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The Citizens' Law Enforcement Review Board made the following findings in the closed session portion of its **October 1, 2026**, meeting held in person. **Any changes or additions to staff's recommended findings are bolded in red.** Minutes of the open session portion of this meeting will be available following the Review Board's review and adoption of the minutes at its next meeting. Meeting agendas, minutes, and other information about the Review Board are available upon request or at www.sdcounty.ca.gov/clerb.

CLOSED SESSION

a) PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

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

DEFINITION OF FINDINGS	
Action Justified	The evidence shows that the alleged act or conduct did occur but was lawful, justified and proper.
Not Sustained	There was <u>insufficient evidence</u> to either prove or disprove the allegation.
Sustained	The evidence supports the allegation and the act or conduct was not justified.
Unfounded	The evidence shows that the alleged act or conduct did not occur.
Summary Dismissal	The Review Board lacks jurisdiction or the complaint clearly lacks merit.

CASES FOR SUMMARY HEARING (9)

ATTENDEES: Pintar, Mendleson, Woods, Brown, Fasano, Federico Mondragon, Moody (7)
(Brown departed 8:45pm)

25-051/HEAVEN (Death)

1. Death Investigation/DSB – Incarcerated Person (IP) Thomas Richard Heaven died while in the custody of the San Diego Sheriff's Office (SDSO) on 04-24-25.

Board Finding: Adopted

Rationale: This case was reviewed in accordance with CLERB Rules & Regulations 4.3, Complaint Not Required: Jurisdiction with Respect to Specified Incidents. 82-year-old Thomas Heaven was incarcerated with the SDSO since November 2024. Due to pre-existing health concerns, the IP was primarily housed in the Medical Observation Unit (MOB) at San Diego Central Jail (SDJC). When cleared from the MOB, Heaven was housed in Protective Custody based on his charges. During his incarceration, Heaven was frequently transported to the emergency room for health-related concerns. In March 2025, Heaven was admitted into UCSD Hospital and never returned to SDCJ. In April 2025, Heaven was transferred to Tri-City Medical Center and housed in the Hospital Guard Unit (HGU). Heaven had "Do Not Resuscitate" and "Do Not Intubate" orders. Heaven passed away on 04-25-25 at Tri-City Medical Center. A review of safety checks on the day of Heaven's passing was reviewed by CLERB and determined to be within policy. The San Diego Medical Examiner's office determined Heaven's manner of death was "natural" and cause of death was "sepsis" citing numerous health ailments as contributing factors. Pursuant to 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..."

AYE: 7 (Pintar, Mendleson, Woods, Brown, Fasano, Federico Mondragon, Moody)

NAY: 0
ABSENT: 2 (Dumas, Thomas)

25-096/DOE 2503 (GBI)

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

AYE: 7 (Pintar, Mendleson, Woods, Brown, Fasano, Federico Mondragon, Moody)

NAY: 0

ABSENT: 2 (Dumas, Thomas)

25-097/DOE 2504 (GBI)

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

AYE: 7 (Pintar, Mendleson, Woods, Brown, Fasano, Federico Mondragon, Moody)

NAY: 0

ABSENT: 2 (Dumas, Thomas)

25-110/SMIEL (Routine)

1. Misconduct/Medical – A Paradise Valley Hospital doctor did not provide requested evaluation and documentation.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: Complainant Giselle Smiel stated prior to booking at Las Colinas Detention and Reentry Facility (LCDRF), a doctor at Paradise Valley Hospital refused to provide requested evaluations or medical clearance paperwork to IP Smiel. CLERB Rules and Regulations, Section 15: Summary Dismissal stated “*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. Summary Dismissal may be appropriate in the following circumstances... CLERB does not have jurisdiction over the subject matter of the Complaint.*” The Review Board lacks jurisdiction.

2. Misconduct/Procedure – U.S Marshals did not provide verification of *identity or authority*.

Board Finding: Summary Dismissal

Staff Recommended Finding: Summary Dismissal

Rationale: Smiel stated, “... Unlawful or undocumented transport / custody intake... *The person who detained me wore a vest labeled “POLICE / U.S. MARSHAL,” and I have not been able to obtain verification of his identity or authority.*” CLERB Rules and Regulations, Section 15: Summary Dismissal stated “*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. Summary Dismissal may be appropriate in the following circumstances... CLERB does not have jurisdiction over the subject matter of the Complaint.*” Records received by CLERB showed the arresting agency in this matter was the U.S. Marshall’s Fugitive Task Force. The Review Board lacks jurisdiction.

