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# County of San Diego

## CITIZENS' LAW ENFORCEMENT REVIEW BOARD

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The Citizens' Law Enforcement Review Board made the following findings in the closed session portion of its **June 4, 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](http://www.sdcounty.ca.gov/clerb).

### CLOSED SESSION

a) PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

**Discussion & Consideration of Complaints & Reports:** Pursuant to Government Code Section 54957 to hear complaints or charges brought against Sheriff or Probation employees by a citizen (unless the employee requests a public session). Notice pursuant to Government Code Section 54957 for deliberations regarding consideration of subject officer discipline recommendation (if applicable).

DEFINITION OF FINDINGS	
Action Justified	The evidence shows that the alleged act or conduct did occur but was lawful, justified and proper.
Not Sustained	There was 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 (22)

#### ALLEGATIONS, BOARD FINDINGS & RATIONALES

Notice: The Citizens Law Enforcement Review Board (CLERB) may take any action with respect to the items included on this agenda. Recommendations made by staff do not limit actions that the CLERB may take. Members of the public should not rely upon the recommendations in the agenda as determinative of the action the CLERB may take on a particular matter.

#### Consent Agenda for Cases Recommended for Summary Dismissal pursuant to CLERB Rules and Regulations, Section 15: Summary Dismissal:

After reviewing the Investigative Report and records, CLERB may summarily dismiss a Case ("Summary Dismissal") upon recommendation of the Executive Officer, its own motion, or that of the Subject of Investigation. Parties to the Complaint shall be notified of a proposed Summary Dismissal, and may appear to argue for or against Summary Dismissal. Any party to the Complaint or member of the public wishing to speak for or against Summary Dismissal in any of the Cases listed in the Consent Agenda below may provide public comment under Section 3. of this Agenda.

All Cases listed under this section are considered as appropriate for Summary Dismissal pursuant to CLERB Rules and Regulations Section 15 (a) - (f), and will be acted upon in one motion, either by the Board on its own motion, or

that of the Executive Officer. There will be no separate deliberation of these items unless a member of the Board so requests, in which event, the item will be considered separately at the end of the Closed Session agenda.

**26-024/EDDINS** (Summary Dismissal)

1. Misconduct/Discourtesy – An unidentified Probation Officer “bumped” Angela Eddins on 02-12-25.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: On 03-09-26, Complainant Angela Eddins reported “Mr. (Redacted)” bumped her in the chest while entering her residence and conducting a search of her son’s property, on 02-12-25. Per CLERB Rules and Regulations 4.1.2 Complaints: Jurisdiction: “...CLERB shall not have jurisdiction to take any action in respect to complaints received more than one year after the date of the incident giving rise to the complaint.” The complaint was untimely and CLERB lacks jurisdiction.

2. Misconduct/Procedure – Unidentified staff failed to return the aggrieved’s property.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: The complainant, Angela Eddins said that on 02-12-25, her son was arrested by the San Diego Police Department and the Probation Department and his personal property was seized by one of the agencies. The property included: two money orders, a cellphone, and a backpack. Angela reported when she retrieved the property from jail in July of 2025, she was only given a bag of clothing. Per SDSO DSB P&P Q.55, Property Received with Incarcerated Persons: “Only clothing, purses, and small personal effects on the incarcerated individual’s person will be accepted. Inventory and storage of personal property shall be handled per the following procedures. PROCEDURE I. UNACCEPTABLE PROPERTY ITEMS A. Unacceptable property items will not be accepted for any incarcerated person booked into custody or already in custody. The following items are deemed unacceptable property items. 1. Bulk property (e.g., backpacks, boxes, luggage) 2. Electronic devices (e.g., computers, iPads, tablets, e-Readers)....B. It will be the responsibility of the arresting/transporting officer to maintain custody of the incarcerated person’s bulk property as well as any other unacceptable property items.” Pursuant to CLERB Rules & Regulations 4.1.2 Complaints: Jurisdiction states: “...CLERB shall not have jurisdiction to take any action in respect to complaints received more than one year after the date of the incident giving rise to the complaint.” The complaint was untimely and CLERB lacks jurisdiction.

