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County of San Diego

CITIZENS' LAW ENFORCEMENT REVIEW BOARD

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

The Citizens' Law Enforcement Review Board made the following findings in the closed session portion of its **February 5, 2026**, 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 insufficient evidence 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)

ATTENDANCE: Nine (Pintar, Mendleson, Fasano, Bisson, Dumas, Moody, Thomas, Ware, Woods)

ALLEGATIONS, BOARD FINDINGS & RATIONALES

23-043/SANDOVAL (DoF)

1. Discharge of Firearm - Deputy Evan McCormick shot Jorge Sandoval on 04-21-23.

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. Deputies McCormick and Soto were dispatched to Jorge Sandoval's home after dispatchers received a call from a family member with concerns over Sandoval's mental and physical health, his access to multiple firearms. When deputies arrived, there was no ambient lighting due to the remote location of the residence and the time of day. Deputies Soto and McCormick spoke with the family member outside the residence who stated Sandoval put a gun to his head earlier and was currently inside the residence with their two minor children. Deputy McCormick provided security for Deputy Soto with his rifle while Deputy Soto gathered information. Unprompted and without warning, Jorge Sandoval appeared in the darkness holding a rifle aimed at the deputies yelling (in English), "*What are you going to do*" as he walked toward the deputies pointing a rifle at them. Immediately, Deputy Soto yelled, "Let me see your hands!" Deputy McCormick yelled "*Hands, Hands, Hands!*" and activated a light on his rifle. Deputy McCormick saw the brown stock of a rifle in Jorge's hands and yelled, "*Gun!*" Deputy Soto said, "*...he didn't show any signs of stopping. He was coming straight toward us.*" Deputy McCormick described Jorge holding the rifle "*in a shooting position...shouldered and*

it kind of swept across from where I thought my partner was, over to me.” The family member ran back into the house. Deputy McCormick said, Jorge “had the gun trained in my position. And that’s when I fired my rifle.” Sandoval was provided medical aid by deputies until medics arrived. Deputies located the rifle next to Sandoval, along with two hunting knives and numerous rounds of ammunition that were in his pockets and belt loop. Medics transported Sandoval to the hospital where he received treatment. Per SDSO P&P Section 8.1, Use of Force/Deadly Force, “It is the policy of the San Diego County Sheriff’s Department that deputies shall use deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary to either (1) defend against an imminent threat of death or serious bodily injury to the officer or to another person; or 2) apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.” SDSO P&P Addendum 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... The more immediate the threat and the more likely the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and necessary to counter it. Regardless of the type of force used by a deputy, the force used should always be proportional to the threat perceived by the deputy... 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 showed the alleged act did occur but was lawful, justified, and proper.

AYE: 9
NAY: 0

24-067/ALMAJID (Death)

1. Death Investigation/In-custody Drug-Related – Incarcerated Person (IP) Majid Arif Almajid died while incarcerated at the George Bailey Detention Facility (GBDF) on 05-05-25.

Board Finding: Adopted

Conclusion: This case was reviewed in accordance with CLERB Rules & Regulations 4.3, Complaint Not Required: Jurisdiction with Respect to Specified Incidents. Majid Arif Almajid was arrested by the Fugitive Task Force on 12-20-23 on numerous charges related to child sex crimes and booked into San Diego Central Jail. On 12-21-23 IP Almajid was classified as a level 4 IP and placed into Protective Custody. Almajid was transferred to George Bailey Detention Facility on 12-26-23 and placed into House 1, Module B, Quad 106 (Protective Custody). Module B was a dormitory style housing unit consisting solely of IPs in Protective Custody. On 05-05-25 at approximately 10:48am, the Tower deputy received an intercom activation from an IP within Quad 106 stating, “They had a man down.” The Tower deputy asked what that meant and the IP responded, “Somebody there that wasn’t breathing.” The Tower deputy alerted the Floor deputies who were conducting a hard count of the entire module of an IP not breathing in Quad 106. Floor deputies responded to the quad and discovered Almajid in his bunk, cold to the touch and not breathing. Before deputies arrived within the quad, numerous IP’s were observed quickly moving to the bathroom area of Quad 106, remaining there briefly, and exiting the area prior to deputies arrival. Deputies moved Almajid from his bunk and began lifesaving measures including CPR (cardiopulmonary resuscitation) and administration of Naloxone. At approximately 10:52am, medical staff arrived and continued lifesaving measures including CPR, additional Naloxone and application of an AED (automated external defibrillator). At approximately 11:13am, San Diego Fire Department (SDFD) medics arrived and pronounced Almajid deceased. The Medical Examiner’s report listed Almajid’s death as “accidental” due to the “combined toxic effects of fentanyl and trazodone.” Per statements from IP witnesses, multiple unidentified IP’s within Quad 106 were heard “throwing up” (vomiting) the evening before Almajid was discovered. Evidence indicated that the prior hard count on 05-04-24 at 8:56pm was conducted in accordance with policy and that subsequent safety checks were also compliant with policy. DSB policy section I.43 said, “All counts require sworn staff to verify each incarcerated person’s well-being through “verbal or physical acknowledgment” from the incarcerated person. In addition, sworn staff will look for any obvious signs of medical or physical distress (e.g., asthma attack, chest pain, etc.), trauma (e.g., bleeding, ligature marks, etc.) and/or criminal activity (e.g., drug usage, fighting, etc.). Incarcerated persons away from the facility for authorized reasons (e.g., court, medical appointments, etc.) will be accounted for upon their return.” DSB policy section I.64 said, “Sworn staff will conduct safety checks of incarcerated persons, housing areas, holding areas and vacant cells through direct visual observation (i.e., direct personal view of the incarcerated person/area without the aid of audio/video equipment). Safety checks of

incarcerated persons consist of looking at the incarcerated persons for any obvious signs of medical distress, trauma or criminal activity.” A search of the entire module resulted in the discovery of a brown substance wrapped in plastic hidden in a shower head within Quad 106. All the IP’s in Quads 106 and 104 were strip-searched and interviewed due to the fact they shared the dayroom space at the same time. Three IP’s from Quad 106 were identified as potentially being involved in smuggling drugs into the module. Each IP was interviewed, search and scanned however none could be tied to possessing or providing Fentanyl to Almajid. It was undetermined as to who or how Fentanyl was introduced into the module. Per CLERB Rules & Regulations 16.1, at the conclusion of a matter before the entire CLERB, CLERB shall deliberate and adopt a final report (“Final Report”) with respect to the case or matter under consideration. This report shall include Findings as to the facts relating to any case, as well as an overall conclusion as to any case as specified in Section 16.2.