3. Misconduct/Procedure – Unidentified deputies did not “*appropriately*” document IP Smiel’s booking into custody.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Smiel stated, “*Records I have received to date through the San Diego Sheriff’s CPRA process appear to show no documented transport, no custody chain or handoff, and my booking was completed using a wrong date of birth, which I did not provide.*” Records received showed the arresting agency in this matter was the U.S. Marshall’s Fugitive Task Force. Booking records showed Smiel was arrested for Kidnapping, and for an Arrest Warrant issued from Los Angeles County. Detention Services Bureau (DSB) P&P Section Q.1, Intake Information, stated, “*Detentions Processing Division (DPD) staff will be responsible for making the initial determination of the acceptance of an arrested person into a Sheriff’s detention facility. Acceptance will be in accordance with the established San Diego County Sheriff’s Department Booking Acceptance Criteria.*” The investigation clearly established that the allegation is not true.

4. Misconduct/Procedure – Unidentified deputies did not *provide required ADA accommodations*.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Smiel alleged, “...*denial of effective communication, failure to provide required ADA accommodations...*” SDSO documents showed IP Smiel was screened during the intake and booking process. Additionally, while Smiel was in-custody, an outside advocate submitted an ADA related request on behalf of Smiel. Subsequently, Smiel was assessed for disabilities and accommodations. SDSO DSB P&P Section M.39, Incarcerated Persons with Disabilities, stated, “*All incarcerated persons shall be screened by a Registered Nurse (RN) during the intake process to identify disabilities and reasonable accommodations. Identifying disabilities and accommodations is an interactive process to ensure the incarcerated person can participate in and benefit from in-custody programs, services, and activities, of which they are qualified to participate... If an incarcerated person is identified to have a disability that requires an accommodation, the RN will update the person's health record and collaborate with sworn staff to ensure the person is appropriately accommodated through the booking process... Incarcerated persons who have been preliminarily screened and identified to have a disability shall receive an ADA Functional Performance assessment during the booking process. The assessment will be provided by health staff... If at any point during an individual's incarceration a staff member identifies that an incarcerated person has a disability that requires accommodation that is not identified in their JIMS Medical Instructions, the incarcerated person shall be referred to Sheriff's health staff for assessment.*” The investigation clearly established that the allegation is not true.

5. Misconduct/Retaliation – Unidentified deputies imposed “*improper discipline.*”

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Smiel alleged “...*retaliation/lockdown based on disability-related barriers, and the improper discipline that occurred while accommodations were pending...*” Per SDSO Documents, on 09-09-25, IP Smiel received a “rule violation” for “*disobeying staff instructions... interfering [with] jail operations... [violation of] federal/state/local law...*” An Arrest Report was written by SDSO which stated, “*Smiel is in violation of 298.1 PC Refusal to Give Required Samples.*” Smiel was ordered “*administrative separation... pending a hearing or investigation for a rule violation or criminal act.*” However, Smiel was placed in Medication Observation prior to the imposition of disciplinary sanctions. SDSO DSB P&P Section O.1, Disciplinary Action, stated, “*If a rule violation is sustained by the DHO and major discipline is recommended, the incident report shall be reviewed by the DRO within 72 hours of the incarcerated person's notification of the discipline. Disciplinary sanctions shall not be imposed prior to this review.*” The investigation clearly established that the allegation is not true.

AYE: 7 (Pintar, Mendleson, Woods, Brown, Fasano, Federico Mondragon, Moody)

NAY: 0

ABSENT: 2 (Dumas, Thomas)

25-129/DIAZ & PERSSON (Priority)

DEFERRED

AYE: 6 (Pintar, Mendleson, Woods, Fasano, Federico Mondragon, Moody)

NAY: 0

ABSENT: 3 (Brown, Dumas, Thomas)

25-144/LOPEZ (Routine)