**26-044/DUDOVITZ** (Summary Dismissal)

1. Discrimination/Gender – Deputy 1 “pressured” Dudovitz when she declined to provide personal identifying

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: The complainant, Stacy Dudovitz, reported Deputy 1 contacted her regarding an assault report. Dudovitz told Deputy 1 she needed more time to decide if she was going to report the assault to law enforcement. Deputy 1 asked Dudovitz for personal identifying information which she declined to provide. When the complainant said no, the deputy continued questioning her which she believed to be, “pressuring, inappropriate and distressing.” The complainant said, “I am also concerned that my gender identity or expression may have affected how I was treated during the call, including the pressure applied after I declined to provide personal identifying information.” Per SDSO records, on 04-24-26, Deputy 1 contacted Dudovitz via her cellular phone, following an assault report made to SDSO. During a review of BWC, Deputy 1 asked the complainant twice for her identifying information. His demeanor was polite and there was no request for the complainant’s gender identity. On 05-05-26, the complainant signed and submitted a withdrawal form. Per CLERB R&R: 5.7 Withdrawal of Complaints: “A complaint may be withdrawn from further consideration at any time by a written notice of withdrawal signed and dated by the complainant. The effect of such withdrawal will normally be to terminate any further investigation of the complaint of misconduct, unless the Executive Officer or a Review Board member recommends that the investigation continue and the Review Board, in its discretion, concurs.” The Review Board lacks jurisdiction.

**26-048/GOMEZ** (Summary Dismissal)

1. Misconduct/Discourtesy – Unidentified female staff member was discourteous to the complainant on 05-04-26.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: Eulalia (Lali) Gomez reported, “On 05-04-26, at approximately 3:00pm, me and my sister went to the Lemon Grove Sheriff’s Substation where a female front-desk staff member asked, in an irritated tone, ‘Can I help you?’ We stated that we would like to speak with a deputy. She responded, “We are busy unless you want to put in a call for a deputy to come meet you.” We explained that we simply wanted to provide information and could leave the documentation if a deputy was not available. She then turned around and walked away without further communication.” Per CLERB Rule & Regulations, Section 4 Authority, Jurisdiction, Duties And Responsibilities of CLERB: “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 Office or the Probation department...” CLERB lacks jurisdiction over non-sworn personnel.

2. Misconduct/Discourtesy – Deputy 1 was discourteous to the complainant on 05-04-26.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: See Rationale 1. Complainant Gomez also reported, “Deputy 1 came through the door abruptly, pushing it open with enough force that it slammed against the wall behind it and made a loud noise, appearing visibly annoyed before any conversation had occurred. When I attempted to explain the purpose of our visit, he stated he could not hear me and stepped out from behind the glass” and asked what was going on. As Gomez attempted to communicate with Deputy 1, he interrupted her and “impatiently stated that it was a civil matter” and he “appeared confused and impatient.” Gomez submitted this complaint to document the “unprofessional conduct” she experienced. CLERB contacted Gomez on 05-05-26, who responded with, “I am not interested in participating in a full review or investigation,” and submitted a signed request to withdraw her complaint to CLERB. Per CLERB Rules & Regulations Section 5.7 Withdrawal of Complaints allow complainants to withdraw complaints: A complaint may be withdrawn from further consideration at any time by a written notice of withdrawal signed and dated by the complainant. The effect of such withdrawal will normally be to terminate any further investigation of the complaint of misconduct, unless the Executive Officer or a Review Board member recommends that the investigation continue and the Review Board, in its discretion, concurs. Also, per Section 15, Summary Dismissal: CLERB may summarily dismiss a case when there is a “Lack of cooperation by the Complainant such that CLERB is unable to continue its investigation. CLERB lacks jurisdiction.

Consent Agenda Items (3):

**AYE: 7**

**ABSENT: 4**

**NAY: 0**

**ABSTAIN: 0**

**CLOSED SESSION CASES DELIBERATED**

**24-135/DOE 2403** (GBI)

Final findings to be released upon approval of the Juvenile Court.

**24-136/DOE 2404** (GBI)

Final findings to be released upon approval of the Juvenile Court.

**24-139/DOE 2407** (GBI)

Final findings to be released upon approval of the Juvenile Court.

**24-143/DOE 2411** (GBI)

Final findings to be released upon approval of the Juvenile Court.

**24-144/DOE 2412** (GBI)

Final findings to be released upon approval of the Juvenile Court.

**24-148/DOE 2416** (GBI)

Final findings to be released upon approval of the Juvenile Court.

**24-149/DOE 2417** (GBI)

Final findings to be released upon approval of the Juvenile Court.

**24-150/DOE 2418** (GBI)

Final findings to be released upon approval of the Juvenile Court.

**24-153/DOE 2421** (GBI)

Final findings to be released upon approval of the Juvenile Court.

**24-156/DOE 2424** (GBI)

**Deferred**

**24-158/DOE 2426** (GBI)

Final findings to be released upon approval of the Juvenile Court.