2. Misconduct/Procedure – Deputy 1 failed to recognize IP Almajid’s need for emergency attention during a safety check.

Board Finding: Not Sustained

Staff Recommended Finding: Not Sustained

Rationale: Deputy 1 conducted a soft count of Quad 106 at approximately 7:00am. Quad 106 was a dormitory style housing unit in which the IP’s sleep in bunks as opposed to specific cells. Deputy 1 recalled having seen Almajid prior to this incident, however, did not have any specific interactions with him. Deputy 1 did not specifically recall Almajid during the soft count however relayed he did not notice anything unusual. Deputy 1 stated, *“if he had noticed any signs of distress that he would have investigated further or intervened.”* At about 9:00am, an IP noticed Almajid’s *“color was off”* and did a *“string test”* which the IP described as putting a string in front of Almajid’s nose to see if it moved. The IP initially thought Almajid was sleeping. The IP subsequently made the intercom notification at about 10:48am after touching Almajid and noticing how cold to the touch he was. SDSO DSB policy 1.43 stated, *“All counts require sworn staff to verify each incarcerated person’s well-being through “verbal or physical acknowledgment” from the incarcerated person. In addition, sworn staff will look for any obvious signs of medical or physical distress (e.g., asthma attack, chest pain, etc.), trauma (e.g., bleeding, ligature marks, etc.) and/or criminal activity (e.g., drug usage, fighting, etc.). Incarcerated persons away from the facility for authorized reasons (e.g., court, medical appointments, etc.) will be accounted for upon their return.”* Deputies conducted all safety checks within the required timeframes. Deputy 1 was the last deputy to conduct a count in Quad 106 and did not notice any IPs in distress or in need of medical attention. It was unknown as to when exactly Almajid died since an IP who checked on Almajid believed he was sleeping at 9:00am, two hours after the soft count. CLERB determines the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

AYE: 9

NAY: 0

24-080/DOE 2429 (Routine)

1. Misconduct/Procedure – Unidentified Probations Officers failed to properly supervise “Doe 2429,” a juvenile probationer.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: The complainant alleged San Diego County Probation failed to provide appropriate resources, enforce probation violations and assign safe residential placements resulting in continued misconduct and harm to Doe 2429. On 08-05-25, CLERB was informed the juvenile case records were sealed and could not be produced. Due to a lack of information and no identification of subject officer(s), CLERB is unable to conduct an investigation. The Review Board lacks jurisdiction.

AYE: 9

NAY: 0

24-092/WOODFORD (Death)

1. Death Investigation/In-Custody Drug Related - Incarcerated Person (IP) Richard Woodford died while incarcerated at San Diego Central Jail (SDCJ) on 06-26-24.

Board Finding: Adopted

Conclusion: This case was reviewed in accordance with CLERB Rules & Regulations, Section 4.3 Complaint Not

Required: Jurisdiction with Respect to Specified Incidents. IP Richard Woodford was booked into SDCJ on 06-25-24 at 10:30am for an outstanding narcotics warrant. During the medical clearance process IP Woodford admitted to using fentanyl that morning about 40 minutes before his arrest. IP Woodford was sent to secondary medical screening. A medical plan including treatment and monitoring for narcotics withdrawal was established. Woodford was cleared to continue the booking process. On 06-26-24 at 1:22am Woodford was assigned to a housing unit. Woodford was seen on CCTV video walking up and down the stairs with his bedding. At 3:27am Woodford was found in medical distress near the bathroom. Woodford told deputies he was experiencing withdrawal symptoms. Deputies took Woodford to the medical unit to receive care. Medical records documented Woodford *“refused”* medication for his symptoms because he believed it would *“make me worse.”* Woodford returned to his assigned housing unit at 5:35am. At 8:39am a deputy approached Woodford at his bunk to encourage him to meet the nurse for his medication *“...if you’re not going to take your meds you’re going to be hurting...that’s why they are trying to give you the comfort and the withdrawal meds...”* Woodford refused to take medication. At approximately 9:13am deputies responded to the housing module because Woodford was in medical distress and took him to the medical unit for treatment. Per deputy reports, Woodford accepted medication for withdrawal. Woodford returned to the housing module at 9:50am. At 12:10pm deputies checked with Woodford who was on his bunk. Woodford responded verbally to questions but did not ask for, nor indicate he desired medical intervention. At 2:20pm another deputy checked with Woodford, who appeared to be sleeping on his bunk, and asked if he was OK. Woodford responded, *“Yea.”* Deputies conducted regular security checks per policy throughout the day including 3:03pm, 3:57pm and 4:55pm. Each time they walked past Woodford, neither Woodford, nor the other IP’s awake in the module, indicated Woodford needed medical assistance. Per SDSO P&P 1.64 Safety Checks, “In dormitory style housing modules, sworn staff shall walk by each bunk in a manner that permits them to observe each incarcerated person.” According to CCTV video at 5:48pm Woodford sat up and walked to the area of the bathroom. Shortly after, an IP in the housing module used the intercom to report Woodford was in medical distress. Deputies arrived and determined they would meet medical staff at the elevator so they could immediately begin medical intervention. San Diego Fire and Medics arrived to assist. After medical intervention efforts Richard Woodford was pronounced deceased at 6:16pm. Per the San Diego County Medical Examiner’s report Richard Woodford’s cause of death was “esophageal perforation with combined buprenorphine, fentanyl and methamphetamine toxicity” and the manner of death was accident. Per SDSO DSB Section M.5 Medical Emergencies, “All facility staff shall be responsible for taking appropriate action in recognizing, reporting or responding to an incarcerated person’s emergency medical needs. In any situation requiring medical response, emergency medical care shall be provided with efficiency and speed without compromising security.” Woodford was cleared by medical staff to be booked into SDCJ and the Jail Population Management Unit (JPMU) assigned him to a housing unit. While in his housing unit, deputies brought Woodford to the medical unit twice for medical care. Both times he was cleared to return to his housing unit by medical. Deputies interacted with Woodford several times while in the housing unit, to check on his welfare, provided him with a bunk on the lower floor, and encouraged him to take his withdrawal medication. Per CLERB Rules & Regulations 16.1, at the conclusion of a matter before the entire CLERB, CLERB shall deliberate and adopt a final report (“Final Report”) with respect to the case or matter under consideration. This report shall include Findings as to the facts relating to any case, as well as an overall conclusion as to any case as specified in Section 16.2 (Findings).

AYE: 9
NAY: 0

24-116/CONEJO (Death)

1. Death Investigation/In-Custody Medical – Incarcerated Person (IP) Jose Conejo was transported from the Vista Detention Facility to Palomar Hospital where he died on 04-12-24.

Board Finding: Adopted

Conclusion: This case was reviewed in accordance with CLERB Rules & Regulations 4.3, Complaint Not Required: Jurisdiction with Respect to Specified Incidents. Conejo was arrested by Escondido Police on 03-28-24 at approximately 7:23pm for public intoxication. Conejo was transported to the Vista Detention Facility (VDF) at about 9:30pm on 03-29-24. Conejo was medically screened at VDF and assessed as *“acutely intoxicated.”* Medical staff described Conejo as, *“presenting with mild hand and body tremors at rest, slurred speech, poor balance and vomited during assessment.”* Conejo was diagnosed with *“excessive benzodiazepine or alcohol use”* and determined to be at risk of alcohol withdrawal. Conejo was prescribed medication to counter the effects of

alcohol withdrawal, however he refused the medication. Conejo was cleared for booking and placed into an empty holding cell to await release upon sobering. At about 1:25am, deputies discovered Conejo lying face down, bleeding from his face. SDO DSB P&P Section 1.64 said, *"Sworn staff will conduct safety checks of incarcerated persons, housing areas, holding areas and vacant cells through direct visual observation (i.e., direct personal view of the incarcerated person/area without the aid of audio/video equipment). Safety checks of incarcerated persons consist of looking at the incarcerated persons for any obvious signs of medical distress, trauma or criminal activity."* Medical staff responded and called for paramedics who arrived and transported Conejo to Palomar Hospital. Due to his temporary custody status, SDO completed release paperwork per 849b(2). SDO P&P Section 6.15 said, *"A prisoner arrested for 647(f) P.C. Drunk Only (not drugs) may be released per section 849b(2) P.C. when the arresting agency does not desire prosecution."* Upon examination at Palomar Hospital, Conejo was found to have injuries to his head consistent with a fall and several other significant medical issues. Conejo was placed into ICU and subsequently transferred to *"comfort focused care"* before passing away on 04-12-24 while at the hospital. Deputies were observed checking Conejo's status eight times during the three hours he was at VDF. Per CLERB Rules & Regulations 16.1, At the conclusion of a matter before the entire CLERB, CLERB shall deliberate and adopt a final report ("Final Report") with respect to the case or matter under consideration. This report shall include Findings as to the facts relating to any case, as well as an overall conclusion as to any case as specified in Section 16.2.