1. Illegal Search and Seizure – Deputy 1 *illegally* detained Jose Lopez on 11-19-25.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Jose Lopez reported, “*On [11-19-25] ...I was returning home from [an appointment] ... a deputy... followed behind me. I was smoking a [cigarette] as I drove... I was pulled over. I pulled to the side of the road at the stop light, put the vehicle in park and waited for deputy. I asked why I was being pulled over and [Deputy 1] told me because I ashed my [cigarette] out of the window which I did not [deny] as I honestly was not aware of that being an infraction... [Deputy 1] asked me to step out of the vehicle. I told [Deputy 1] that there was no reasoning for me to step out of my vehicle, that he is treating... as if I am a fourth waiver I'm not a fourth*”

waiver.” SDSO documents and Body Worn Camera (BWC) footage showed on 11-19-25, Deputy 1 initiated a traffic stop of a vehicle driven by Lopez. Deputy 1 identified himself to Lopez and advised Lopez was stopped because Lopez “ashed” a cigarette outside of the car and items hanging in the front of the car created blind spots. Deputy 1 ordered Lopez out of the vehicle, stating, “...We’re on the side of the street. What I’m going to do is until our dispatchers gets all cleared up, I’m going to bring you out and we’ll talk out here. Okay?... You’re stepping out of the car because I’m not going to be on the side of the road while cars are driving by me. We’re going to go in a safe spot on the corner, and that’s what’s going to happen.” Lopez had parked the vehicle in an active traffic lane. Records showed Deputy 1 was awaiting Dispatch’s completion of a record check of Lopez. SDSO P&P, Section 2.51 Arrest, Search and Seizure stated, “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.” California Peace Officer Legal Sourcebook (CPOLS) Section 4, Search and Seizure – Vehicles, Subsection II. Detentions/Stops: Reasonable Suspicion, 1. Traffic Stops – “A traffic stop is lawful if based on reasonable suspicion that the motorist has violated the Vehicle Code or other law. It can be based on ‘any traffic violation’ that you believe has occurred, ‘even if it is ultimately determined that no violation occurred.’” Occupants/Passengers – “The Supreme Court has held that in all traffic stops the driver and passengers are seized and all persons in the car can therefore challenge the constitutionality of the stop... The detention of the occupants ‘ordinarily continues, and remains reasonable, for the duration of the stop.’... The use of handcuffs on a driver during the investigation of a traffic violation does not transform the detention into an arrest... The courts acknowledge the risks associated with traffic stops and have recognized your need to control the occupants’ movements. In all cases, you have the right to order the driver to get out of the vehicle. You do not need any particular reason, such as danger or suspicion of a crime... This is because the courts believe that all traffic stops involve enough inherent risk to justify the minimal additional intrusion of ordering a validly detained driver to get out of the vehicle...” Deputy 1 provided a confidential statement that was also taken into consideration for the recommended finding. The investigation clearly established that the allegation is not true.

2. Illegal Search or Seizure – Deputy 1 *illegally* searched Lopez on 11-19-25.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Lopez alleged, “I told [Deputy 1] that I know my rights and that when I step out the car and he puts hands on me to search me he [was] violating my rights including searching my vehicle without my consent is going to be another violation ...” SDSO BWC footage showed Deputy 1 conducted a “patdown” of Lopez. SDSO Policies and Procedures (P&P), Section 2.51, Arrest, Search and Seizure, stated, “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.” California Peace Officer Legal Sourcebook (CPOLS) Section 4, Search and Seizure – Vehicles, Subsection II. Detentions/Stops: Searches During Detentions, 1. Limited Search of the Occupant(s) for Weapons (Patdowns) – “The rule for patting down the driver or other occupant does not change just because the person is (or has just been) in a vehicle, as opposed to on the street. You are permitted to conduct a limited search of the driver or other occupant for weapons or objects that could be used as a weapon if you have specific facts indicating that the individual may be armed and dangerous... An officer ‘need not be absolutely certain that the person is armed’ rather, the courts will evaluate ‘whether a reasonably prudent person in the circumstances would be warranted in the belief that his or her safety or that of others was in danger...’” Deputy 1 provided a confidential statement that was taken into consideration for the recommended finding. The investigation clearly established that the allegation is not true.

