

BOARD MEMBERS

MARYANNE PINTAR
Chair
JAMES MENDELSON
Vice Chair
ADELE FASANO
Secretary
NORMAN BISSON
DR. R. LEE BROWN
DON DUMAS
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
www.sdcounty.ca.gov/clerb

The Citizens' Law Enforcement Review Board made the following findings in the closed session portion of its **March 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 investigation showed the alleged act did occur but was lawful, justified, and proper.
Not Sustained	The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.
Sustained	The investigation disclosed evidence sufficient to prove the allegation by a Preponderance of the Evidence.
Unfounded	The investigation clearly established that the allegation is not true
Summary Dismissal	The Review Board lacks jurisdiction or the allegation clearly lacks merit.
Preponderance	Evidence that has more convincing force than that opposed to it.

"MISCONDUCT" DEFINED
"Misconduct" is defined to mean and include any alleged improper or illegal acts, omissions, or decisions directly affecting the person or property of a specific person arising out of the performance of the peace officer's or custodial officer's official duties by reason of: (a) An alleged violation of any general, standing, or special orders or guidelines of the Sheriff's Department or the Probation Department; or, (b) An alleged violation of any state or federal law; or, (c) Any act otherwise evidencing improper or unbecoming conduct by a peace officer or custodial officer employed by the Sheriff's Department or the Probation Department. (CLERB R&R, 4.2)

CASES FOR SUMMARY HEARING (8)

ALLEGATIONS, BOARD FINDINGS & RATIONALES

24-013/YATES (Death)

1. Death Investigation/Incarcerated Person Homicide – Incarcerated Person (IP) Brandon Andrew Yates died while incarcerated at the San Diego Central Jail (SDCJ) on 01-16-24.

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. Alvin Ruis was arrested by Chula Vista Police on 12-27-23 for multiple charges, including burglary, stalking, and willful cruelty to a child. He was booked into San Diego Central Jail (SDCJ) and interviewed by SDSO personnel to determine his classification status. During the classification process, it was noted that Ruis might have issues in general population due to his charge of willful cruelty to a child and "jail politics." However, Ruis indicated that he understood jail politics and was fine to remain in general population. He was classified as a Level 3 (medium) incarcerated person and placed into General population housing per his request. According to SDSO Detention Services Bureau (DSB) policy section R.3, "an

incarcerated person's classification designation defines their recommended custody level. Level 6 is high maximum, reserved for individuals with current assaultive charges, prior assaultive history, or institutional behavior problems, and may include high-profile cases or extreme acts of violence. Level 5 is maximum, requiring a combination of two factors such as assaultive charges, prior assaultive history, institutional behavior problems, or escape risk. Level 4 is high, requiring one of those factors. Level 3 is medium, for individuals with no current or significant prior assaultive history, no escape history, and no known disciplinary problems, but who are somewhat more criminally sophisticated than Level 2. Level 2 is low, for individuals with no assaultive or escape history and no disciplinary problems. Level 1 is minimum, for individuals posing the lowest risk to staff and other incarcerated persons." On 12-29-23, IP Ruis was assaulted by another incarcerated person in a holding cell. The Jail Population Management Unit (JPMU) was notified, and a "Keep Separate" directive was issued. On 12-30-23, Ruis was assaulted again by a different incarcerated person, prompting another "Keep Separate" directive. On 12-31-23, a deputy observed another incarcerated person threatening Ruis. IP Ruis was removed from his cell due to conflicts with cellmates and reported suffering an additional assault the previous night. Deputies noted Ruis was exhibiting unusual behavior, and a Behavioral ISR was generated. On 01-02-24, Ruis attempted suicide and was placed into Enhanced Observation Housing (EOH). While in EOH, he attempted self-strangulation, requiring intervention by deputies. On 01-03-24, Ruis was cleared from EOH and returned to housing. On 01-05-24, he was moved back to EOH due to his mental state. That same day, Ruis assaulted a deputy providing meal service by grabbing their duty belt through the food port, resulting in a use of force involving a taser deployment. Between 01-06-24 and 01-15-24, IP Ruis had four additional mental health incidents, including self-harm attempts. On 01-14-24, he was placed into a Safety cell after banging his head against the cell door during a mental health interview. On 01-15-24, Ruis was returned to General population in Housing Module 4C. On 01-15-24, Brandon Yates was arrested by San Diego Police (SDPD) for burglary charges and booked into SDCJ. On 01-16-24 at about 8:48am, Yates was placed into Housing Module C, Cell 2, and was noted to be rambling and incoherent. At about 11:57am, Yates was moved from Cell 2 to Cell 9, which Ruis occupied, after a deputy received information from Yates' cellmate stating, "there was going to be issues." At about 12:46pm, a Safety check was conducted on Cell 9. Body Worn Camera (BWC) footage showed IP Yates sitting on the top bunk and IP Ruis speaking to a deputy, saying, "... My buddy right here was with Biden, but he's good now, he was the last straw. He's a good guy though, his name is Brandon Yates." Nothing of concern was noted during the check. CCTV later showed movement in the cell window at 1:09pm, 1:20pm, and 1:35pm. At about 1:40pm, deputies began a safety check of the module. At 1:41pm, a deputy checked Cell 9 and found IP Yates on the ground, unresponsive. IP Ruis was removed from the cell, and deputies began lifesaving measures. Despite CPR and medical aid from staff and paramedics, Yates was pronounced deceased. IP Ruis admitted to attacking IP Yates, describing the assault as unprovoked and stating he believed Yates was associated with the devil and that God was communicating with him at the time. Per the Medical Examiner's Autopsy report, dated 04-22-24: "This 24-year-old male, Brandon Yates, died as a result of asphyxiation... With the information available to me at this time, the manner of death, in my opinion, is homicide." Per CLERB Rules and Regulations 16.1, at the conclusion of a matter before the entire CLERB, the board shall deliberate and adopt a final report with findings of fact and an overall conclusion as specified in Section 16.2.