AYE: 9
NAY: 0

24-178/HERNANDEZ (Death)

1. Death Investigation/In-Custody Medical – Incarcerated Person (IP) Alfredo Hernandez died while assigned to the Hospital Guard Unit (HGU) on 11-26-24.

Board Finding: Adopted

Conclusion: This case was reviewed in accordance with CLERB Rules & Regulations 4.3, Complaint Not Required: Jurisdiction with Respect to Specified Incidents. On 09-23-24, Hernandez was arrested by San Diego Police Department (SDPD) for a 1991 murder and booked into San Diego Central Jail (SDCJ). Hernandez was transported to George Bailey Detention Facility (GBDF) on 09-24-24 and evaluated by medical staff. Hernandez was classified as a level 5 inmate in general population and remained at level 5, while incarcerated. It was noted in Hernandez's booking information that he had mobility issues and required a lower bunk and tier. Hernandez saw medical staff at least ten times between 09-29-24 and 11-15-24, prior to his hospitalization. Hernandez was treated for medical issues while at GBDF and on at least two occasions refused medical treatment. On Hernandez's last day at GBDF, an *"Area Activities Summary Report"* showed deputies conducted proper safety checks and were verified by CCTV review. On 11-15-24, Hernandez started to experience shortness of breath. Medical staff began treating Hernandez and 911 was alerted. Medics arrived and Hernandez was transported to a hospital for a higher level of care and was admitted to the Intensive Care Unit (ICU). Hernandez's health deteriorated while hospitalized and he was pronounced deceased on 11-26-24. The Medical Examiner's office determined the cause of death was sepsis and the manner of death was natural. In compliance with SDO policies, Hernandez was transported to a hospital for evaluation and continued care until his death. Per CLERB Rules & Regulations 16.1, at the conclusion of a matter before the entire CLERB, CLERB shall deliberate and adopt a final report ("Final Report") with respect to the case or matter under consideration. This report shall include Findings as to the facts relating to any case, as well as an overall conclusion as to any case as specified in Section 16.2.

AYE: 9
NAY: 0

25-028/CHATTMAN (Routine)

1. Misconduct/Procedure – Deputy 1 discarded Incarcerated Person (IP) Anthony Chattman's property on 11-26-24.

Board Finding: Not Sustained

Staff Recommended Finding: Not Sustained

Rationale: Complainant Chattman alleged deputies improperly discarded his modular property items to include 100 stamped envelopes, three writing pads, and legal paperwork, instead of ensuring it accompanied him to

state prison. The investigation revealed that upon Chattman's booking and subsequent transfer to state prison, SDSO inventoried and documented his modular property. Chattman signed a release form indicating his wishes for his property to accompany him to state prison. This form was witnessed by Deputy 1 and on the day of his transfer, a log entry was entered in the Jail Information Management System (JIMS) by a Detentions Processing Services Clerk, indicating that Chattman's property was released including funds in his IP account. SDSO Policy and Procedure Q.66 Subsection C, states: *"Upon notice of an incarcerated person's release to state prison, the property staff will pull the property and ensure the computer reflects "released" status. The sealed property bag and incarcerated person's clothing will be removed from the garment bag(s) and placed in a brown paper bag(s) and secured. The incarcerated person's name and booking number will be printed legibly on the outside of the bag(s). The incarcerated person's bag(s) will then be placed inside a larger, more durable, plastic bag that is also secured. If there is more than one incarcerated person going to prison, the individual bags will be placed in large plastic bags together for ease of transport. A tag will be secured to each bag noting where the property is to be delivered. The large plastic bag(s) will be placed in the designated pick-up area for California Department of Corrections and Rehabilitation (CDCR)." The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.*

AYE: 9

NAY: 0

25-030/OCAMPO (Priority)

1. Excessive Force – Deputies 1, 2, 3, 4, 6, 7 and 8 used force against IP Luis Ocampo on 09-01-24.

Board Finding: Not Sustained

Recommended Finding: Not Sustained

Rationale: Complainant Ocampo alleged deputies used excessive force on 09-01-24. Ocampo claimed he "lost consciousness" due to the punches he received to the head. Reports indicated the incident began when IP Ocampo refused to comply with an order to surrender altered jail-issued clothing while being escorted back to his cell. Ocampo verbally refused and attempted to walk away. Deputies documented Ocampo physically resisted by pulling away, thrashing his body, attempting to kick, and making threats. Multiple deputies responded to a cover call and applied physical control techniques, including downward pressure on limbs, strikes to prevent assaultive behavior, and head control to prevent spitting. Ocampo was placed in leg restraints and later in a WRAP restraint device after continued resistance. A spit sock was also applied to prevent spitting. Jail medical staff evaluated Ocampo immediately after the incident and determined hospital transport was necessary for precautionary reasons. At the time of this incident, Body Worn Cameras had not yet been issued, and CCTV footage review was grainy and inconclusive. The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

2. Misconduct/Procedure – Deputy 5 failed to respond to IP Ocampo's grievances within policy.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Ocampo alleged that his grievances regarding staff misconduct were not responded to within the seven-day timeframe required by policy. On 09-12-24, deputy 1 received a grievance from Ocampo alleging excessive force by deputies. Deputy 1 reviewed the grievance and determined the complaint was unfounded as it related to Use of Force, Addendum F. The grievance was marked as resolved on 09-19-24. On 10-16-24, Deputy 1 received a second grievance from Ocampo regarding the same incident, and requested the complaint be entered into *"the log."* Deputy 1 reviewed the second grievance and again determined the complaint was unfounded as it related to Use of Force, Addendum F. Both grievances were processed and documented by Sgt. Mendiola. SDSO DSB P&P Section N.1, Subsection III.B.1 Grievance Procedure, states: *"The level of review time frames for grievances are as follows: 1. First level – A deputy, sergeant or other staff member at the lowest appropriate level will investigate the grievance, resolve the issue, and direct a written response to the incarcerated person within seven calendar days of the receipt of the grievance. When a grievance alleges the incarcerated person's health or safety is being threatened by a condition of their confinement or that the conditions of confinement prevent their effective communication or participation in a court or administrative proceeding (including a CDCR parole revocation hearing), the period for response shall be reduced to four calendar days. 2. Second level–The grievance review officer has 10 calendar days to respond. 3. Third level–The Facility*

Commander has 10 days to respond. The decision of the Facility Commander is final.” The first grievance was received on 09-12-24 and was addressed on 09-19-24. The second grievance was received on 10-16-24 and was addressed on 10-16-24. The investigation clearly established that the allegation is not true.

AYE: 9
NAY: 0

25-031/DAVIS (Routine)

1. Misconduct/Procedure – Deputies 1, 2, 3 and 5 failed to respond to Incarcerated Person (IP) Lance Davis’s grievances.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Lance Davis alleged his grievances were “neglected altogether” while in SDSO custody. A review of facility grievance logs for entries associated with Davis indicated Davis submitted multiple grievances during his incarceration, including complaints regarding cell conditions and safety concerns. Each grievance reviewed contained a documented response from facility staff within the system. Responses included explanations of actions taken, such as providing cleaning supplies and addressing safety issues. Appeals filed by IP Davis were also documented and processed, with outcomes recorded in the grievance tracking system. SDSO DSB P&P Section N1, states: *“Each facility shall attempt to resolve grievances from incarcerated persons in compliance with the California Code of Regulations, Title 15, Section 1073 and the Prison Rape Elimination Act of 2003, Section 115-52. Informal resolution of an issue is both desirable and recommended. Furthermore, written grievances can often be resolved without the intervention of a supervisor, and every effort should be made by a deputy or staff member who receives a grievance to handle it at their level. Grievance forms shall be available in housing areas and upon request. Staff may not refuse to provide a requested grievance form, destroy a grievance form, or otherwise obstruct or interfere with an incarcerated person's ability to submit a grievance form. Incarcerated persons are required to exhaust the grievance process prior to filing a lawsuit [42 U.S. Code section 1997e(a)]. Grievances alleging that an incarcerated person is subject to a substantial risk of imminent sexual abuse or physical harm shall be referred to as an “Emergency Grievance” and immediately forwarded to the watch commander or designee.”* SDSO records confirmed that all grievances submitted by IP Davis had documented responses, with actions taken, and appeals were processed in accordance with established procedures. No evidence was presented by the complainant or found during the investigation that Davis’s grievances were ignored or left unresolved. The investigation clearly established that the allegation is not true.