**24-160/DOE 2428** (GBI)

Final findings to be released upon approval of the Juvenile Court.

**25-014/DOE 2501** (GBI)

Final findings to be released upon approval of the Juvenile Court.

**25-047/DOE 2502** (GBI)

Final findings to be released upon approval of the Juvenile Court.

**BOARD Approved Policy Recommendation Letter to Probation**

**AYE: 7**

**ABSENT: 4**

**NAY: 0**

**ABSTAIN: 0**

**25-093/FAHIM** (Routine)

1. Misconduct/Procedure – Deputies 1 and 2 failed to make an arrest when Fahim reported she was threatened on 05-15-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Zohra Fahim alleged deputies failed to make an arrest after Fahim was threatened with a weapon. On 05-15-24 at approximately 9:02am, Deputies 1 and 2 responded to a 911 call Fahim made, alleging her landlord threatened her with a weapon in the front yard of their shared residence. Fahim said her landlord was upset at her because she was supposed to immediately pick up her dogs waste but said she had gotten home at 11:00pm and decided to pick it up in the morning. Fahim told deputies, her landlord started to talk to her this morning when she was cleaning up after the dog, and she told him, *“I feel really uncomfortable”* and *“do not talk to me.”* Fahim described she was picking up the dog waste when, *“He came at me with a tree trimmer, which is like a weapon and I’m really concerned for my safety right now cause that’s just not acceptable.”* Fahim showed the video, which she had recorded using her phone, to both deputies. After viewing the video, Deputy 1 told Fahim, *“Nothing that we witnessed is illegal”* and continued to explain, *“what I witnessed in the video was you coming outside”* prompting Fahim to interrupt saying, *“yeah to pick up the poop as he told me to do.”* Deputy 1 asked Fahim if she was anticipating, *“some kind of an altercation”* to which Fahim replied *“no.”* Deputy 1 asked if she normally walks outside with her camera rolling and she responded that the landlord had screamed at her to pick up her poop or he was going to deduct it from her deposit. Fahim was insistent a crime had occurred but Deputy 1 disagreed saying, *“Well, I don’t see that frankly, I mean I don’t see that at all. I see it takes two people to argue, and both of your behaviors are kind of unreasonable.”* A violation of California Penal Code 245(a) required willful intent, which deputies clearly believed the landlord did not exhibit. Per SDSO 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. Misconduct/Procedure – Deputy 2 failed to make an arrest for a TRO violation on 05-16-24.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Fahim alleged Deputy 2 failed to arrest her landlord after he violated the Temporary Restraining Order (TRO) she obtained against him. On 05-16-24 at about 6:30am, Fahim called 911 and alleged her landlord had violated the terms of her TRO by placing a note on her door. Deputy 2 learned during the investigation, the note was regarding attempts by the landlord to fix the internet and indicated technicians had come out twice but need to access Fahim’s room. Fahim had previously complained to deputies that her landlord had cut off her internet service and requested they make him restore it. Deputy 2 spoke to Fahim who acknowledged the issue between her and her landlord was *“more also like a civil matter because it’s between landlord and tenant and I feel like that should be handled right obviously in court but when it comes to him trying to contact me such as putting a letter on my door, I believe that’s a violation of the TRO because he should have absolutely no contact with me.”* Deputy 2 explained the difficulty in navigating the TRO conditions due to it being against her landlord and said, *“I talked to his (landlords) wife and she’s gonna do, she’s gonna be the one to coordinate all that stuff and not him.”* As Deputy 2 was speaking, Fahim interrupted stating, *“No, I’m not doing that, I’m not talking to her, no I’m not doing that, that’s not going to happen.”* Regarding Fahim’s belief that her landlord violated the TRO by placing a note on her door, Deputy 2 explained, *“He needed to talk to you about the internet that you were asking about.”* Deputy 2 relayed to Fahim she advised the landlord to have no contact at all with Fahim and to use someone else to contact her regarding landlord/tenant issues. Per SDSO Section 6.55, Protective Orders: *“Personnel will thoroughly investigate reports of violations of court issued protective orders concerning domestic violence or other civil or criminal disturbances. Emphasis will be placed on strict enforcement of these laws to ensure the victim’s safety as well as compliance with the law. Violation of a restraining order is a misdemeanor under 273.6 or 166 P.C. An arrest shall be made when there is reasonable cause to believe the subject of the restraining order has violated the order and any one of the following conditions is met: The existence of the order and proof of service on the suspect has been verified by the deputy. The existence of the order has been verified by the deputy; no proof of service is required if the order reflects that the suspect was personally present in court when the order was made. The existence of the order has been verified, and there is proof that the suspect has previously been admonished by law enforcement personnel.”* TRO’s are generally granted in the absence of the restrained subject and without their testimony. This TRO made no reference to the landlord/tenant relationship and did not specify how necessary communications should be carried out other than allowing, *“Peaceful written contact through a lawyer or a process server of other person for service of legal papers related to a court case is allowed and does not violate this order.”* Deputy 2 determined there was no intentional violation of the TRO and the correspondence was regarding an issue Fahim had requested the landlord fix. The investigation showed the alleged act did occur but was lawful, justified, and proper.