2. Misconduct/Medical – Medical staff failed to document IP Ruis' mental health issues.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: A review of Sheriff's Medical Services records reflects that between 12-27-23, and 01-16-24, IP Ruis received multiple documented Mental Health evaluations and follow-ups, including an Intake Mental Health Screening on 12-27-23; a Gatekeeper/ISP assessment on 01-02-24 following a suicide gesture; psychiatric sick calls on 01-03-24 and 01-12-24; and several Qualified Mental Health Professional (QMHP) assessments and Enhanced Observation Housing (EOH) or safety-cell related follow-ups on 01-04, 01-08, 01-13 and 01-14-24. These records document that determinations regarding suicide risk, placement in EOH or safety cells, psychiatric evaluation, and follow-up intervals were made by Sheriff's Medical Services and mental health clinicians. There was no evidence MSD staff flagged IP Ruis for previous suicide attempts. There was only two documented instances of Medical staff noting the IP Ruis was "cleared to classification". SDSO DSB policy R.1 states, "Incarcerated Person Classification Subsection IV.A Reclassification—"Any employee who receives information that could change an incarcerated person's classification code and/or housing assignment has the responsibility of advising a JPMU deputy. The JPMU deputy will evaluate the information to determine whether it requires the incarcerated person to be reclassified. If it does, the reporting deputy may be asked to complete an Incarcerate

Person Status Report detailing the relevant information. The following are examples of events that may require reclassification: A. Information indicating the incarcerated person is a potential escape risk, is assaultive, or has threatened to assault staff. B. Sentenced to any number of years to life in prison (with or without the possibility of parole), or death. C. Medical or psychiatric treatment (medical and psychiatric staff to notify JPMU). D. Automatic JIMS notifications: 1. The addition of new charges, dropping of charges, or the modification of current charges. 2. Sentencing to local time. 3. Prison commitments.” SDSO Medical Services Division (MSD) P&P Section C.1: Procedure Subsection I states, *“A patient identified as having a medical or psychiatric condition that requires special housing, durable medical equipment or prosthetics. II. To avoid unnecessary housing movement, once the medical or psychiatric needs are determined, the staff will immediately enter information into TechCare. III. As part of the treatment plan, nursing staff will determine the patient’s needs and notify Classification utilizing the Medical Flags in TechCare. IV. At Medical Screening, 2nd stage/NAPS, each patient’s previous instructions shall be reviewed and acted upon accordingly. V. Medical Flags entered and or discontinued in TechCare will be communicated to sworn as Medical Instructions in JIMS. A. All Medical Instructions added in TechCare are viewable by all Sheriff’s Detention Staff. VI. Psychiatric conditions specific to suicide attempts/gestures A. All patients identified with a previous suicide attempt/gesture (PSA) either from a previous history or a current assessment shall be coded with a “PSA” flag classification/instruction in TechCare. B. If not previously identified, the nurse /qualified mental health provider (QMHP) will enter this in the TechCare Flag Screen. C. The discontinuation of a PSA instruction flag will be evaluated by a QMHP.”* At the time of this incident, CLERB did not have jurisdiction over medical staff or contracted mental health providers for this in-custody death. The Review Board lacks jurisdiction.

3. Misconduct/Procedure – Deputy 2 failed to complete an Inmate Status Report (ISR).

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: The investigation revealed that Deputy 2 was assigned to the 4th floor Housing module on 01-16-24. Deputy 2 was interviewed by SDSO investigators regarding their interactions with Yates and Ruis. Deputy 2 reported IP Yates arrived on the fourth floor and was temporarily placed in a side cell pending receipt of his face card, after which he was housed in Cell 2. At that time, Deputy 2 described Yates as rambling and speaking continuously without making sense. Later, inmates housed in Cell 2 informed Deputy 2 that if Yates was not removed, *“there was going to be some issues.”* Deputy 2 subsequently moved IP Yates from Cell 2 to Cell 9 without completing an Inmate Status Report (ISR). DSB policy F.5 Subsection I.A.2. states, *“All incarcerated person movements (other than for population management reasons), applicable incarcerated person actions, and other notable incidents involving incarcerated person(s) (e.g., medical emergencies, shall be documented in the incidents module within the Jail Information Management System (JIMS). Completed incident reports shall be reviewed, approved, forwarded and disseminated as required.”* Incident reports shall be completed for reasons including but not limited to: Any change in an incarcerated person's status due to: 1. Medical transfer 2. Housing individual request or individual problem 3. Keep separate (from other incarcerated person(s)) 4. Administrative segregation 5. Initial protective custody housing placement 6. Loss of incarcerated worker status 7. Injury 8. Change of classification due to disciplinary action.” Prior to the completion of the CLERB investigation into these events, Deputy 2 resigned from SDSO. The investigation disclosed evidence sufficient to prove the allegation by a Preponderance of the Evidence.

4. Misconduct/Procedure – Deputies 1 and 4 failed to notify JPMU (classification) of IP Ruis’ assaultive actions on 01-05-24.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: The investigation established that on 01-05-24, Deputy 1 was involved in a Use of Force incident with IP Ruis after Ruis reached through the cell door food port, grabbed the food crate, and subsequently grabbed Deputy 1’s duty belt. Deputy 1 deployed a Conducted Energy Device (CED), which was effective in stopping Ruis’ assaultive actions. Afterwards, IP Ruis was handcuffed, medically evaluated, and later cleared by both medical staff and Qualified Mental Health Professionals (QMHP). On 01-05-24, Deputy 1 notified Deputy 4 of the Use of Force. Deputies 1 and 4 provided confidential statements to CLERB that were considered as a part of the investigation. There was no evidence indicating Deputies 1 or 4 notified Jail Population Management Unit (JPMU) of the assaultive action by IP Ruis. DSB policy R.1 Subsection IV.A Reclassification states, *“Any employee who*

receives information that could change an incarcerated person's classification code and/or housing assignment has the responsibility of advising a JPMU deputy. The JPMU deputy will evaluate the information to determine whether it requires the incarcerated person to be reclassified. If it does, the reporting deputy may be asked to complete an Incarcerate Person Status Report detailing the relevant information. The following are examples of events that may require reclassification: A. Information indicating the incarcerated person is a potential escape risk, is assaultive, or has threatened to assault staff." The investigation disclosed evidence sufficient to prove the allegation by a Preponderance of the Evidence.