2. Misconduct/Discourtesy – Deputies 1, 2, 3 and 5’s grievance responses were “demeaning”.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: IP Davis alleged that the responses to his grievances were responded to in a “demeaning manner”. A review of the grievance logs and associated documentation was conducted. The records included copies of grievance responses and appeal decisions. All responses reviewed were professional and addressed the substance of Davis’s complaints, including explanations of actions taken such as providing cleaning supplies and addressing safety concerns. No language or wording in the documented responses indicated disrespect, sarcasm, or demeaning remarks. There was no evidence presented by the complainant or found in the grievance system or supporting documentation to substantiate the allegation. SDSO P&P Section 2.22, Courtesy states: *“Employees shall be courteous to the public and fellow employees. They shall be tactful in the performance of their duties, shall control their tempers, exercise patience and discretion even in the face of extreme provocation. Coarse, profane, or violent language is generally prohibited. Employees shall not use insolent language or gestures in the performance of his or her duties.”* The investigation clearly established that the allegation is not true.

3. Misconduct/Procedure – Deputy 6 failed to respond to IP Davis’s grievance within a mandated timeframe.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: Complainant Davis alleged SDSO did not respond to his health and safety grievance within four days as required by policy. On 06-05-23, Davis submitted a grievance stating his cell was flooded with toilet water and

raised concerns about health and safety. Facility documentation shows the flooding was cleaned the same day, Davis was provided with clean clothing, and he was provided shower access. The deputy also provided cleaning supplies and explained incarcerated workers would be sent to assist. SDSO DSB P&P Section N.1, III.B.1 Grievance Reviews, states : *"The level of review time frames for grievances are as follows: First level – A deputy, sergeant or other staff member at the lowest appropriate level will investigate the grievance, resolve the issue, and direct a written response to the incarcerated person within seven calendar days of the receipt of the grievance. When a grievance alleges the incarcerated person's health or safety is being threatened by a condition of their confinement or that the conditions of confinement prevent their effective communication or participation in a court or administrative proceeding (including a CDCR parole revocation hearing), the period for response shall be reduced to four calendar days. Second level – The grievance review officer has 10 calendar days to respond. Third level – The Facility Commander has 10 calendar days to respond. The decision of the Facility Commander is final."* The investigation showed the health and safety concerns were addressed on the same day, and the cell was restored to safe conditions prior to the four-day response period for the grievance. Although the health and safety issues were resolved on 06-05-23, the grievance did not receive a formal response until 06-18-23, which was 13 days after submission. SDSO DSB P&P Section N1, Subsection III.B.1 Grievance Reviews, states : *"The level of review time frames for grievances are as follows: First level – A deputy, sergeant or other staff member at the lowest appropriate level will investigate the grievance, resolve the issue, and direct a written response to the incarcerated person within seven calendar days of the receipt of the grievance. When a grievance alleges the incarcerated person's health or safety is being threatened by a condition of their confinement or that the conditions of confinement prevent their effective communication or participation in a court or administrative proceeding (including a CDCR parole revocation hearing), the period for response shall be reduced to four calendar days. Second level – The grievance review officer has 10 calendar days to respond. Third level – The Facility Commander has 10 calendar days to respond. The decision of the Facility Commander is final."* The investigation disclosed sufficient evidence to prove the allegation by a Preponderance of the Evidence.

4. Misconduct/Procedure – Deputy 4 failed to investigate IP Davis's complaint.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Davis alleged that SDSO's Internal Affairs unit failed to acknowledge that his grievance response was delayed beyond the seven-day timeframe required by policy. On 10-11-23, Internal Affairs received correspondence from Davis expressing dissatisfaction with the handling of his grievance originally submitted on 06-05-23. Internal Affairs reviewed Davis's concerns and confirmed that Deputy 1 had responded to the grievance. Internal Affairs accepted the complaint, conducted a limited-scope review of the prima facie allegations, and determined that the initial health and safety issues were addressed on the same day. While the response time exceeded the policy guideline, such delays can be addressed through alternative processes, such as the inmate grievance procedure, which Davis utilized to have his concerns heard. According to SDSO Policy & Procedure 3.2, Complaints Against Sheriff's Employees, *"Complaints not subject to investigation include matters that have more appropriate methods of resolution (i.e., traffic court, employee grievance procedure, inmate grievance procedure, civil action, etc.)."* The investigation concluded that the alleged act did occur but was lawful, justified, and proper.

AYE: 9

NAY: 0

25-037/COVARRUBIAS (Routine)

1. Misconduct/Procedure – Deputy 4 failed to make an arrest for an incident that occurred on 04-07-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Margarita Covarrubias alleged, *"I filed at least 9-10 reports to the Fallbrook Sheriff's...the deputies refused to go forward with the crime despite reports done... they verbally disclosed that they weren't going to follow through and closed all reports..."* On 04-07-24 Deputies Cortez and Fragozo responded to Covarrubias' home to investigate a theft report. Covarrubias stated her mother's debit card, and personal items were taken from their home and the debit card was fraudulently used at a gas station. Covarrubias indicated she suspected two former caretakers because they had access to the items however, there were no witnesses to the theft and Covarrubias stated no facts to support her allegations. Deputies Cortez and Fragozo took a crime report

for theft and filed a referral with Adult Protective Services. Deputy 4 was assigned the case and attempted to gather evidence from the gas station including the transaction details and surveillance video. No evidence was located, and Deputy 4 suspended the case. Per SDSO Detective Manual: Suspended is used when a detective has exhausted all leads and can no longer proceed with the investigation. It can also be used to temporarily remove a case from their caseload while awaiting the results of evidence testing which can take several months. Examples of delays might be DNA, IBIS, computer forensics, latent prints, etc. sheets. The investigation showed the alleged act did occur but was lawful, justified, and proper.

2. Misconduct/Procedure – Deputy 5 failed to make an arrest for an incident that occurred on 08-08-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Covarrubias alleged, *"I filed at least 9-10 reports to the Fallbrook Sheriff's...the deputies refused to go forward with the crime despite reports done... they verbally disclosed that they weren't going to follow through and closed all reports..."* On 08-08-24 Deputy Martinez responded to Covarrubias' home to investigate a theft report. Covarrubias reported the theft of a computer from her home that occurred *"about two months ago."* The computer was removed from the cover, and the cover was left at the residence. Covarrubias indicated she suspected two former caretakers because they had access to the items, however Covarrubias did not witness the theft and had no facts to support her allegations. Deputy Martinez conducted a preliminary investigation including swabbing the computer cover for DNA evidence. Deputy Martinez completed a crime report for theft and filed a referral with Adult Protective Services. The case was assigned to Deputy 5. Deputy 5 attempted to lift fingerprints from the cover but was unsuccessful. Deputy 5 contacted a relative that lived in the home, but that person had not seen the computer at the home. Another relative did not return Deputy 5's call. Covarrubias initially believed there was video surveillance inside the home, but later advised detectives she did not have access to it because there was no subscription to the service. Deputy 5 suspended the investigation. Per SDSO Detective Manual, see Rationale 1. The investigation showed the alleged act did occur but was lawful, justified, and proper.

