cut them off."* Castillo's agitation increased as she started crying and stopped following any of the deputies' instructions. Deputies physically moved Castillo to the ground, and she then started thrashing her body and screaming at the deputies, making it difficult for them to control her. Deputies utilized physical control techniques, a stun shield and spit sock and then safely exited the cell. 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 Departmental procedures and report all use of force in writing."* The investigation showed the alleged act did occur but was lawful, justified, and proper.

AYE: 8

ABSENT: 2

NAY: 1

ABSTAIN: 0

## **25-070/GRANSTROM** (Routine)

1. Misconduct/Procedure – Deputies 1, 2, and 3 failed to arrest "suspects" identified by Katherine Granstrom.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Katherine Granstrom alleged deputies did not investigate her case properly. Granstrom alleged Suspect 1 and Suspect 2, should have been arrested and were not. On 05-21-25, Deputy 1 and Deputy 3 responded to a radio call made by Granstrom about two armed men prohibiting her from entering her property. While on the phone with SDO 911 dispatch, Granstrom confirmed that Suspect 1 and Suspect 2 did not point firearms at her. When Deputies 1 and 3 arrived on scene, Granstrom made no statements about anyone pointing firearms at her. Following their investigation, Deputy 1 determined the matter was a civil issue over who had legal right to the property and its contents between Granstrom and her deceased partner's daughter, and that Suspects 1 and 2 were armed security guards hired by the other involved party. Based on Deputy 1's investigation and determination that the matter was a civil issue he did not make an arrest at the scene. On 05-22-25, Granstrom contacted SDO an additional time regarding the incident and changed her statement alleging that Suspects 1 and 2 had pointed the firearms at her, impersonated police officers, and stole items from the property. Deputy 1 documented Granstrom's updated claims in a crime report. Deputy 2 conducted a follow-up investigation on Granstrom's case and documented that based on her inconsistent statements and lack of evidence, he did not believe there was probable cause to make an arrest, however, at Granstrom's request he forwarded the case to the District Attorney's Office for further review. Per SDO P&P 2.51, Arrest, Search, and Seizure: *Employees shall not make any arrest, search or seizure, nor conduct any investigation or official business in a manner which they know or ought to know is not in accordance with law and established policies and procedures.* The investigation clearly established by a preponderance of evidence that the alleged act did occur but was lawful, justified, and proper.

2. Misconduct/Procedure – Deputies 1 and 3 were discourteous to Granstrom.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Granstrom alleged that Deputies 1 and 3, *"spoke to me like I was an idiot. Asking if I knew the difference between civil and criminal."* A review of the Body Worn Camera (BWC) footage showed deputies repeatedly explaining the civil court process to Granstrom and law enforcement's lack of authority regarding property disputes. The deputies also stressed the importance of providing accurate and consistent statements to law enforcement and why an arrest was not made at the time of the initial call for service. Per SDO P&P Section 2.22, *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. Employees shall not use insolent language or gestures in the performance of his or her duties.* Body Worn Camera confirmed the deputies were courteous in their interactions with the complainant. The investigation clearly established that the allegation is not true.

AYE: 9

ABSENT: 2

NAY: 0  
ABSTAIN: 0

### **25-091/GOLU** (Routine)

1. False Arrest- Deputy 1 arrested Dorian Golu on 07-18-25

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Dorian Golu alleged that Deputy 1 “illegally arrested” him. On 07-18-25, Golu contacted SDO dispatch and requested SDO contact his neighbor. In Golu’s complaint to CLERB, he admits to making over 200 calls to SDO regarding his neighbor. Deputy 1 confirmed that Golu had made over 72 calls to SDO alleging issues with the neighbor related to lighting, gas smells, and noises. SDO deputies responded and determined each of these accusations were unfounded. On 11-25-24, Golu was served with a civil harassment order, the terms outlined in the restraining order prohibited Golu from making direct or indirect contact with his neighbor. Deputy 1 arrested Golu for violating a court order and resisting and/or delaying a peace officer. Per SDO P&P Section 2.51, Arrest, Search, and Seizure, Deputy 1 had legal justification to arrest Golu. By a preponderance of evidence, CLERB determined the investigation showed the alleged act did occur but was lawful, justified, and proper.

AYE: 9  
ABSENT: 2  
NAY: 0  
ABSTAIN: 0

### **25-092/CANTOR** (Summary Dismissal)

1. Criminal Conduct – Deputy 1 “planted” evidence on Joshua Cantor’s computer.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: Complainant Cantor alleged Deputy 1 in coordination with member(s) of the FBI and District Attorney, unlawfully seized his computer without a warrant and planted evidence on it. Cantor further claimed that Deputy 1, “*committed crimes of felony witness influencing, conspiracy to commit grand theft, falsification of evidence by a peace officer, and possession/distribution of child pornography.*” Pursuant to CLERB Rules and Regulations, Section 15, Summary Dismissal, CLERB investigators determined the complaint was so clearly without merit that no reasonable person could sustain a finding based on the facts. Further, the complaint was not timely filed and the complainant provided no documentation for an exemption per CLERB 4.1.2

AYE: 9  
ABSENT: 2  
NAY: 0  
ABSTAIN: 0

### **25-123/ZELAYA** (Summary Dismissal)

1. Criminal Conduct – An unidentified deputy grabbed Tonya Zelaya’s buttocks during a pat down search in January 2016.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: Complainant Tonya Zelaya alleged, “*I was sexually assaulted by an officer who arrested me on a 5150 in 2016.*” Zelaya described the incident as, “*He grabbed my ass when he patted me down in my parents driveway, there were no witnesses unless a neighbor was watching, my family was inside, I was alone with him.*” Zelaya submitted the complaint on 10-28-25, however, indicated the incident occurred in the first week of January 2016, while she was taken into custody on a mental health hold. The complainant did not provide documentation for an exemption per CLERB Rules and Regulation 4.1.2., Complaints: Jurisdiction. Pursuant to CLERB Rules and Regulations, Section 15, Summary Dismissal, CLERB investigators determined CLERB does not have jurisdiction because the complaint was not timely filed and the complainant provided no documentation for an exemption per CLERB R&R 4.1.2.

AYE: 9

ABSENT: 2  
NAY: 0  
ABSTAIN: 0

*Adjourned 10:04 pm*

*End of Report*

---