3. Misconduct/Procedure – Deputy 2 accused Fahim of misusing emergency 911 services.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Fahim alleged Deputy 2 accused her of misuse of the 911 system. On 05-17-25, Fahim called 911 and alleged her landlord had violated the TRO by blocking her from the kitchen. During the investigation, Deputy 2 determined a violation of the TRO had not occurred. Fahim brought up previous instances she had called to report a TRO violation and said, *“Ok well I’m just going to keep calling until I have someone to help me.”* Fahim had made fourteen calls to SDSO dispatch between 05-15-24 and 05-17-24 in which she either reported a TRO violation or requested to speak with a supervisor or specific deputy to complain about the lack of enforcement. Seven of those calls were made to 911 dispatchers. Deputy 2 told Fahim, *“So if you do keep calling, I’m just gonna give you a warning right now, um if your continuing to call and misuse 911, that is a criminal offense.”* California Penal Code 653y said, *“A person who knowingly allows the use of or who used the 911 emergency system for any reason other than because of an emergency is guilty of an infraction.”* SDSO Section 2.22 said, *“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. Course, profane, or violent language is generally prohibited. Employees shall not use insolent language or gestures in the performance of his or her duties."* Deputy 2 was courteous and professional during the conversation, did not threaten arrest of Fahim and framed the information as a warning. The investigation showed the alleged act did occur but was lawful, justified, and proper.

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

## **25-094/HENRY** (GBI)

1. Use of Force Resulting in Great Bodily Injury – Deputies Derrick Chandler, Ronald Escobar, Jacob Skiver, and Peter Vander Horn used force on Khayree Henry on 07-21-25.

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. According to SDSO records, deputies responded on 07-21-25 to a call for service involving Patrice Henry, who reported that her son, Khayree Henry, pushed her and took her keys. A records check indicated Khayree was on active parole and was the restrained party in a valid criminal protective order, with Patrice listed as the protected party. Upon arrival, deputies contacted Patrice, who confirmed the reported conduct and advised that Khayree remained inside the residence. Deputies established a perimeter and attempted to contact Khayree. Khayree exited the residence and was given verbal commands to get on the ground. Khayree did not comply and ran back toward the residence. As deputies approached the entrance, Deputy Vander Horn opened the door, and Khayree kicked Deputy Vander Horn in the chest while positioned near the top of a four-step staircase leading to the front door. Deputies attempted to detain Khayree, and a physical struggle occurred. Body Worn Camera (BWC) footage showed Khayree continuing to physically resist deputies' efforts to secure him. During the encounter, Khayree was observed striking deputies with closed fists, pulling his arms away, and moving his body in a manner that limited deputies' ability to secure his hands. Deputies also documented, and BWC footage captured, Khayree spitting blood toward deputies, which made contact with their faces and uniforms. Deputies documented exposure to body fluids and minor injuries during the incident. Deputies documented that, during the encounter, closed-fist strikes were utilized and a less-lethal shotgun was discharged two times to stop Khayree's assaultive actions. Deputies documented, and BWC footage confirmed, that the closed-fist strikes and less-lethal rounds had no apparent effect on Khayree. Khayree was ultimately placed in handcuffs, secured in a WRAP restraint device, and transported for medical evaluation. Khayree sustained an injury during the incident and received medical care. Per SDSO P&P Section 11.13, Personal Body Weapons: *"Personal body weapons may be used to strike available targets to control an actively resistant or assaultive subject. Personal body weapons may include hands, fists, arms, elbows, legs, knees, feet, and head. Some strikes may result in serious bodily injury and are generally used against a higher level of subject resistance. Some strikes may be used to facilitate a takedown or gain control of an actively resistant subject. These types of strikes are not intended, nor likely to cause serious bodily injury. Punching and kicking techniques may be necessary when a subject is assaultive. A fist strike to a subject's head is not prohibited; however, it is preferable to use an open hand (palm heel) technique to reduce the likelihood of injury to the deputy's hand and subject's face. Certain parts of the body are vulnerable to serious bodily injury or death. These include a subject's head, neck, heart, spine, kidneys, and groin. Deliberately targeting these areas must be objectively reasonable and necessary."* Per SDSO P&P Section 11.20, Less-Lethal Munitions: *"Less Lethal Impact Munitions are projectiles used as intermediate force options against subjects exhibiting assaultive or life-threatening behavior. They are less likely to result in serious bodily injury or death and can be a resource to de-escalate a potentially deadly situation."* The investigation showed the alleged act did occur but was lawful, justified, and proper.