3. Misconduct/Procedure – Deputy 3 failed to investigate a crime on 08-26-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Covarrubias alleged, *"I filed at least 9-10 reports to the Fallbrook Sheriff's...the deputies refused to go forward with the crime despite reports done... they verbally disclosed that they weren't going to follow through and closed all reports..."* On 08-26-24 Deputy 3 was dispatched to the home of Covarrubias to investigate a report of harassing phone calls. Covarrubias stated she received three sexually explicit calls from a male using different international numbers in Mexico, over the past year. Each time the male called he used a different international number, he did not show his face, and he did not speak. Covarrubias believed she knew who it was, but only had the males name and the phone numbers used. Covarrubias could not provide a street address in Mexico. Deputy 3 advised Covarrubias the Sheriff's Department did not have jurisdiction in Mexico, and they had no authority to conduct an investigation in Mexico. Covarrubias stated, *"Don't lie to me sir."* Deputy 3 suggested Covarrubias contact authorities in Mexico to file the report. Deputy 3 agreed to take a report but advised Covarrubias they lacked authority to conduct an investigation in Mexico. Covarrubias responded, *"I don't believe in no's."* Deputy 3 completed a crime report for harassing phone calls. Per SDSO correspondence, the case disposition was *"suspended."* Per SDSO P&P 6.71 Crime Case Reports, *"Courtesy Reports should be written for other agencies and Sheriff's stations when it would be impractical for the victim to return to the jurisdiction or location where the incident occurred."* Per SDSO Detective Manual, see Rationale 1. The investigation showed the alleged act did occur but was lawful, justified, and proper.

4. Misconduct/Procedure – Deputy 3 failed to investigate a crime on 10-22-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Covarrubias alleged, *"I filed at least 9-10 reports to the Fallbrook Sheriff's...the deputies refused to go forward with the crime despite reports done... they verbally disclosed that they weren't going to follow through and closed all reports..."* On 10-22-24 Deputy 3 was dispatched to the home of Covarrubias to

investigate a theft. Covarrubias reported that her 15-year-old Galaxy tablet, tripod, and sports were missing since May 2024. Covarrubias did not have the serial number to the tablet and there were no witnesses to the theft. Covarrubias indicated she suspected two former caretakers because they had access to the items, but Covarrubias had no facts to support her allegations. Covarrubias became upset when Deputy 3 informed Covarrubias he would not list the caretakers as suspects in a report unless evidence existed to justify it. Deputy 3 agreed to take a report but advised Covarrubias the case was “*not workable*” due to a lack of evidence. Covarrubias expressed frustration regarding the lack of follow-up on the previous crime reports. Deputy 3 explained he had nothing to do with the outcome and suggested she speak with the detective and the detective sergeant. Covarrubias abruptly ended the contact and said, “*All right we are done.*” Deputy 3 completed a lost article report. Per SDSO correspondence the case disposition was “*closed.*” Per SDSO P&P Section 6.71 Crime Case Reports: A Crime/Incident Report shall be completed ... Incidents: Lost/Found Property. Per SDSO Detective Manual, “Department Closure is to be used on non-criminal incidents. Examples are unsubstantiated child abuse incidents (not criminal offenses), death investigations, suicides/attempted suicides, found/lost property...” The investigation showed the alleged act did occur but was lawful, justified, and proper.

5. Misconduct/Procedure – Deputy 2 failed to investigate a crime on 10-23-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Covarrubias alleged, “*I filed at least 9-10 reports to the Fallbrook Sheriff’s...the deputies refused to go forward with the crime despite reports done... they verbally disclosed that they weren’t going to follow through and closed all reports...*” On 10-23-24 Deputy 2 was dispatched to Covarrubias’ home on a report of a vandalism. Covarrubias’ requested a Spanish speaking deputy. Deputy 2 arrived and communicated in Spanish. Covarrubias reported that someone vandalized the driver side window of her vehicle between 10-04-24 and 10-23-24. Covarrubias had no suspect or additional information. Deputy 2 completed a crime report for vandalism. Per correspondence with SDSO, the case status was “suspended.” Per SDSO Detective Manual, see Rationale 1. The investigation showed the alleged act did occur but was lawful, justified, and proper.

6. Misconduct/Procedure – Deputy 1 failed to investigate a crime on 02-26-25.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Covarrubias alleged. “*I filed at least 9-10 reports to the Fallbrook Sheriff’s...the deputies refused to go forward with the crime despite reports done... they verbally disclosed that they weren’t going to follow through and closed all reports...*” On 02-26-25 Deputy 1 responded to Covarrubias’ 911 call. Covarrubias reported an “Unknown female tried to push her way into RP’s screen door.” Covarrubias believed the women was “trying to sell something and demanded to see RP’s mother.” Deputy 1 determined there was no “*actual penal code violation which is a law.*” Deputy 1 documented the outcome on the CAD (Computer Aided Dispatch) “*...However (the) person did not open door or enter residence. Person left and was GA (gone on arrival). Checked area for RP and was UL (unable to locate).*” Per 6.71 Crime Case Reports, “A Crime/Incident Report shall be completed for the following Uniform Crime Reporting... part-two crimes: All other reported felony crimes, All other reported misdemeanor crimes...” The investigation showed the alleged act did occur but was lawful, justified, and proper.

Allegations 1-6

AYE: 9

NAY:0

7. Discrimination/Racial – Unidentified deputies discriminated against Covarrubias.

Board Finding: Not Sustained

Staff Recommended Finding: Not Sustained

Rationale: Complainant Covarrubias alleged deputies, “*Discriminated against my person as a Hispanic, handicap person.*” Deputies responded to Covarrubias’ request for service eight times between 04-07-24 and 02-26-25. Each time deputies interacted with Covarrubias they accommodated her disability by conducting the contact in an area where she could use her walker, and/or have access to her oxygen, and/or sit down. When Covarrubias requested a Spanish speaking deputy, one was provided. A review of all Body Worn Camera disputed

Covarrubia's allegation and did not corroborate any verbal expression of prejudice or harassment concerning race or disability. During one interaction, a deputy advised the legal limitations with her concerns, Covarrubias told the deputy she "*picked up that you are being racist ...*" and stated she felt this way because, "*each time you come to my house you say no. No. No.*" Following that contact, Covarrubias met with a Sergeant but never mentioned discrimination by deputies. Per SDSO Policy 2.53 Discrimination: Employees shall not express any prejudice or harassment concerning race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, gender, age, political beliefs, sexual orientation, sexual or gender identity, lifestyle or similar personal characteristics. The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

Allegation 7
AYE: 8
NAY: 1 (Woods)

25-038/BOYD (Routine)

1. False Reporting – Probation Officer (PO) 1 included arrest information about Brian Boyd in a Court report.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: On 03-24-25, CLERB received a signed complaint from Brian Boyd, which included allegations against the San Diego County Probation Department. Boyd alleged "... [PO 1] *filed with the Court [09-20-24] a PSR Report... Report makes false statements [sic] unfound claims...*" Boyd took issue with PO 1 including information about Boyd's arrest history in a Presentencing Report (PSR). PO 1's PSR to the Court, provided by Boyd, was reviewed. The evidence showed PO 1 did cite police reports involving Boyd that did not result in Boyd being convicted. The information was offered for the Court's consideration pursuant to California Rules of Court 4.411.5(a)(3). Probation P&P Section 504.5.7, Law Enforcement Entries Permitted in Pre-Sentence Reports, "*California Rules of Court 4.411.5(a)(3) requires only that the evidence/facts supporting the arrest be included with the arrest information. Entries concerning such arrests should be listed in narrative form under the marginal sub-heading which identifies them as Rule 4.411.5 entries. The narrative should include the source of the information which demonstrates the offender committed the offense, a concise summary of the offense, and the reason the case did not result in a conviction or True Finding... Arrests not leading to a conviction in adult court or to a sustained petition in juvenile court... or where the DA refuses to prosecute or a case or is dismissed... may be included in the probation report if there are facts in police reports or elsewhere which indicates the offender committed the crime even though the offender was later released per PC 849(b)(1), or if the case was dismissed, or the DA refused to prosecute.*" The investigation showed the alleged act did occur but was lawful, justified, and proper.