5. Misconduct/Procedure – Deputy 3 failed to respond to an intercom call on 01-16-24.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: On 01-16-24, Deputy 3 was assigned as the Tower deputy at SDCJ, with responsibility for monitoring Modules A through E, including answering inmate call-button activations, and overseeing safety checks within the housing units. Deputy 3 acknowledged during the investigative interview that IP Ruis activated the intercom from Cell 9 at approximately 12:30pm, though stated they could not recall what was said and did not document the interaction or take additional action. During a custodial interview later that evening, IP Ruis stated that his cellmate (Yates) was "hitting the button" while yelling, "He's gonna f'ing kill me. He's gonna f'ing kill me. Get me outta here," and further reported that he himself "held the button" while telling his cellmate (Yates) to "tell them about Biden." An IP housed in Cell 19, directly above Ruis and Yates, reported hearing loud thudding noises that sounded like "someone getting their ass beat," followed by screaming. The IP stated he heard phrases including "Get off your bunk!" and "Stop standing on your top bunk!" The IP reported that after hearing these disturbances, he pressed the call button in his own cell and told deputies that something was happening below, although he could not identify the exact cell number. Jail and investigative records confirm that the intercom system was tested after the incident and found to be functioning properly. Deputy 3 provided CLERB with a confidential statement that was reviewed as a part of this investigation. DSB policy I.2 Intercom Systems, Subsection I.D Use of Intercom states, "In the event of an emergency or incident, an incarcerated person is to depress the intercom call button which activates an alarm on the receiving end (e.g., Housing Control, Central Control, etc.). The alarm will alert sworn staff of a possible emergency or incident that necessitates their attention. Sworn staff will answer all intercom calls in an expeditious manner and follow-up on the nature of the call." The investigation disclosed evidence sufficient to prove the allegation by a Preponderance of the Evidence.

AYE: 7

ABSENT: 4

NAY: 0

ABSTAIN: 0

24-089/LOWELL (DoF)

1. Discharge of a Firearm – Deputies Jorge Chavez and Lisa Lee discharged their firearms striking Patrick Lowell on 05-04-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: This case was reviewed in accordance with CLERB Rules & Regulations 4.3, Complaint Not Required: Jurisdiction with Respect to Specified Incidents. On 06-20-24, CLERB was notified by the San Diego Sheriff's Office (SDSO) of an incident in which Deputies Chavez and Lee discharged their firearms. On 05-04-24, SDSO received numerous 911 calls reporting an individual, Lowell, walking on State Route 76 (SR-76) near Bonsall. The callers reported Lowell was carrying a handgun and a knife. Deputies Chavez and Lee initially responded to the call and used their patrol vehicles to block traffic on SR-76. Deputies Chavez and Lee observed Lowell holding a handgun while walking on SR-76 towards the deputies position. Despite numerous commands from the deputies to Lowell to stop, Lowell continued walking towards the deputies direction. Deputies Chavez and Lee discharged their firearms, striking Lowell. Lowell was subsequently detained and transported to a hospital where he survived his injuries. Evidence received and reviewed included reports, photographs, Body Worn Camera (BWC) footage, audio recorded statements, and a written statement submitted by Lowell to CLERB. The evidence showed Lowell failed to stop or drop the weapons he was holding while continuously approaching the deputies position, placing them and numerous civilians' lives at risk. Per SDSO P&P Section 8.1, Use of Firearms/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...' 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.'" Additionally, SDSO P&P Addendum Section F, Use of Force Guidelines, stated, "Lethal force: refers to any force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm. Deputies may only use lethal force when they reasonably believe, based on the totality of the circumstances, that lethal force is necessary to defend against an imminent threat of death or serious injury to the deputy or to another person; or to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the deputy reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. In situations where lethal force is necessary to defend against an imminent threat of death or serious injury to the deputy or to another person, deputies may use any method of force which is necessary and objectively reasonable to neutralize the threat in defense of human life." Based on the totality of the circumstances, Deputies Chavez and Lee's decision to discharge their firearms was reasonably necessary. The investigation showed the alleged act did occur but was lawful, justified, and proper.

AYE: 7
ABSENT: 4
NAY: 0
ABSTAIN: 0

25-027/BOYD (Routine)

1. Excessive Force - Deputy 3 used force to detain Brian Boyd on 01-23-24.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: On 01-23-24, complainant Brian Boyd alleged that Deputy 3 used excessive force while detaining him outside the Vista Courthouse. Boyd claimed he sustained injuries to his left hand and right shoulder, requiring medical treatment. At the time, Boyd was on pretrial release (bond) and was a convicted felon prohibited from possessing firearms or ammunition; he also had a valid Fourth Waiver. During the initial detention, Body Worn Camera (BWC) footage showed Deputy 3 using two pairs of handcuffs to alleviate stress on Boyd's hand. When Boyd explained that he had recently undergone surgery on his index finger and needed to keep it elevated, Deputy 3 placed Boyd in waist restraints to accommodate this requirement. Boyd was ultimately charged with being a felon in possession of ammunition and transported to the Vista Detention Facility. He was medically rejected due to high blood pressure, then medically cleared at Tri-City Hospital and returned to the Vista Detention Facility, where he was booked without incident. SDSO Policy and Procedure 2.49, Use of Force, states: "*Employees shall not use more force in any situation than is reasonably necessary under the circumstances. Employees shall use force in accordance with law and established Office procedures, and report all use of force in writing.*" The investigation clearly established that the allegation is not true.

2. Illegal Search and Seizure - Deputy 1 searched Boyd's residence on 01-23-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Brian Boyd alleged Sheriff's deputies, led by Deputy 1, had "no warrant or probable cause" to search his residence. Boyd had been identified in two separate incidents (01-13-24 and 01-19-24) as a potential suspect in firearm related cases prior to his 01-23-24 court appearance. Based on this information and Boyd's conditions, deputies conducted a Fourth Waiver operation to locate firearm-related contraband in Boyd's possession. When Boyd exited the Vista Courthouse, deputies identified and detained him while searching his person and vehicle; no contraband was found. Simultaneously, deputies executed a search of Boyd's residence, where pistol ammunition and firearm components were located in his bedroom. Boyd was subsequently charged with being a felon in possession of ammunition and committing a felony while on bond. SDSO P&P Section 2.51 Arrest, Search and Seizure states, "*Employees shall not make any arrest, search or seizure, nor conduct any investigation or official Office business, in a manner which they know or ought to know is not in accordance with law and established Office policies and procedures.*" The investigation determined that the alleged act did occur but was lawful, justified, and proper.