2. Excessive Force – Deputies 1-4 "beat up" Khayree Henry on 07-21-25.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: On 11-05-25, Patrice Henry, mother of the aggrieved, filed a complaint alleging deputies "beat Khayree, they now want to accuse him of resisting arrest to cover themselves for violating his civil rights and

*using excessive force. The officers themselves need to be held accountable for their actions.” See Rationale 1. Deputies used force during an attempt to detain Khayree after he failed to comply with verbal commands, kicked a deputy in the chest, physically resisted deputies’ efforts to secure him, struck deputies with closed fists, and spat blood toward deputies. The force used by deputies included physical control techniques, closed-fist strikes, and two less-lethal shotgun discharges. The investigation did not show that deputies used force after Khayree was restrained or that the force used was unrelated to gaining control of him or preventing his assaultive actions. The evidence showed the force was used during an active physical struggle and in response to Khayree’s continued resistance and assaultive actions. Body Worn Camera footage and Deputy reports documented that the closed-fist strikes and less-lethal rounds had no apparent effect on Khayree, and deputies continued working to secure him until he was handcuffed and placed in a WRAP restraint device. Per SDSO P&P Section 2.49, Use of Force: “Employees shall not use more force in any situation than is reasonably necessary under the circumstances. Employees shall use force in accordance with law and established Office procedures, and report all use of force in writing.” The investigation showed the alleged act did occur but was lawful, justified, and proper.*

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

## **25-095/FOUQUET** (GBI)

1. Use of Force Resulting in Great Bodily Injury – Deputy Marcus Ballesteros-Perez utilized a SDSO canine in the apprehension of Rebekah Fouquet on 07-22-25.

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. Based on the review of Reports and available Body Worn Camera (BWC) footage, deputies responded on 07-22-25 to a report of a stolen vehicle and vandalism. The reporting party stated his ex-girlfriend, Fouquet, was allegedly responsible. The stolen vehicle was later located in Encinitas, and a high-risk stop was initiated. Fouquet was observed exiting the vehicle and initially complied with deputies’ commands. Fouquet was then directed to remain on the ground and follow additional instructions. BWC showed Fouquet did not consistently follow commands, remained uncooperative with deputies, and moved between seated, prone, and standing positions. Deputies issued repeated verbal commands and warnings, including advisements that a canine would be deployed if she did not comply. A canine was subsequently deployed and made contact with Fouquet. While on the ground, Fouquet continued to move her body and limbs as deputies attempted to gain control of her arms. Deputies used physical force to secure her in handcuffs, after which the canine was disengaged. Medical personnel responded, and Fouquet was transported for evaluation and treatment. Fouquet was charged with: Residential Burglary, Obstructing/Resisting an Executive Officer; Taking a Vehicle Without Owner’s Consent; and Vandalism. Per SDSO P&P Section 2.49 Use of Force: “Employees shall not use more force in any situation than is reasonably necessary under the circumstances. Employees shall use force in accordance with law and established Office procedures, and report all use of force in writing.” Per SDSO Canine P&P Section 4.4 Apprehending Suspects with a Canine: “Canines certified and approved for department use may be used to apprehend subjects. No policy can anticipate every conceivable situation or exceptional circumstances which deputies may face. In all circumstances, deputies are expected to exercise sound judgment and critical decision making when using force options. 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: ...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; Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing deputy, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect. The investigation showed the alleged act did occur but was lawful, justified, and proper.