AYE: 9
NAY: 0

25-039/JOHNSON (Routine)

1. Excessive Force – Deputies 1, 3, 4, 6, 8, and 9 "assaulted" Incarcerated Person (IP) Sedric Johnson on 10-25-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Johnson alleged "assault and battery" and "improper use of restraints" by deputies during an incident on 10-25-24. Johnson was arrested on 10-23-24 for obstruction of an executive officer, resisting an officer, and violation of parole. Johnson was booked into custody and remained in an intake holding cell for 48 hours because he refused to complete the booking process. Johnson was classified as a "Greenbender" (assaultive or escape risk) to be housed in Administrative Separation On 10-25-24, Deputies 9 and 1 repeatedly asked IP Johnson to cooperate with the booking process and be fingerprinted and complete a clothing exchange. Johnson refused and would not come out of the cell. Deputies 1, 4, 6, and 9 entered the holding cell and placed Johnson in waist and leg restraints by using pressure point control tactics. As Johnson was fingerprinted, he repeatedly stated he would not comply with the deputies' order to change out of his street clothes into jail issued clothing. Johnson stated, "*I'm not getting my clothes off*" and "*...I am not strippin out...*" Deputy 8 advised Johnson if he did not comply, his clothing would be cut off. After fingerprinting, Johnson refused to follow orders to lie on a

gurney. Deputies 3, 4 and 6 placed Johnson on the gurney. Deputy 4 and 8 used “downward pressure” to control Johnson. Johnson resisted by pulling his legs towards his chest, turning over and kicking his legs. Safety straps were placed on Johnson’s body to secure him to the gurney while deputies cut off Johnson’s clothing using medical shears. Deputy 9 was identified as the “safety officer,” deputies BWC’s were activated, and medical personnel were on scene to evaluate Johnson after the restraints were placed. Per SDSO DSB P&P Section I.51 Movement of Incarcerated Persons, “Incarcerated persons classified as ‘Administrative Separation’ or ‘Greenbanders’ will be chained at the waist and the legs prior to leaving their assigned housing unit. Incarcerated persons classified as Administrative Separation will be escorted by at least one deputy. Greenbanders will be escorted by at least two deputies.” Per SDSO DSB Policy Section Q.7 Incarcerated Person Processing: The individual’s clothing and sealed property bag will be forwarded to property for processing. Per SDSO DSB Section Q.8 Refusal to Cooperate with the Booking Process: ...Uncooperative individuals will be processed in accordance with state/federal laws and state guidelines. Only reasonable and necessary force will be used to obtain fingerprints or photographs when an individual is refusing to cooperate with custody processing. Whenever force is used to obtain fingerprints and photos the process will be recorded on video. Per SDSO P&P 11.9 Active Resistance: Refers to physically evasive movements to defeat a deputy’s attempt at control, including bracing, tensing, running away, or verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody. Per SDSO P&P Section 11.12: Physical Control Techniques: ...pressure point control tactics may be effective in controlling passively noncompliant or actively resistant subjects. Per SDSO P&P 11.15 Restraint Devices: All restraint devices are temporary restraints used to minimize the risk of injury to deputies and others, prevent or reduce opportunities for self-inflicted injury, prevent escape, and prevent the destruction or concealment of property or evidence...When the restraint device or technique requires multiple deputies, one deputy shall be designated as the safety deputy when feasible. The evidence shows that the alleged act or conduct did occur but was lawful, justified and proper.

2. Criminal Conduct – Deputies 1, 3, 4, 6, 8, and 9 “sexually assaulted” IP Johnson on 10-25-24.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Johnson alleged during the incident on 10-25-24 deputies sexually assaulted him while he was being restrained. See Rationale 1. All BWC evidence disputed Johnson’s allegation that he was sexually assaulted by deputies during this interaction. BWC documented that Johnson alleged that deputies were “*about to sexually molest*” him while being fingerprinted. Throughout the entirety of the incident, Johnson repeatedly called deputies sexually derogatory names. Johnson stated, “...*Sexual molesters huh? In y’all fucking genetics. This is what y’all breed now right out of the academy...*” During this incident Deputies 1, 8 and 9 monitored the interaction between Johnson and Deputies 3, 4 and 6. Deputies BWC’s were activated during the entirety of the incident and medical staff evaluated Johnson. The evidence shows that the alleged act or conduct did not occur.

3. Misconduct/Procedure – Unidentified staff failed to classify IP Johnson’s disability.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: Per Johnson’s complaint, SDSO failed to recognize a disability by not assigning him to a “bottom tier only restriction” which resulted in a fall on 02-05-25. Per Johnson’s medical history, Johnson had frequent interactions with health care providers while incarcerated between 01-14-25 to 02-05-25. On 01-17-25 and 01-21-25 it was documented in health care providers notes that they spoke with Johnson at his cell as he lay on his “*lower bunk.*” A review of Johnson’s Health Care Requests and Incarcerated Persons Request forms indicated Johnson never requested a bottom tier restriction, and the health care providers did not order a lower tier restriction. Additionally, Johnson was housed in Administrative Separation and did not have a roommate. Per SDSO DSB P&P I.22 Lower Bunk/Lower Tier Assignment: “Lower bunk and/or lower tier recommendations are determined by detention facility health staff due to physical impairments or mobility issues caused by a disability, medical condition or drug/alcohol withdrawal... The recommendation for a lower bunk and/or lower tier will be determined by health staff and entered into medical instructions...” *Incarcerated persons without an instruction for lower bunk and/or lower tier may submit a Sick Call Request (J-212) form to request this type of bed assignment. A medical evaluation is required to determine the need to establish or reinstate an instruction for lower bunk and/or lower tier.* Health care staff are responsible to determine a lower bunk restriction. Additionally, Johnson had the ability to ask for a lower tier restriction by using the same Sick Call or Incarcerated Persons Request

forms he previously utilized. A review of Johnson's approximately 27 requests during this booking period failed to identify a request for a lower bunk evaluation or an order by medical staff. The Review Board lacks jurisdiction and the complaint clearly lacks merit.

4. Misconduct/Procedure – Unidentified staff delayed in posting money to IP Johnson's account.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: Complainant Johnson stated he was booked into custody on 02-15-25 with money that did not register on his account for a few days. Johnson was booked on 02-15-25 at 2:51am. Per the Booking Intake/Personal Property Inventory form completed by the arresting agency, Johnson had \$74.00 in cash in his personal property. Per SDSO Account Activity report, the funds were deposited into the provided kiosk during booking and the funds posted on 02-19-25 at 6:20am. SDSO advised a variety of computer related issues could have caused a delay including, *"A problem with the money kiosk (problems range from device outage to kiosk has reached max capacity and requires the cash to be emptied), Network outage or disruption (prevents the money kiosk from communicating to SMART Comm), A disruption in the interface that connects back to JIMS"*. Per SDSO DSB Policy Q.55, *"It will be the responsibility of the arresting/transporting officer to accurately inventory the arrested person's money...The officer will deposit cash into the intake cash kiosk machine. All coin currency will be placed in the arrested person's plastic property bag and will not be placed on an incarcerated person's funds account. The machine will generate a receipt, which will be placed in the incarcerated person's sealed property bag. Cash deposited into the kiosk machine will be immediately reflected on the incarcerated person's funds account..."*. The responsibility to inventory and deposit the funds into the kiosk rests with the arresting officer. In this instance, Johnson was arrested by an outside agency. There was no prima facie showing of misconduct and the Review Board lacks jurisdiction.