3. Misconduct/Procedure - Deputies 1 and 2 damaged Boyd's property on 01-23-24.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Boyd alleged that deputies "caused damage in excess of \$25,000" to his RV during a Fourth Waiver search. During the operation conducted on Boyd's property, deputies searched his RV. Body Worn Camera (BWC) footage showed Deputy 2 using the RV keys to unlock the door and conduct a brief cursory search for any individuals possibly concealing themselves inside. No persons or contraband were discovered, and Deputy 2 exited the RV. A review of BWC footage revealed no visible or accidental damage to the RV during this search. Later, Deputy 1 conducted a more thorough search for contraband and located a rifle scope inside a cabinet in the RV bedroom, which was collected for safekeeping. Body Worn Camera footage of Deputy 1's search also showed no visible or accidental damage to the RV. ~~The investigation did not disclose sufficient evidence to clearly prove or disprove the allegation.~~ **The investigation clearly established that the allegation is not true.**

AYE: 7

ABSENT: 4

NAY: 0

ABSTAIN: 0

25-049/DOMINGUEZ (GBI)

1. Use of Force Resulting in Great Bodily Injury – Deputy Robert Thompson deployed his canine partner (Rico) resulting in injury to Martin Dominguez on 03-24-25.

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 03-24-25 Deputy 2 attempted to conduct a vehicle stop on a vehicle driven by Martin Dominguez. The initial vehicle stop was for violation of speed. Deputy 2 activated his lights and siren. Dominguez failed to yield resulting in a 56-minute pursuit that traversed city streets, residential neighborhoods and freeways. Dominguez ran red lights, did not stop at stop signs, drove excessive speeds, and drove the wrong way on a highway. Canine Deputy Thompson and another deputy assisted in the pursuit along with the Sheriff's helicopter ASTREA. After approximately 56 minutes, Dominguez's vehicle began to slow down. Deputy Thompson used his PA system in his patrol vehicle to make announcements advising Dominguez, "Stop your vehicle, Stop your vehicle. If you run, you will get by a Sheriff's K-9. Stop the vehicle now. Put your hands out the window. Stop the vehicle. Stop the vehicle." Dominguez's vehicle stopped. Dominguez exited the driver's seat and ran down the roadway. Deputy Thompson exited his vehicle and advised Dominguez, "Don't run!" Dominguez kept running. Deputy Thompson deployed his canine partner, Rico, to apprehend Dominguez. Rico made contact with Dominguez's right arm resulting in injury. Dominguez was handcuffed and treated by medics at the scene. Dominguez was further treated at a hospital. Dominguez was arrested for various narcotics violations, false imprisonment of his passenger, an outstanding warrant, felony evading, and resisting arrest. Per Section 4.4 San Diego Sheriffs K-9 Unit Manual: *A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing, or threatening to commit any serious offense and if any of the following conditions exist: (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputy/officer, or the handler. (b) The suspect is actively resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance...In situations where any force used can cause serious injury or death, there is a requirement that, whenever feasible, the deputy must first warn the suspect that force will be used if there is not compliance. The handler should allow a reasonable time for a suspect to surrender.* Per Section 11.21 Canines: *Law enforcement trained canines are a viable intermediate force option when employed under the direction of their handlers in accordance with the Sheriff's Canine Unit Manual. Canines may be deployed to locate, apprehend, or control suspects when the handler has evaluated the severity of the crime, level of resistance, and whether the suspect's actions pose an immediate threat to the safety of deputies or others.* Per Section 11.24 Aftercare: *Whenever a subject requires or reasonably requests medical attention after a use of force incident, a deputy shall promptly provide medical attention, request medical aid, and/or transport them to an emergency medical facility when safe to do so.* The investigation showed the alleged act did occur but was lawful, justified, and proper.

2. Misconduct/Procedure – Deputies 1 and 2 failed to comply with SDSO’s Body Worn Camera (BWC) policy.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: See Rationale 1. After Dominguez was apprehended, Deputy 2 searched his vehicle. During the search of the vehicle Deputy 2 muted his BWC. Dominguez was transported to the hospital for treatment of his injuries. Deputy 1 arrived at the hospital to assist deputies. While at the hospital, Deputy 1 muted his BWC. A review of reports and the CAD failed to identify deputies reason(s) for muting their BWC’s in writing. Deputies 1 and 2 provided confidential statements that were taken into consideration for the recommended finding. Per Section 6.131 Body Worn Cameras: *Muting...In all cases where BWC video is muted, it shall be documented in writing. How it is documented will be situationally dependent. The reason for muting the camera(s) will be briefly noted in the body of a report (arrest, crime misc. incident). In the case of confidential information, a separate supplemental report shall be written as detailed above. Additionally, a brief explanation noting the muting of the camera(s) will be documented via CAD by each deputy that muted their camera. If no report for an event is otherwise needed, CAD documentation shall suffice.* The evidence supports the allegation and the act or conduct was not justified.