3. Illegal Search or Seizure – Deputy 1 *illegally* searched Lopez’s vehicle on 11-19-25.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Lopez reported, “I told [Deputy 1] that I know my rights and that when I step out the car and he puts hands on me to search me he [was] violating my rights including searching my vehicle without my consent is going to be another violation... [Deputy 1] then said he was going to go in my vehicle to look for any weapons, did not ask but instead told me [what he] was going to do.” SDSO BWC footage showed Deputy 1 conducted a limited search of the vehicle driven by Lopez. SDSO Policies and Procedures (P&P), Section 2.51,

Arrest, Search and Seizure, stated, *"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."* California Peace Officer Legal Sourcebook (CPOLS) Section 4, Search and Seizure – Vehicles, Subsection II. Detentions/Stops: Searches During Detentions, 3. Limited Search of the Vehicle for Weapons – *"Just as you may lawfully conduct a limited search (patdown) of a person for a weapon when you have specific facts indicating possible danger to you or others, it is also proper for you to enter a vehicle during a detention to conduct a limited search for weapons in situations where the circumstances justify it... In other words, although you may not conduct a full search of a vehicle during a detention, you are entitled to conduct a limited, protective search of the passenger compartment in areas where a weapon could be placed or hidden if you believe, based on specific facts, that the suspect is dangerous and may gain immediate access to a weapon..."* Deputy 1 provided a confidential statement that was taken into consideration for the recommended finding. The investigation clearly established that the allegation is not true.

AYE: 6 (Pintar, Mendleson, Woods, Fasano, Federico Mondragon, Moody)

NAY: 0

ABSENT: 3 (Brown, Dumas, Thomas)

25-158/CLARK (Routine)

1. Misconduct/Procedure - Deputies 2 and 3 refused to take a report on 12-21-25.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Caleb Clark reported on 12-21-25, *"I called to report a restraining order violation (new cameras for stalking). Deputies refused to visit or investigate, advising me to wait for court despite the order's active status."* On 12-21-25 SDSO dispatch received several calls from Clark regarding a dispute with his landlord and a temporary restraining order (TRO). Deputy 3 called and spoke to Clark on the phone twice. The first call lasted for almost one hour and was recorded on Deputy 3's BWC. Clark explained he rented a bedroom in a residence owned by his landlord and was in a dispute with the landlord resulting in Clark obtaining a TRO on 12-04-25. Deputy 3 verified the TRO number with Clark and conducted a TRO records inquiry on the mobile data terminal (MDT) mounted in the deputy's patrol car. Deputy 3 read to Clark the information from the records system including that the TRO expired three days prior, *"...issued date on the 4th...expired on the 18th."* Clark held the records were incorrect and believed Deputy 3 should still enforce the TRO. Deputy 3 explained the TRO was not currently enforceable because it showed as expired and advised Clark to go to court on the next business day to address his concern. At the end of the first call Clark expressed appreciation for the deputy's time. Later the same day Clark called SDSO dispatch again. The dispatcher again assigned the request for contact to Deputy 3. Deputy 3 called Clark and recorded the conversation on his BWC. The conversation lasted approximately 33 minutes. Deputy 3 reiterated, according to the records obtained via MDT, the TRO was expired and the matter needed to be addressed with the courts on a business day. Deputy 3 updated the event with notes documenting details of the conversation. Clark spoke with Deputy 2 on the phone later that same day. Per Deputy 2's notes on the incident Deputy 2 reiterated to Clark the same information already provided by Deputy 3. Later the same day, Deputy 2 and another deputy were dispatched to Clark's home after the landlord reported a dispute with Clark. Deputies responded and reiterated to Clark that the TRO was expired according to the computer system. Clark was allowed to view the computer entry on the MDT documenting the expiration date. Clark was asked to produce papers to show the TRO was currently valid, but Clark did not provide any documentation. Deputy 2 provided a confidential statement during CLERB'S investigation that was taken into consideration for the recommended finding. Per SDSO P&P 6.55 Protective Orders, *"Deputies wishing to confirm the validity or existence of a court issued protective order can do so in one of the following ways: Using Sheriff's inquiry, deputies can confirm the necessary information through dispatch similar to procedures for wanted persons checks. Deputies can also utilize their MDT's to inquire about the validity of the order..."* Clark was advised multiple times on the phone and in person that the information available to the deputies indicated the TRO was expired and not enforceable. The investigation clearly established that the allegation is not true.