5. Misconduct/Procedure – Unidentified persons "altered" IP Johnson's commissary purchases.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: Complainant Johnson said "someone hacked" into his account and cancelled commissary order #403855533 and stole a Chick-O-Stick from order #403852065. Per Commissary Picking Ticket Order number 403855533: 31 items totaling \$99.90 were ordered. All items listed as ordered were documented as "filled" and the "previous balance" and the "new balance" reconciled with the cost of items received. Per Commissary Picking Ticket Order, two items were ordered and filled. Per SDSO correspondence, records indicated three of Johnson's commissary orders were approved in 2025 and the remaining order requests were rejected due to insufficient funds. Per SDSO DSB P&P, Section B.13 Sheriff's Commissary Internal Control and Procedures, "The Reentry Services Program Coordinator shall be responsible for maintaining strict controls on the Sheriff's Commissary operations and for maintaining an accounting system...The Sheriff's Commissary shall be audited periodically by the Reentry Services Division and the Division of Inspectional Services. Per DSB, T.9, Sheriff's Commissary, "Commissary staff will be solely responsible for delivering commissary..." The Review Board lacks jurisdiction and the complaint clearly lacks merit.

6. Excessive Force – Deputies 2, 5 and 7 "battered" IP Johnson on 03-22-25.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Johnson alleged he was "battered" by Deputies 2, 5 and 7 on 03-22-25. Per BWC evidence, Deputy 5 attempted to enter the housing module to conduct a safety check. Johnson "blocked" the entry way to the housing module and requested Grievance forms. Deputy 5 instructed Johnson to return to his cell and advised Johnson the forms would be provided after he returned to his cell. IP Johnson refused Deputy 5's repeated order to return to his cell. Deputies 2 and 7 arrived and assisted Deputy 5. The three deputies walked in the direction of Johnson's cell, while Johnson positioned himself in front of the deputies and walked backwards. Deputy 5 described, *"Johnson stared at me, in what I felt was an attempt to intimidate me."* Once at Johnson's cell, Deputy 7 attempted to turn Johnson around to face the cell entrance using his hands in a push-pull motion. Deputy 7 repeated, *"Turn around"* and *"Go into your cell."* Johnson stated, *"No. Don't fucking touch me...don't fucking touch me"* and did not go into the cell. Johnson physically resisted Deputies 2, 5 and 7's efforts by planting

his feet, pulling his arms away, and pushing the deputies hands off of him. Using their hands, Deputies 2 and 5 were able to push Johnson into the open cell and closed the door. Johnson remained on his feet during the entirety of this interaction. Deputies did not strike Johnson. The evidence shows that the alleged act or conduct did occur but was lawful, justified and proper.

7. Misconduct/Procedure – Unidentified staff failed to respond to IP Johnson's Grievances.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Johnson stated he failed to receive a response from grievances he filed while in custody. SDSO records document on 12-24-24 and 03-07-25 SDSO supervisors addressed grievances with Johnson. Johnson filed 25 grievances between 03-09-25 and 04-14-25. SDSO determined Johnson was a vexatious grievant and notified him numerous times of this determination. Per SDSO Policy N.1 Grievance: An incarcerated person may be considered a vexatious grievance writer if they have filed repetitive grievances that are frivolous in nature or concern an established policy or practice of the Sheriff's Office that the incarcerated person claims violates their rights, when no good faith legal argument exists that the policy or practice amounts to a violation of the incarcerated person's statutory or constitutional rights. A vexatious grievant shall continue to have the right to file grievances; however, their grievance(s) may, at the discretion of the Facility Commander, be denied without a hearing or any right of appeal. The evidence shows that the alleged act or conduct did occur but was lawful, justified and proper.

AYE: 9

NAY: 0

25-072/BRYANT (GBI)

1. Use of Force Resulting in Great Bodily Injury – Deputies Andrew Bland, Jason Gonzalez and Jesus Iniguez used force causing injury to Incarcerated Person (IP) Ameen Ali Bryant on 05-03-25.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: This case was reviewed in accordance with CLERB Rules & Regulations 4.3, Complaint Not Required: Jurisdiction with Respect to Specified Incidents. On 05-03-25, IP Bryant told deputies he needed to go to medical because he was sick. Bryant was lying on the dayroom floor when deputies first contacted him, and he initially refused to get up. Bryant then got up and started to walk to medical with the deputies. At the corridor gate just before medical, Bryant sat down on the ground and would not get up. Deputies tried to convince him to keep walking, but he refused so they retrieved a wheelchair. Deputy Gonzalez stayed with Bryant while waiting for the wheelchair. Bryant became agitated as they waited and he told Deputy Gonzalez, *"If you're not going to help then get the fuck out the way...you stupid mother fucker... childish ass, dumb fuck."* Deputy Gonzalez was surprised by Bryant's aggression toward him and said, *"Who, me?"* This was concerning to Deputy Gonzalez and he got on the radio and said something like, *"Can you expedite to the gate,"* over the radio. Deputy Gonzalez told Deputies Bland and Iniguez that they were going to handcuff Bryant before placing him in the wheelchair. Deputy Gonzalez bent down and told Bryant to roll on his stomach and place his hands behind his back. Bryant slowly complied and Deputy Gonzalez had to assist him rolling over. Bryant had his hand behind his back and before Deputy Gonzalez could put the second handcuff on Bryant's left wrist, Bryant pulled his hand away and resisted deputies. The deputies immediately started giving Bryant verbal commands to *"Stop resisting"* and *"give me your hands."* Deputy Iniguez tried to grab Bryant's feet, but Bryant was violently kicking, and Deputy Iniguez could not get control of them. Bryant continued to resist and was able to get to his knees and then tried to push himself up to stand. The one handcuff was still unsecured at this point. While fighting with the deputies, Bryant reached his handcuffed hand out and tried to grab Deputy Gonzalez's neck or face, but Deputy Gonzalez was able to grab onto his arm as Deputy Iniguez jumped on Bryant's back trying to pull Bryant away from Deputy Gonzalez. Deputies Bland and Gonzalez used their fists to strike Bryant in the face and head. Bryant sustained a laceration to his lip and a broken nose and was transported to a hospital where he refused treatment and was returned to GBDF. Deputies Bland and Gonzalez also sustained injuries. 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 and P&P Section 11.13, Personal Body Weapons “can be used to strike available targets to control an actively resistant or assaultive subject.” 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.” The investigation showed the alleged act did occur but was lawful, justified, and proper.

AYE: 9
NAY: 0

25-073/BURDEN (GBI)

1. Use of Force Resulting in Great Bodily Injury - Deputies Aissamme Alviso, Christian Hernandez, Miguel Hinojosa, Ryan LaBranche, and Jacob Sandoval used force against Incarcerated Person (IP) Joshua Thomas Burden on 05-09-25.