AYE: 7

ABSENT: 4

NAY: 0

ABSTAIN: 0

25-053/HAILE (Priority)

1. Criminal Conduct – Deputy 1 “sexually assaulted” Incarcerated Person (IP) Haile on 12-27-24.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Haile alleged Deputy 1, “sexually assaulted me by inserting his fingers in between my buttocks to a point his finger touched my rectum” during a pat down search. Haile was classified as a “Level 5” incarcerated person and was housed in administrative separation. Deputy 1 had his BWC activated while he interacted with Haile including during the pat down. Three additional deputies were present monitoring the pat down, including a supervisor. Deputy 1 conducted the pat down over Haile’s clothing while Haile was facing away from Deputy 1. The pat down included Haile’s ankles, legs, thighs, waist and buttocks. The pat down was completed in approximately 20 seconds. Per SDSO DSB Section R3 Incarcerated Person Classification Code: *Descriptor Definitions...5 Maximum. This incarcerated person must have a combination of two of the following: current assaultive charges, prior assaultive history, are deemed an institutional behavior problem or an escape risk.* Per DSB Section I.52 Strip and Pat Down Searches of Incarcerated Persons: *The introduction and presence of unauthorized weapons, drugs and other contraband presents serious threats to the security and proper management of the detention facilities. Searches of incarcerated persons shall be allowed to control contraband and provide for its disposition... All incarcerated persons are subject to pat down searches and examinations of their clothing at any time.* Per California Peace Officers Standards and Training (POST) Learning Domain 33 Arrest and Control: *...the possible sites that may be checked during a systematic person search... Potential weapons or other items that might be found in Inner/Outer thighs, Groin and buttocks.* Per SDSO P&P Section 6.127, Prison Rape Elimination Act (PREA): *The San Diego Sheriff’s Office has a zero tolerance policy for all forms of sexual misconduct... Sexual Misconduct: any behavior or act of sexual nature, directed toward a detainee/inmate under the care, custody or supervision of the Office/collateral contract, by a detainee/inmate, volunteer, contractor, Sheriff’s employee or any outside source. Sexual misconduct includes but is not limited to sexual abuse and sexual harassment.* The investigation clearly established that the allegation is not true.

2. Misconduct/Discourtesy– Deputy 1 used explicit language on 12-27-24.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Haile alleged Deputy 1 made a “lewd, inappropriate, and disturbing comment” during the pat down when Deputy 1 asked, “Why are you so tight?” See Rationale 1. Per Deputy 1 BWC, Deputy 1 said, “Why are you so tight?” as he conducted a pat down search. Deputy 1 also stated he believed Haile “had something (contraband).” Per SDSO DSB Section I.52, Strip and Pat Down Searches of Incarcerated Persons: *The introduction and presence of unauthorized weapons, drugs and other contraband presents serious threats to*

the security and proper management of the detention facilities. Searches of incarcerated persons shall be allowed to control contraband and provide for its disposition... All incarcerated persons are subject to pat down searches and examinations of their clothing at any time. Per California Peace Officers Standards and Training (POST) Learning Domain 33 Arrest and Control: ...the possible sites that may be checked during a systematic person search... Potential weapons or other items that might be found in Inner/Outer thighs, Groin and buttocks... Per SDSO P&P Section 6.127, Prison Rape Elimination Act (PREA): The San Diego Sheriff's Office has a zero tolerance policy for all forms of sexual misconduct... Sexual Misconduct: any behavior or act of sexual nature, directed toward a detainee/inmate under the care, custody or supervision of the Office/collateral contract, by a detainee/inmate, volunteer, contractor, Sheriff's employee or any outside source. Sexual misconduct includes but is not limited to sexual abuse and sexual harassment. The investigation clearly established that the allegation is not true.

3. Misconduct/Discourtesy – Deputy 2 threw paperwork into IP Haile’s cell on 01-05-25.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Haile stated Deputy 2 “threw” a grievance into his cell. Per BWC, on 01-05-25 at 11:04am, Deputy 2 and Deputy 3 were at Haile’s closed cell door. Haile asked the deputies to sign a grievance. Both Deputy 3 and Deputy 2 read the grievance. Deputy 2 returned the grievance to Haile through the closed cell door and stated, “hold it for now.” Haile refused to accept the papers causing them to fall to the ground after Deputy 2 let go of them. 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. 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.

4. Misconduct/Procedure- Deputies 2 and 3 failed to comply with SDSO grievance policy.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: See Rationale 3. While at Haile’s closed cell door, Haile asked the deputies to sign a grievance. Deputy 3 asked, “Do you want to give it to a sergeant instead?” Haile declined and pushed the grievance through the door. Both Deputy 3 and Deputy 2 read the grievance. Deputy 2 told Haile the concern was “not grievable” and returned the grievance to Haile without Deputy 2 or Deputy 3 signing it as received. Deputy 2 told Haile, “I will talk to the sergeant. If they want to come down they can sign it themselves.” Per the grievance form, Deputy 3 signed the grievance form as “received” at 4 pm on 01-05-25. The grievance was assigned to a sergeant who deemed it a personnel complaint. The sergeant documented the findings on a J.10 Grievance Response form which Haile signed as received. Haile was provided with Internal Affairs forms to document his complaint. Deputy 3 provided a confidential statement that was taken into consideration for the recommended finding. SDSO DSB P&P Section N.1 Grievance: *Incarcerated person(s) may submit written grievances directly to deputies or other employees at any time when they are in a place, they have permission to be. Absent exigent circumstances, any deputy or other staff member who is presented with a written grievance will accept it. If a grievance addresses the actions of a specific deputy or staff member, the deputy or staff member who receives and signs for the grievance will: 1. Return the second page to the incarcerated person. 2. Give the J-22 form to a supervisor for review.* The evidence supports the allegation and the act or conduct was not justified.

AYE: 7

ABSENT: 4

NAY: 0

ABSTAIN: 0

25-067/RODRIGUEZ (Routine)

1. Misconduct/Medical – Unidentified medical staff failed to provide the aggrieved prescribed medications.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: Complainant Rodriguez alleged that on 06-29-24, “they stopped giving [the aggrieved] all his

medicine.” Per CLERB Rules and Regulations Section 4.1, Complaints: Authority, “Pursuant to the Ordinance, CLERB shall have authority to receive, review, investigate, and report on Complaints filed against peace officers or custodial officers employed by the County in the Sheriff’s Department or the Probation Department...” The alleged misconduct involved SDSO medical staff. The Review Board lacks jurisdiction.