2. Misconduct/Intimidation - Deputy 2 exhibited *"hostile"* behavior during a phone call on 12-21-25.

Board Finding: Not Sustained

Staff Recommended Finding: Not Sustained

Rationale: Complainant Clark reported on 12-21-25, *"Deputy (redacted) called in a hostile manner..."* See Rationale 1. On 12-21-25 Clark called SDSO dispatch and requested to speak with a deputy. Deputies 2 and 3 each spoke with Clark on the phone at separate times. Per Deputy 2's notes on the CAD incident, Deputy 2 reiterated to Clark the same information already provided by Deputy 3. Deputies 2 and 4 provided confidential statements during CLERB'S investigation that were taken into consideration for the recommended finding. SDSO P&P 2.23 Request for Assistance, *"When any person requests assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner, and will be properly and judiciously acted upon consistent with established Office procedures."* The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

3. Illegal Search & Seizure – Deputy 2 *"demanded"* entry into Clark's residence on 12-21-25.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Clark reported on 12-21-25, *"Deputy (redacted) called in a hostile manner...he arrived at my door, demanded entry..."* See Rationale 1. Clark's landlord called SDSO dispatch to report a dispute with Clark. Deputy 2 and another deputy were dispatched to the residence based on the landlord's call for service. When deputies arrived, the landlord invited deputies into the common areas of the home and reported Clark stole a surveillance camera. Deputies 2 and another deputy knocked once on Clark's bedroom door and Deputy 2 announced himself as a deputy. Clark opened his bedroom door within seconds of Deputy 2 knocking and spoke to Deputy 2 about the circumstances of the cameras while standing in a common hallway. Deputy 2 did not ask Clark to open the bedroom door. Deputies did not enter into Clark's bedroom. Clark did not verbalize objection to the deputy's presence in the home. Per SDSO P&P 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."* Deputies had consent from the homeowner to enter the common areas of the residence. Clark did not object to the deputy's presence in the home. The investigation clearly established that the allegation is not true.

4. False Arrest - Deputies 2 and 4 *"falsely"* arrested Clark on 12-21-25.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Clark reported on 12-21-25, *"Deputy (redacted)...he arrived at my door, demanded entry and falsely arrested me without a warrant or basis..."* See Rationale 3. The reporting party was Clark's landlord who stated Clark removed surveillance cameras at the residence, and one was missing. The landlord showed deputies surveillance video of Clark removing the cameras from their mount. Clark admitted he removed the cameras but denied being in possession of a missing camera. The landlord placed Clark under a Citizen's arrest and signed the Citizen Arrest Declaration form. Deputy 4 completed a citation listing Caleb Clark as the person cited. Clark signed the citation "In Protest" and was released at the scene. Per SDSO P&P Section 6.110 Private Persons Arrest, *"...If a private person has made an arrest or wants to make an arrest and requests that a deputy receive the arrestee, the deputy may accept custody if they are satisfied that the private person's arrestee committed the offense and the arrest is supported by probable cause... Prior to receiving an arrestee, the deputy shall verify the identity of the person making the arrest, and ensure that the person making a private person's arrest has completely filled out and signed the Citizen's Arrest Declaration form (Pat 5)... All persons involved in a private person arrest shall be advised that the deputies are not making the arrest, but are merely receiving the arrested person. After receiving an arrested person, deputies will determine the arrestee's eligibility for cite and release if appropriate..."* The investigation clearly established that the allegation is not true.

5. Excessive Force – Deputy 2 used excessive force on 12-21-25.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Clark reported, *"I request CLERB investigate for policy violations, excessive force..."* See Rationales 1-4. BWC of the interaction between deputies and Clark was reviewed. The only deputy to have physical contact with Clark was Deputy 2. Deputy 2 escorted Clark to a patrol car while holding on to Clark's arm. Clark expressed that he did not want Deputy 2 to touch him. Deputy 2 explained he was holding on to Clark for

Clark's safety. No force was used during the escort. Per SDSO P&P 11.15 Restraint Devices, *"Deputies are responsible for their detainees and prisoners at all times."* The investigation clearly established that the allegation is not true.

6. Illegal Search & Seizure – Deputies 1, 3 and 5 *"demanded"* entry without a warrant on 12-28-25.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Clark reported on 12-28-25, *"Deputies (redacted) and (redacted) arrived demanding entry without explanation or warrant. I refused due to prior false arrest, feeling unsafe. They demanded an illegal search..."* SDSO dispatch received a call from Clark's landlord about a dispute with Clark over surveillance cameras inside the residence. Deputies 1, 3 and 5 responded, and the landlord invited them into the residence. Deputies attempted to contact Clark by knocking on his closed bedroom door. Clark refused to open the door. Deputies asked Clark to open the door so they could speak with him about the landlord's concern. Deputies reassured Clark they were not intending to enter or search his bedroom. Clark refused to open the door. Deputies did not attempt to enter Clark's bedroom. Deputies left the residence without making visual contact with Clark. Per SDSO P&P 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."* Deputies were dispatched to the residence after the landlord requested a law enforcement response. Deputies only requested Clark open his door. The investigation clearly established that the allegation is not true.