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

**25-098/ESPINOZA** (Priority)

1. Misconduct/Procedure – Deputy 1 failed to take appropriate action on a condition deserving police attention per policy.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: CLERB received a signed complaint from Esther Espinoza, on behalf of the aggrieved, Irma Perez Espinoza (hereinafter “Espinoza”). On 07-29-25, Richard Quinones called SDSA dispatch regarding a woman, later identified as Espinoza, in a ditch near Main Street and Buena Vista Avenue in Lemon Grove. One deputy responded but did not get out of the patrol vehicle and subsequently left the area. Quinones called SDSA dispatch again, however, Quinones was advised, “*she is only a transient don’t worry about it your [sic] going to get more transients there.*” Per the complaint, deputies responded again on 08-01-25, found Espinoza in the ditch and “*pulled her out of the water still half naked and covered in ants.*” Espinoza was taken to a hospital and subsequently died there on 08-03-25. The evidence received from SDSA showed a reporting party did call SDSA’s non-emergency dispatch number, on 07-29-25 at approximately 8:30am, and reported a “*lady that’s been here since [07-27-25] ... and she’s been sitting her for days.*” Additionally, the reporting party stated, “*well now she’s in the ditch. She’s... been there all morning long... She’s been, like, sitting on the curb for hours... no food. I gave her water... She’s got some mental issues. But she’s well dressed. And she has done nothing to [unintelligible] these people, until this morning.*” The reporting party provided a description of Espinoza. SDSA’s Computer-Aided Dispatch (CAD) records showed a welfare check event was created and Deputy 1 was dispatched to the call. At 8:57am, Deputy 1 was noted to be on scene. At 8:59am, Deputy 1 entered a note which indicated that no person was observed at the stop at the intersection. The reporting party again called SDSA Dispatch and stated, “*an officer just stopped at the corner, but she (Espinoza) ducked, so he didn’t see her, and he drove off.*” The Dispatcher asked, “*The women in the ditch?*” Quinones responded, “*yeah*” and stated, “*she’s hiding in there.*” The Dispatcher advised an update would be provided to the call. SDSA CAD records showed Dispatch entered a note that the reporting party called back and that the female subject was still near the ditch just past the stop sign. SDSA CAD records showed Deputy 1 entered a note which indicated the deputy called the reporting party and “[advised] that [the female] is transient and is sitting there because she has no where else to go and such is a general condition of being transient. [female] did not display any abnormal or notable signs except sitting outside.” The evidence showed Deputy 1 did not return to the area to conduct a welfare check of Espinoza. Deputy 1 provided a confidential statement that was considered in arriving at the recommended finding. Per an interview with the reporting party, by CLERB investigators, Espinoza was not observed in the area between 07-29-25 and 08-01-25. On the morning of 08-01-25, the reporting party was walking his dogs who alerted on a noise coming from the drainage ditch along the road. The reporting party observed Espinoza now further in the ditch and halfway in the water. The reporting party again called SDSA Dispatch. Deputies and EMS personnel responded and found Espinoza in the ditch, not wearing pants, with bugs crawling on her body. Espinoza was transported to a nearby hospital where her condition worsened and, on 08-03-25, died. The San Diego County Medical Examiner’s Office found Espinoza’s Cause of Death to be “*Complications of chronic alcohol abuse with hepatic cirrhosis and acute pancreatitis. Contributing: Environmental exposure.*” The Manner of Death was “*Accident.*” Per SDSA P&P Section 2.30, Failure to Meet Standards: “*Employees shall properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner which will tend to establish and maintain the highest standards of efficiency in carrying out the mission, functions, and objectives of this Office. Failure to meet standards may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee’s position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; absence without leave; unauthorized absence from the assignment during a tour of duty; the failure to submit complete and accurate reports on a timely basis when required or when directed by a supervisor.*” The investigation disclosed evidence sufficient to prove the allegation by a Preponderance of the Evidence.

2. Misconduct/Procedure – Deputy 1 did not activate their Body Worn Camera (BWC) in accordance with policy.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: During the course of CLERB's investigation, it was noted Deputy 1 did not activate their Body Worn Camera (BWC) upon arrival at the scene. Additionally, Deputy 1 did not activate their BWC to record a phone call with the reporting party. Deputy 1 provided a confidential statement that was considered in arriving at the recommended finding. Per SDSO P&P Section 6.131, Body Worn Camera: *"It is the intent of the Sheriff's Office to record all law enforcement related contacts, and other contacts deemed appropriate... When responding to a call for service, a deputy/CSO shall activate their BWC in record mode prior to arriving on scene or upon arrival and prior to exiting their patrol vehicle. In situations where activation was not accomplished prior to arriving on scene, those reasons shall be articulated in writing via case related report, or if no report, in CAD. Deputies/CSO's should also begin recording prior to initiating any law enforcement related contact. Deputies/CSO's shall activate the BWC to record all law enforcement related contacts... 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... Law enforcement related contacts include but are not limited to the following: traffic stops, field interviews, vehicle tows, issuing of citations, issuing of parking tickets, detentions, arrests, persons present at radio calls who are accused of crimes, serving court orders or civil papers, investigative interviews, deputy initiated consensual encounters and private person-initiated contacts of a confrontational nature... Deputies/CSO's shall record all victim, witness, and suspect interviews on their BWC's and use the recordings to assist them with report writing..."* The investigation disclosed evidence sufficient to prove the allegation by a Preponderance of the Evidence.