2. Misconduct/Procedure – Unidentified deputies gave away the aggrieved’s property.

Board Finding: **Unfounded**

Staff Recommended Finding: Not Sustained

Rationale: Complainant Rodriguez alleged that on 06-29-24, “his property was given to another inmate that was transfer [sic] to prison. That person mail and call my son’s girlfriend, telling her that he was given my son’s property.” Although the alleged misconduct occurred more than one year after the date of the incident giving rise to the complaint, SDSO Detention records for the aggrieved were received in the case, and a review of the records were completed by CLERB. There were no records which showed the aggrieved’s property was released on or around 06-29-24. Additionally, there are no grievances submitted by aggrieved regarding the matter. ~~The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.~~ **The investigation clearly established that the allegation is not true.**

3. Misconduct/Procedure – Unidentified deputies denied the aggrieved access to a razor.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Rodriguez alleged that on 07-01-24, the aggrieved was “denied haircut and shaving for court. Was told that there had put a razor restriction.” Per San Diego Sheriff’s Office (SDSO) custody records, the aggrieved had an active “razor restriction” noted. Per Detentions Services Bureau (DSB) Policies and Procedures (P&P) Section L.7, Razors, “Prior to razor distribution, deputies shall review the Jail Information Management System (JIMS) Web report, ‘Active Inmates with Selected Hazards: Razor Restriction.’ Any incarcerated person represented on this report will not be offered a razor.” The investigation showed the alleged act did occur but was lawful, justified, and proper.

4. Misconduct/Procedure – Unidentified deputies denied the aggrieved access to a haircut.

Board Finding: **Unfounded**

Staff Recommended Finding: Not Sustained

Rationale: Complainant Rodriguez alleged that on 07-01-24, the aggrieved was “denied haircut and shaving for court. Was told that there had put a razor restriction.” According to SDSO documents, on and around 07-01-24, there were no entries which noted the aggrieved received a haircut or was denied access to a haircut. It was noted that the aggrieved received a haircut on 08-17-24. Per DSB P&P Section L.9, Haircuts/Hair Care, “Incarcerated persons shall have access to a barber while incarcerated. The barber and equipment will be available on a regularly scheduled basis... Deputies will make a JIMS log entry indicating the module that received haircuts.” ~~The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.~~ **The investigation clearly established that the allegation is not true.**

5. Misconduct/Procedure – Unidentified deputies housed the aggrieved in unsanitary conditions.

Board Finding: **Unfounded**

Staff Recommended Finding: Not Sustained

Rationale: Complainant Rodriguez alleged that on 07-22-24, the aggrieved was in a cell with a toilet that overflowed. Rodriguez alleged, “my son was walking on water with feces from 7:00 am to 10:00 pm. He kept pushing the [button] for the tower officer[.] No one responded. Finally an officer stop by and took him out of the cell.” Per SDSO records: On 07-22-24, the aggrieved was housed at George Bailey Detention Facility in cell 140. On 07-24-24 a “cell inspection” was conducted with no concerns noted. There were no grievances, incident reports, or other entries on or around 07-22-24 related to the cleanliness of the aggrieved’s cell or that the aggrieved requested to be placed in a different cell. Per DSB P&P Section L.2, Sanitation and Hygiene Inspections, “Each facility will have a weekly hygiene inspection conducted by designated staff members. These staff members will inspect and have deficiencies corrected and reported to the facility commander.” ~~The~~

~~investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.~~ **The investigation clearly established that the allegation is not true.**

6. Misconduct/Procedure – Unidentified deputies denied the aggrieved access to the dayroom at SDCJ.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Rodriguez alleged that starting on/around 07-22-24, the aggrieved was denied dayroom access for several months. Between 07-22-24 and 09-22-24, SDSO records showed the aggrieved was provided regular access to the dayroom. Per DSB P&P Section T.11, Exercise and Recreation, “*An exercise and recreation program shall be available to incarcerated persons at each facility. The program shall afford every incarcerated person a total of ten (10) hours of out-of-cell-time distributed over a period of seven days. This time shall be composed of a minimum of three (3) hours of recreation yard and a minimum of seven (7) hours of dayroom... Dayroom time according to Title 15, is an individual's ability to choose from activities that occupy the attention and offer the opportunity for relaxation and may include reading, games, socialization, entertainment, education, and programs.*” The investigation clearly established that the allegation is not true.

7. Misconduct/Procedure – Unidentified deputies denied the aggrieved access to a “*write up.*”

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Rodriguez alleged that on/around 09-10-24, the aggrieved was “*denied paperwork on write up.*” Per SDSO records, there were no incidents, involving the aggrieved, noted to have occurred on 09-10-24. The two incidents nearest in time to 09-10-24 occurred on 08-04-24 and 09-15-24. Reports for the 08-04-24 and 09-15-24 incidents showed, in each case, the aggrieved was provided with a copy of the incident report and advised of his rights to a disciplinary hearing. Per DSB P&P Section O.1, Disciplinary Action, “*An incarcerated person charged in any disciplinary action shall be afforded the due process provisions of the California Code of Regulations, Title 15, Article 7. That is, the incarcerated person can appeal their discipline, which will cause their discipline to be reviewed by a disciplinary appeal officer... No hearing on a pending charge may be held later than 72 hours after the incarcerated person has been presented a copy of the charges in writing and notified of their right to a hearing with the DHO...*” The investigation clearly established that the allegation is not true.

8. Excessive Force – Deputies 1 and 2 used force against the aggrieved.

Board Finding: Not Sustained

Staff Recommended Finding: Not Sustained

Rationale: Complainant Rodriguez alleged that on 09-15-24, following visitation, the aggrieved was placed in handcuffs and taken to his cell. Rodriguez alleged the aggrieved was ordered to “*put his hands out to remove the handcuffs, [Deputy 2] and another officer started twisting his arms[. My] son kept on telling them to stop that they were breaking his my, my son pull his arms back in the cell, he was [ordered] to put his hands out to remove the handcuffs[. Deputy 2] stab [the aggrieved] on the arm with the key.*” SDSO reports showed the aggrieved was contacted by deputies after a search was conducted of the aggrieved’s cell and contraband was found. The aggrieved was subsequently escorted to his cell by deputies. Reports showed that while inside the cell, and as deputies were attempting to uncuff the aggrieved through the food flap of the cell door, the aggrieved made a sudden movement pulling his arms away from the deputies and taking control of the handcuffs. The movement by the aggrieved was noted to have caused an injury to one of the deputy’s hands. Deputies were able to communicate with the aggrieved to return the handcuffs without further incident. No force was noted in SDSO reports of this incident. CCTV footage of this incident does not show the actions of the deputies, or the aggrieved, following the aggrieved being escorted to his cell by the deputies. The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