7. Discrimination/Other – Unidentified deputies engaged in *"bias."*

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Clark documented, *"I request CLERB investigate for... bias."* See Rationales 1-6. Per SDSO P&P 2.55 Non-Biased 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... All personnel should treat the public equally without regard to race, gender, sexual orientation, gender identity or expression or disability, either physical or mental."* Clark did not identify a specific deputy in his complaint, nor did he cite a specific date or instance of bias. BWC was reviewed for all incidents. The investigation clearly established that the allegation is not true.

AYE: 6 (Pintar, Mendleson, Woods, Fasano, Federico Mondragon, Moody)

NAY: 0

ABSENT: 3 (Brown, Dumas, Thomas)

26-052/AFAN (GBI)

1. Use of Force Resulting in Great Bodily Injury - Deputies Trystan Willis, Thomas Stobbe, and Corporal Andre Wanzer used force on Incarcerated Person (IP) Aristotles Afan on 04-27-26.

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 02-22-26 IP Afan was incarcerated at San Diego Central Jail (SDCJ). On 02-23-26, IP Afan was classified as a Greenbander Level 5, due to his prior history of assaulting deputies. On 04-14-26, IP Afan was placed in Administrative Separation due to failure to conform to minimum jail standards and continued assaultive behavior towards staff. Per DSB P&P Section R.1 Incarcerated Person Classification, *The purpose of the incarcerated population Classification System is to screen, assess and house incarcerated persons in a manner that will protect the safety of the community, staff, and other incarcerated persons. An incarcerated person's initial classification is determined by their original booking charges, criminal history information, medical and psychiatric issues or additional special conditions, and information obtained from the incarcerated person interview. The incarcerated person will be assigned to the most appropriate housing location based on their classification designation. The classification designation is determined by the parameters of the Classification Navigator within JIMS. Level 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. Incarcerated persons classified as assaultive or escape risks (Greenbender) will be classified as a minimum level 5. On 04-27-26, while IP Afan was escorted to his cell following a court appearance, IP Afan made many agitated, derogatory comments such as, "What are you eating, dog? You never feed me, dog. I'm hungry, dog. Is there food in there? You never feed me, man. Where's my food, bitch? Who's been in my cell? You want to fight, dog?" As reported by Deputy Willis, he followed each of IP Afan's statements with verbal responses, "remaining calm in a low voice." IP Afan's agitation escalated and despite wearing a waist chain with his hands secured, he leaned into Deputy Willis, bit down on his radio antenna, and pulled it from Deputy Willis' uniform. Deputy Willis reported, "To gain better control of Afan and prevent him from biting me, I grabbed Afan by his left collar with my left hand and wrapped my right arm around the right side of his waist and pulled him to the floor." Deputy Willis engaged in a physical struggle with IP Afan and with the assistance of Deputy Stobbe, took IP Afan to the ground inside his cell. Deputies Loreda and Wanzer assisted in controlling IP Afan once he was on the ground. Deputies discussed aloud moving IP Afan from his cell on a gurney to seek medical treatment and IP Afan stated, "I don't need a gurney." IP Afan walked down the flight of stairs from the cell area with the deputies and was then put on a gurney and transported for medical treatment, first within the jail and then in the hospital. Per DSB P&P Section 1.51 Movement of Incarcerated Persons, Incarcerated Individuals classified as Administrative Separation/Greenbanders, Incarcerated persons classified as "Administrative Separation " or "Greenbanders" will be chained at the waist and the legs prior to leaving their assigned housing unit. A hobble chain may be used to limit mobility. This is a waist chain that is connected from the waist chain down to the leg chains. It may be applied in the front or back. The escorting deputies should take into consideration if the incarcerated person will be sitting down. The best practice for the seated position would be a hobble chain applied to the front. Per SDSO P&P Section 11.9 Types of Resistance, Assaultive Behavior is represented by aggressive or combative behavior, attempting to assault the deputy or another person, or verbally or physically displaying an intention to assault the deputy or another person. Per SDSO P&P Section 11.7 Deescalation, "De-escalation is defined as the process of using strategies and techniques intended to decrease the intensity of a situation. De-escalation includes actions taken in an attempt to stabilize an incident to try and reduce the immediacy of a threat. Deputies should consider tactics and techniques that may persuade the suspect to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation safely. 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. The specific strategies and techniques utilized in de-escalation are further covered in training. The core concepts of de-escalation are as follows: Self-control – understanding of physical and psychological reactions of the public and law enforcement officers may assist in maintaining self-control. Effective communication – clear commands and questions, good observation and listening skills, and appropriate terminology will enhance the likelihood of success. Scene assessment and management – when possible, provides officers with an accurate picture of what is occurring and assists in the management of force options. Force options – reasonable use of force techniques may reduce situational intensity for the safety of all parties. 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 P&P Section 11.11, Use of Force Matrix, Assaultive Behavior may be combatted with use of personal body weapons for takedowns and physical control techniques. Per SDSO P&P Section 11.10 Types of Control, Physical Control is the application of specific control holds, takedowns, personal body weapons, or other techniques applied by a deputy as a means of overcoming resistive, assaultive, or life-threatening behavior. The investigation showed the alleged act did occur, but was lawful, justified and proper.