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

## 25-100/RIVERA (Routine)

1. Illegal Search & Seizure – Deputy 1 detained and cited Rivera on 08-16-25.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Johnathan Rivera reported, *"On 08-16-25 he gave me citation 2078939 for several violations. The one he made up is side tinted windows...I never had the side windows up...I was heading East on Palm Ave. from SeaCoast Drive. He pulled me over past 13<sup>th</sup> and Palm."* On 08-16-25 Deputy 1 conducted a traffic stop on a white Lamborghini in Imperial Beach. The driver was identified as Jonathan Rivera. The vehicle had no license plates attached to the vehicle and the windshield was tinted. Another deputy provided cover for Deputy 1 during the traffic stop. Deputy 1 immediately introduced himself as a Sheriff's Deputy and provided the reason for the stop. Deputy 1 referenced *"the last time"* he spoke to Rivera about the brackets needed to secure the missing rear license plates. Rivera responded, *"Yea I put them on but they're faulty so I took them off."* Rivera handed Deputy 1 two license plates from inside the passenger compartment of the vehicle. Deputy 1 cited Rivera for California Vehicle Code (CVC) violations. Rivera made no statement(s) to Deputy Valle about feeling harassed. Per CVC 5200(a) Display of Plates, Tabs, and Stickers, *"When two license plates are issued by the department for use upon a vehicle, they shall be attached to the vehicle for which they were issued, one in the front and the other in the rear."* Per 26708(a)(1) Windshields and Mirrors, *"A person shall not drive any motor vehicle with any object or material placed, displayed, installed, affixed, or applied upon the windshield or side or rear windows."* Additional records checks identified Rivera had been cited three (3) times previously for driving vehicles with no license plates attached, twice by other deputies and once by Deputy 1. Per SDSO Traffic Manual Section 4.1, General Enforcement Discretion with Traffic Law Violations: *"(a) The issuing/arresting deputy has sole discretion when dealing with a traffic violation. Their choice to prosecute or not is limited only by Vehicle Code requirements..."* The investigation showed the alleged act did occur but was lawful, justified, and proper.

2. Illegal Search & Seizure – Deputy 1 detained and cited Rivera on 08-22-25.

Board Finding: Action Justified

Staff Recommended Finding: Action Justified

Rationale: Complainant Rivera alleged, *"On 08-22-25 he gave me citation 2078002...Once again he made up a violation and cited me for side tinted windows...at no point were my windows up...The entire time I was driving with my windows down. He said he just knows that my side windows are tinted."* Deputy 1 conducted a traffic stop on a red Chevrolet in Imperial Beach. The driver was identified as Jonathan Rivera. The vehicle had no license

plates and the windshield was tinted. Another deputy provided cover during the traffic stop. Deputy 1 immediately identified himself as a Sheriff's Deputy and provided the reason for the stop. Deputy 1 then asked, "Are you still waiting for those brackets?" Rivera responded, "Nope." Deputy 1 inquired as to why the license plates were not on the car. Rivera responded, "Why I'm not...the real reason why I don't have plates? Because you keep harassing me and you're trying to find out everything about me. So that's the reason I don't have plates." Deputy 1 asked, "Oh OK. So, you're having no plates because of me?" Rivera nodded affirmatively and said, "Yea." Deputy 1 asked, "So you are able to put the plates on the vehicle you just chose not too?" Rivera stated, "Yea for my safety." Rivera provided Deputy 1 with the license plates that were inside the passenger compartment. Rivera verbally acknowledged his windshield was tinted by stating, "Yea I am not arguing the front ones..." Deputy 1 cited Rivera for California Vehicle Code (CVC) violations 5200(a) and 26708(a)(1). Per CVC 5200(a) Display of Plates, Tabs, and Stickers, "When two license plates are issued by the department for use upon a vehicle, they shall be attached to the vehicle for which they were issued, one in the front and the other in the rear." Per 26708(a)(1) Windshields and Mirrors, "A person shall not drive any motor vehicle with any object or material placed, displayed, installed, affixed, or applied upon the windshield or side or rear windows." Additional records checks identified Rivera had been cited on four (4) previous occasions for driving vehicles with no license plates attached, twice by other deputies and twice by Deputy 1. Per SDSO Traffic Manual Section 4.1 General Enforcement Discretion with Traffic Law Violations: "(a) The issuing/arresting deputy has sole discretion when dealing with a traffic violation. Their choice to prosecute or not is limited only by Vehicle Code requirements..." Per SDSO Traffic Manual Section 8.2 and 8.3 Deputies Requirements and Training: "A Sheriff's Traffic Deputy is the primary traffic enforcement unit in a contract municipality... Duties include, but are not limited to: include Enforce traffic laws..." The investigation showed the alleged act did occur but was lawful, justified, and proper.