9. Misconduct/Medical – SDSO medical staff denied the aggrieved medical care.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: Complainant Rodriguez alleged following the use of force incident, the aggrieved “*was bleeding*” and asked for medical attention. Rodriguez alleged, “... *they denied it... nurse was about to check him when the officers told the nurse to don’t give him any medical help or pain medication...*” Rodriguez alleged the aggrieved did not receive medication attention until the following day. Per SDSO reports, the aggrieved was evaluated and treated by a nurse following the 09-15-24 incident. Per CLERB Rules and Regulations Section 4.1, Complaints: Authority, “*Pursuant to the Ordinance, CLERB shall have authority to receive, review, investigate, and report on Complaints filed against peace officers or custodial officers employed by the County in the Sheriff’s Department or the Probation Department...*” The alleged misconduct involved SDSO medical staff. The Review Board lacks jurisdiction.

10. Misconduct/Procedure – Unidentified deputies did not respond to the complainant’s request.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Rodriguez stated that on 05-31-25, the aggrieved “*went on hunger strike...*” Rodriguez alleged, “*I called numerous times, requesting for the watch commander to call me... none have ever call me back.*” SDSO records showed the aggrieved was noted to be on a “*hunger strike.*” Per DSB P&P Section M.29, Hunger Strikes – “*PROCEDURE I. NOTIFICATIONS A. Sworn staff shall notify the watch commander and facility commander. B. Sworn staff shall notify the health staff.*” SDSO policy does not require notification of an IP’s hunger strike to any other individual. The investigation showed the alleged act did occur but was lawful, justified, and proper.

AYE: 7

ABSENT: 4

NAY: 0

ABSTAIN: 0

25-111/MILLER (Routine)

1. Misconduct/Procedure – Deputies 1 and 2 failed to provide medical attention to Stephen Miller.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: Complainant Miller alleged deputies ignored his complaint of pain during his arrest and while he was in custody. On 02-26-25, deputies responded to a 911 call regarding Miller, who was involved in a physical altercation with other patrons in a restaurant. Miller said he sustained an injury to his arm during the altercation. Miller was ultimately arrested for public intoxication and booked into jail. Deputy 3 acknowledged Miller’s complaint of arm pain during his arrest and documented it in his report, however, he did not immediately seek medical attention for Miller. Deputy 1 also acknowledged Miller’s complaint of arm pain during the transport to jail, but also did not immediately seek medical care. While completing the booking process prior to entering the facility, Miller made additional complaints of pain regarding his arm. Deputies 1 and 3 responded to the complaints and removed Miller from the back seat of the patrol vehicle and escorted him to the sallyport bench. Deputies 1 and 3 removed the handcuff from Miller’s injured arm and restrained the other arm to the designated handcuff attachment located on the sallyport bench. Additionally, while escorting Miller into the facility, Deputy 1 accommodated Miller’s complaint of pain by placing his handcuffs in front of his body and not behind his back. Although deputies accommodated Miller’s complaint of pain, they did not seek medical attention at any point during arrest, transport, and prior to booking Miller. Upon being booked, Miller was evaluated by the Intake Nurse and was deemed fit for booking. SDSO Field Operations Manual Policy 25 D.1: *If, during the arrest and transportation, a prisoner becomes sick or injured, the transporting deputy shall immediately seek medical attention for the prisoner.* SDSO Field Operations Manual Policy 25 F.1 and F.5, Use of Restraining Devices on Prisoners: F.1 *With no unusual circumstances present, i.e., handicapped prisoners, deputies shall keep prisoners handcuffed with their hands behind their backs.* F.5: *use of restraining devices on sick or injured prisoners may not be necessary all of the time. An example would be an incapacitated prisoner who is being transported to a hospital from a traffic accident scene via an ambulance with the deputy providing escort. The use of restraining devices on a handicapped, sick, or injured prisoner while being transported to a detention facility will be at the discretion of the transporting deputy based on an evaluation of the level of safety of the deputy, the public, and the prisoner.* Confidential statements were also considered for this investigation. The investigation disclosed evidence sufficient to prove the allegation by a Preponderance of Evidence.

2. Misconduct/Procedure - Deputy 1 failed to comply with SDSO's Body Worn Camera (BWC) policy.
- Board Finding: Sustained
Staff Recommended Finding: Sustained
Rationale: Upon review of BWC evidence, it was discovered that Deputy 1 briefly muted his BWC on three separate occasions. None of the instances were documented in writing. SDSO P&P Section 6.131, BWC *Deputies/ CSO's shall activate the BWC to record all law enforcement related contacts. While away from Office facilities, deputies shall keep their BWC powered on and in stand-by mode, anticipating law enforcement related contacts. 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. In all cases where BWC video is muted, it shall be documented in writing.* Confidential statements were also considered for this investigation. The investigation disclosed evidence sufficient to prove the allegation by a Preponderance of Evidence.
3. Misconduct/Discourtesy - Unidentified jail deputies "mocked" IP Miller when he complained of pain.
- Board Finding: Not Sustained
Staff Recommended Finding: Not Sustained
Rationale: Complainant Miller alleged that while incarcerated, jail deputies "mocked" him when he complained of pain to his arm. Miller could not confirm which deputies were involved because he did not have his glasses on, however, he suspected Deputy 1 was one of them. The investigation concluded that Deputy 1 was not involved, Deputy 1 was the arresting officer and was not assigned as a Detention's deputy. Deputy 1's contact with Miller ended when Miller was booked into custody at the jail. Based on Miller's description and following a review of BWC and CCTV Footage, we were unable to confirm that these instances occurred and who the deputies involved were. A review of BWC and CCTV footage did not provide any evidence that any jail deputies were discourteous towards Miller at jail. SDSO P&P 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. 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 failed to disclose sufficient evidence to clearly prove or disprove the allegation.
4. Misconduct/Procedure - Deputy 2 failed to seek medical attention in response to IP Miller's complaint of pain.