AYE: 6 (Pintar, Mendleson, Woods, Fasano, Federico Mondragon, Moody)

NAY: 0

ABSENT: 3 (Brown, Dumas, Thomas)

26-055/OLIVER (Priority)

1. False Arrest – Deputy 3 *falsely* arrested Doris Oliver on 06-23-25.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Doris Oliver stated, "On June 23rd of 2025 I was arrested with no due diligence for a crime that did not occur. Dep 3 did not get the security footage or look into my side of what happened. I was harassed and attacked by a crazy man..." Deputy reports and evidence established that on 06-25-25, deputies responded

to an assault with a deadly weapon call involving Oliver and a victim at a restaurant parking lot. According to the victim's statement, Oliver, whom the victim did not know, became agitated and yelled at the victim without provocation. Multiple witnesses and video evidence provided by the victim showed Oliver throwing several rocks at the victim, striking the victim in the chest, and later throwing a rock at the windshield of the victim's vehicle, causing approximately \$1,000 in damage. An independent witness confirmed seeing Oliver throw a rock at the victim's vehicle. Deputies located Oliver shortly afterward, conducted a curbside lineup, and the victim positively identified Oliver as the suspect. Surveillance video footage from the restaurant and cell phone video was reviewed apart from the arresting deputy's investigation. Oliver was detained, medically evaluated, and subsequently arrested based on the deputy's investigation and corroborating evidence. No injuries to the victim were observed. The deputy collected physical evidence, including the rock used to damage the vehicle, and documented photographs and videos relevant to the incident. SDSO P&P 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 clearly established that the allegation is not true.

2. Excessive Force – Deputies 1 and 2 used excessive force on IP Oliver on 02-14-26.

Board Finding: Unfounded

Staff Recommended Finding: Unfounded

Rationale: Complainant Doris Oliver stated, *"I was attacked in 5A and tazed. The incident is on camera and an escalation of the 2 previous incidents of violence why they had me classified there."* On 02-14-26, deputies assigned to House 5A at the Las Colinas Detention and Reentry Facility instructed IP Oliver to return to her cell after she disrespected staff over the intercom. CCTV and BWC showed IP Oliver refused, prompting deputies to enter the module. When instructed again to return to her cell, IP Oliver threw her sandals toward a wall, postured her chest forward, clenched her fists, and stepped toward a deputy. Deputy 1 drew their Conducted Energy Device (CED) and after IP Oliver continued advancing, the deputy deployed one five-second CED burst, resulting in neuromuscular incapacitation. IP Oliver fell, was handcuffed without further resistance, evaluated by medical staff and mental health professionals, and cleared with no injuries. SDSO P&P Section 11.11, Use of Force Matrix: *The Use of Force Matrix is a visual representation of the various force options available in response to varying suspect actions. Deputies should continually assess and modify their response based on the totality of the circumstances. The use of force matrix is intended to serve as a general guideline and is not all inclusive. Deputies are not required to use the least intrusive degree of force possible. A deputy encountering any of these subject actions can choose a reasonable response to control the subject. Ultimately, good judgement must prevail in determining a response that is reasonable and necessary for a given situation.* The investigation clearly established that the allegation is not true.

AYE: 6 (Pintar, Mendleson, Woods, Fasano, Federico Mondragon, Moody)

NAY: 0

ABSENT: 3 (Brown, Dumas, Thomas)

Adjourned 9:12 pm

End of Report