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. On 05-09-25, Incarcerated Person (IP) Joshua Burden, refused to comply with a mandated hygiene inspection of his cell. In response to verbal commands to exit his cell, Burden kicked his cell door three times and threatened to kill deputies. An extraction team consisting of Deputy Alviso, Corporal Hernandez, Deputy Hinojosa, Corporal LaBranche, and Deputy Sandoval forcefully removed IP Burden from his cell. During the extraction, Deputy Hinojosa used an Electronic Immobilization Shield to pin Burden to the back of the cell. IP Burden punched the shield and dropped to the floor. IP Burden refused to let deputies restrain him by grabbing onto the cell's metal stool with his hands and kicking his legs at deputies. Deputies Hernandez and LaBranche used physical control techniques to remove IP Burden's grip of the stool. IP Burden swung his fists at deputies and ultimately tucked his arms underneath his body to prevent handcuffs from being placed on him. Deputy Alviso used closed fist head strikes against IP Burden and deputies were able to gain control of IP Burden's arms and legs and place him in restraints. IP Burden sustained injuries during the use of force, was medically evaluated and eventually transported to the hospital for further treatment. Due to the assaultive actions of IP Burden, deputies were allowed to respond with electronic conduction devices, personal body weapons and physical control techniques. SDO P&P Section 11.9- Types of resistance: *Passive Noncompliance: is represented by not responding to verbal commands but also offers no physical form of resistance. Active Resistance: refers to physically evasive movements to defeat a deputy's attempt at control, including bracing, tensing, running away, or verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody. Assaultive Behavior: is represented by aggressive or combative behavior, attempting to assault the deputy or another person, or verbally or physically displaying an intention to assault the deputy or another person. Life-Threatening Behavior: refers to any action likely to result in serious bodily injury to or death of the deputy or another person (other than the subject).* SDO P&P Section 1.18- Conducted Energy Devices- Electronic Immobilization Shield: *Electronic Immobilization Shield is a poly-carbonate shield equipped with conductive strips that deliver electrical impulses. The shield is generally used to repel or temporarily incapacitate subjects during cell extractions, riots, or crowd control.* By preponderance of evidence, CLERB determines the investigation proved the alleged actions were lawful, justified and proper.

AYE: 9
NAY: 0

25-074/MASTELLONE (GBI)

1. Use of Force Resulting in Great Bodily Injury – Deputies Joseph Jackson and Adrian Valenzuela used force against Ralph Mastellone on 05-15-25.

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. Records related to the incident showed deputies including Deputy Valenzuela responded to a radio call of a possible domestic violence incident in progress at an apartment in the

city of Vista. The reporting party advised his wife was on the phone with a female who called her during the incident. During the call, the female was overheard saying, *"get off me"* multiple times. The reporting party described that the participants were cohabitating and relayed, he overheard Mastellone say, *"I'm gonna break your fucking jaw."* and that the female was bleeding from the forehead. As Deputy Valenzuela approached the apartment door, he could hear a verbal altercation occurring. Deputy Valenzuela determined there were *"exigent circumstances"* and opened the door based on, *"someone potentially being seriously injured and an active altercation."* Deputy Valenzuela announced, *"Sheriff's Department show me your hands"* and noted the apartment was dimly lit and appeared to be in *"disarray."* Once the female companion was out, Deputy Valenzuela moved a little further into the apartment and observed Mastellone standing in the kitchen against the counter. Deputy Valenzuela ordered Mastellone, *"Sir put your hands up"* which Mastellone did. Deputy Valenzuela then told Mastellone to *"face away from me"* but instead Mastellone walked toward him prompting Deputy Valenzuela to repeat, *"face away from me."* Mastellone continued to approach Deputy Valenzuela stating, *"you guys are in a lot of trouble."* Deputy Valenzuela wrote, *"Ralph (Mastellone) continued to walk toward me with his hands up"* causing Deputy Valenzuela to believe Mastellone was *"approaching me to potentially assault me."* As Mastellone came within arm's reach, Deputy Valenzuela attempted to grab Mastellone's hands which were still raised above him. According to Deputy Valenzuela, Mastellone *"tensed his arms upward and turned his body toward the refrigerator"* which put his hands near a closed cupboard. Per BWC, Deputy Valenzuela pulled Mastellone to the ground causing him to initially land on his left side and then on his stomach where he was handcuffed. The use of force consisted of a takedown and control hold, and medics were requested for Mastellone and the female victim. Mastellone reportedly sustained a fractured rib and was booked into custody. SDSO P&P Section 6.48 said, *"It shall be the policy of this Office whenever any Deputy Sheriff of this Office, while in the performance of his/her official law enforcement duties, deems necessary to utilize any degree of physical force shall only be that which the Deputy Sheriff believes necessary and objectively reasonable to effect the arrest, prevent escape or overcome resistance (per 835(a) PC). Deputies shall utilize appropriate control techniques or tactics which employ maximum effectiveness with minimum force to effectively terminate, or afford the Deputy control of, the confrontation incident."* According to SDSO Use of Force guidelines, Deputy Valenzuela's use of force was appropriate. Deputy Valenzuela responded to an in-progress Domestic Violence incident in which one participant was believed to be injured. Based on the information relayed from the reporting party, Mastellone had potentially already inflicted an injury on the female and was overheard threatening he was going to, *"break her fucking jaw."* By a preponderance of the evidence, CLERB determined the investigation proved the alleged actions were lawful, justified and proper.

AYE: 9
NAY: 0

25-083/GUTIERREZ (Priority)

1. Illegal Search & Seizure – Deputy 1 detained the aggrieved on 06-25-25.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: The complainant alleged Deputy 1 stopped the aggrieved and an adult companion without having reasonable suspicion or probable cause (PC). SDSO reports, Body Worn Camera (BWC), Deputy 1's arrest report and a confidential statement were reviewed. Deputy 1 was patrolling the area of an apartment complex. While driving in the apartment complex parking lot at this location, Deputy 1 saw the aggrieved and his companion. Based on a recent stabbing across the street and Deputy 1's knowledge of the two subjects he attempted to stop them because neither subject lived at the location. Deputy 1 called out to both subjects and at first, they attempted to walk away. Before they stopped, Deputy 1 saw the adult companion pass off a potential weapon to the aggrieved. A kitchen knife was later located on the ground and the companion admitted to initially possessing the knife. During a pat-down of the aggrieved, Deputy 1 located *"a half-empty 40 oz glass of Mickey's Fine Malt Liquor inside [redacted] pants ...and then located a Gerber Ozark Trail machete, which was concealed on his right calf area inside his jeans."* During a pat-down of the companion, he admitted to possessing a *"screwdriver in his back pocket."* These items and their phones were seized as evidence and both subjects were subsequently arrested for a minor in possession of alcohol, PCRS violation, and carrying a concealed dirk or dagger. Terry v Ohio Supreme Court Case: *"Stop and Frisk allows police to briefly detain and pat down individuals for weapons if they have reasonable suspicion (not Probable Cause) that the person is involved in criminal activity and is armed and dangerous."* Section 2.51, Arrest, Search and Seizure, *"Employees shall not make any arrest, search or seizure,*

nor conduct any investigation or official Office business, in a manner which they know or ought to know is not in accordance with law and established Office policies and procedures.” The investigation showed the alleged act did occur but was lawful, justified, and proper.

2. Discrimination/Racial – Deputy 1 confiscated the aggrieved’s phone because he was “*Mexican*”.

Board Finding: Not Sustained

Staff Recommended Finding: Not Sustained

Rationale: The complainant alleged Deputy 1 discriminated against the aggrieved because he was a “*Mexican kid*.” The complainant believed the Poway station and Deputy 1 were targeting “*Mexican kids and stealing their cellphones*.” The complainant also stated other families have had their children’s cellphones confiscated but “*they are scared (to complain) because they don’t have legal status in the USA*.” There was no evidence presented or discovered that Deputy 1’s investigation of the aggrieved was based on race or ethnicity. SDSO reports, BWC and a confidential statement were reviewed. See Rationale 1. Section 2.53, Discrimination states, “*Employees shall not express any prejudice or harassment concerning race... Examples of discriminatory acts which will not be tolerated include the use of verbal derogatory comments, slurs, or jokes, derogatory pictures, cartoons or posters, social media postings, and actions which result in a person being treated unequally*.” The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

AYE: 9
NAY: 0

Adjourned 10:15 pm

End of Report