Board Finding: Not Sustained

Staff Recommended Finding: Not Sustained

Rationale: Complainant Miller alleged that while in custody unidentified deputies ignored his complaints of pain. A review of BWC and CCTV footage showed Deputy 2 conducted a security check at 8:51PM, during which Miller complained of shoulder pain and indicated he believed his shoulder was dislocated and confirmed with Deputy 2 that he had reported the complaint of pain to the Intake RN upon entry into jail. Deputy 2 completed his security check at 8:56PM. Per CCTV footage and Jail Medical records at 9:06PM, a nurse contacted and assessed Miller from outside of his cell. 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.* Confidential statements were considered for this investigation. The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

5. Misconduct/Medical - Unidentified medical staff failed to provide care to IP Miller.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: Complainant Miller alleged while in custody he made several complaints of arm pain to medical staff. Miller was medically evaluated by an Intake Nurse where his complaint of pain was documented, and he was deemed fit for booking. Miller was initially housed in a Sobering Cell where he made additional complaints of pain and was medically evaluated on two occasions by a nurse who documented that due to safety concerns updated information would be obtained once Miller was removed from the Sobering Cell. After being cleared and rehoused, Miller was medically evaluated by a nurse who documented his complaint of pain and he was given medication.

Following Miller's release from custody, he sought further medical care at a hospital for his arm pain, where he was diagnosed with an injury. Pursuant to CLERB Rules and Regulations Section 4: Authority, Jurisdiction, Duties, and Responsibilities of CLERB: *shall have authority to receive, review, investigate, and report on complaints filed against peace officers or custodial officers employed by the County in the Sheriff's Department...* CLERB does not have jurisdiction over the subject matter of the allegation.

6. Misconduct/Retaliation - Unidentified staff deleted video evidence.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Miller alleged he filed an Internal Affairs complaint following the events that occurred on 02-26-25. Refer to Rational 1. Miller alleged that SDSO had possession of video footage that would have evidentiary value and Miller alleged "*clearly could have demonstrated my innocence and contradicted claims made against me. This footage was subsequently deleted or not preserved.*" Miller reported, "*This behavior appears retaliatory, obstructive, and unprofessional.*" SDSO provided CLERB investigators with all the requested records including the video footage that Miller alleged was deleted. SDSO P&P Section 2.40, Abuse of Process/withholding Evidence: *Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold evidence or information, or make false accusations of a criminal or traffic charge.* The investigation clearly established that the allegation is not true.

7. Misconduct/Discourtesy – Internal Affairs staff disconnected a call while speaking with Miller.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: Complainant Miller alleged, "*a civilian employee in Internal Affairs, identified as [Redacted], informed me that if I continued calling for answers or reporting inconsistencies, she would no longer accept my calls. She also disconnected several calls while I was explaining my concerns.*" Pursuant to CLERB Rules and Regulations Section 4: Authority, Jurisdiction, Duties, and Responsibilities of CLERB: *shall have authority to receive, review, investigate, and report on complaints filed against peace officers or custodial officers employed by the County in the Sheriff's Department...* CLERB does not have jurisdiction over the subject matter of the allegation.

AYE: 7

ABSENT: 4

NAY: 0

ABSTAIN: 0

25-120/BACON (Priority)

1. Excessive Force/Taser – Deputy 1 tased Incarcerated Person (IP) Owerrie Bacon on 07-29-25.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Bacon said Deputy 1, "*tased me, I didn't see it coming no(one) said nothing. Just shot me with the taser.*" SDSO reports, Body Worn Camera (BWC), and a confidential statement were reviewed. IP Bacon was ordered to return to his cell due to another IP coming into the module. IP Bacon was classified as an "*Administrative Segregation (AS)/ Green Band Assault Risk IP.*" Per policy, Ad Seg IPs are not to be in contact with one another. According to deputies, Bacon refused to follow orders for approximately five minutes before they entered the module. Bacon became agitated and displayed assaultive behavior toward deputies by yelling and taking a step toward Deputy 1. Deputy 1 deployed his taser and Bacon was placed in handcuffs. SDSO P&P Section 11.2, Use of Force Definitions stated, Totality of the Circumstances: "*Means all facts known to the peace officer at the time, including the conduct of the peace officer and the subject leading up to the use of force.*" Proportional: "*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. Proportional force does not require deputies to use the same type or amount of force as the subject or the least amount of force that might be effective. The more immediate the threat and the more likely the threat will result in death or serious bodily 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.” DSB P&P Section 1.85, “Defensive Devices/CED stated, “The CED is authorized to be carried anywhere inside and outside of detention facilities by trained deputies. Deputies shall carry their issued CED on their person during the course of their normal duties.” SDO P&P: Section 11.7, De-Escalation, stated, “Deputies shall use de-escalation techniques, crisis intervention tactics, and/or alternatives to force when it is safe and feasible to do so. De-escalation does not require a deputy risk their safety or the safety of the public.” Based on Deputy 1’s knowledge of Bacon’s violent history and his assaultive behavior, Deputy 1 was authorized to use his taser per policy. The investigation showed the alleged act did occur but was lawful, justified, and proper.

AYE: 6

ABSENT: 4

NAY: 1

ABSTAIN: 0

Dissenting Opinion – Board Secretary Fasano:

I, Adele Fasano, Secretary to the County Law Enforcement Review Board, provide the following dissenting opinion on case 25-120, which the board approved, through a majority decision at its February 5, 2026 meeting, the finding that a Deputy's use of a taser was justified. My decision was the Sheriff's Department's Policies and Procedures (P&P) Section 11.11, which contain the use of force matrix, were violated and the deployment of the taser was an excessive use of force and hence not justified. The Deputy's action was taken following the use of verbal commands only and no attempt was made to de-escalate the situation which should have included the use of authorized actions and a warning that the taser would be deployed if the complainant failed to comply with the Deputy's commands. The complainant only exhibited active resistant behavior, not assaultive behavior, which is a requirement for use of the taser. According to P&P Section 11.11, the authorized responses to active resistant behavior are the use of canines, chemical agents, personal body weapons, physical control techniques, verbal commands, and officer presence. These policies were violated through the use of the taser and the appropriate finding should have been the use of the taser was not justified.

Adjourned 9:38pm

End of Report