3. Misconduct/Harassment – Deputy 1 "harassed" Rivera on 08-16-25 and 08-22-25.

Board Finding: Not Sustained

Staff Recommended Finding: Not Sustained

Rationale: Rivera alleged Deputy 1 was "harassing and stalking..." him because of a personal matter. Rivera alleged, "I believe he wants me to display the license plates on the car to run them through Automatic [sic] License Plate Reader system to stock [sic] me even more..." See Rationales 1 & 2. On both dates probable cause existed to conduct the traffic stop and issue the traffic citation for violations of the California Vehicle Code. Neither of the vehicles had license plates affixed, and both times the windshields were tinted. Each time Rivera provided the license plates that were inside the passenger compartment. Rivera did not provide detailed information to the cover deputies about being harassed or disclose the perceived personal connection. During the 08-22-25 traffic stop, Rivera verbally acknowledged his windshield was tinted. Deputy 1 asked Rivera why Rivera believed Deputy 1 was harassing him. Rivera did not provide any details and responded, "I will just leave it alone." Deputy 1 advised Rivera he was assigned to the Traffic Division and, "...part of my job is to make sure that the vehicle code is up to par for the vehicles here in Imperial Beach ok?" Rivera told another deputy he was being harassed but chose not to provide details. Prior to these two traffic stops Rivera received numerous traffic citations for the same violations on the same vehicles. The complainant was asked for clarification multiple times but failed to respond. Per SDSO P&P Section 2.55 Non-Based Based Policing: "All investigative detentions, traffic stops, arrests, searches, and seizures of property by employees will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution, applicable case law and relevant statutory authority. Employees must be able to articulate specific facts and circumstances, which support probable cause for an arrest or search or reasonable suspicion for a traffic stop, or detention." The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

AYE: 7

ABSENT: 4

NAY: 0

ABSTAIN: 0

25-138/Ramirez (Routine)

1. Misconduct/Procedure – Deputy 1 failed to use a hands-free device while transporting an arrestee.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: Complainant Miguel Ramirez alleged Deputy 1 used a cellular device while transporting him to jail. On 07-27-25 at about 3:30am, Deputy 1 transported Ramirez to San Diego Central Jail for booking. Deputy 1 received a phone call during which he provided his location and answered several questions that appeared to be work related. California Vehicle Code 23123(d), Handheld Device exempted California Peace Officers from using handheld devices. However, per SDSO Section 7.4, Cellular Phone/Other Wireless Electronic Devices: *“Personal phones and Office phones shall not be used while operating a County vehicle without an appropriate hands free device. Although 23123(d) V.C. exempts emergency services professionals, the Office's position is not to allow cell phone use without a hands free device.”* The investigation disclosed evidence sufficient to prove the allegation by a Preponderance of the Evidence.

2. Misconduct/Procedure – Deputy 1 failed to follow posted speed limits while transporting an arrestee.

Board Finding: Sustained

Staff Recommended Finding: Sustained

Rationale: Complainant Miguel Ramirez alleged Deputy 1 was, *“speeding 90mph”* while driving. On 07-27-25 at about 3:30am, Deputy 1 transported Ramirez to San Diego Central Jail for booking. Automatic Vehicle Locator (AVL) records showed ten consecutive readings of Deputy 1’s vehicle traveling between 89mph and 94mph in the span of about two miles on Interstate 5 at approximately 3:34am. California Vehicle Code 22350 said, *“No person shall drive a vehicle upon an highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.”* Per SDSO Section 2.35, Operation of Vehicles: *“Employees shall operate all county owned or maintained vehicles, or any vehicle being operated in the performance of their official duties, in a careful and prudent manner, and shall obey all laws of the state and all Office orders pertaining to such operation. Employees shall set a proper example for other persons by the manner in which they operate all vehicles in an official capacity.”* There was no evidence regarding roadway conditions at that time, however Deputy 1 was transporting a restrained arrestee. The investigation disclosed evidence sufficient to prove the allegation by a Preponderance of the Evidence.

AYE: 7

ABSENT: 4

NAY: 0

ABSTAIN: 0

***Adjourned 11:03 pm***

***End of Report***

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