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County of San Diego

CITIZENS' LAW ENFORCEMENT REVIEW BOARD

1600 PACIFIC HIGHWAY, SUITE 077, SAN DIEGO, CA 92101
TELEPHONE: (619) 238-6776

www.sdcounty.ca.gov/clerb

REGULAR MEETING AGENDA

Thursday, October 1, 2026, 5:30 p.m.

County Administration Center

1600 Pacific Highway, Chamber Room 310, San Diego, 92101

(Free parking is available in the underground parking garage, on the south side of Ash Street, in the public parking spaces.)

-AND-

Zoom Platform

<https://sdcounty-ca-gov.zoom.us/j/89264487063>

Phone: +1 669 444 9171

Webinar ID: 892 6448 7063

Pursuant to Government Code Section 54954.2 the Citizens' Law Enforcement Review Board will conduct a meeting at the above time and place for the purpose of transacting or discussing business as identified on this agenda. Complainants, subject officers, representatives, or any member of the public wishing to address the Board should submit a "Request to Speak" form prior to the commencement of the meeting.

DISABLED ACCESS TO MEETING

A request for a disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting. Any such request must be made to CLERB at (619) 238-6776 at least 24 hours before the meeting.

WRITINGS DISTRIBUTED TO THE BOARD

Pursuant to Government Code Section 54957.5, written materials distributed to CLERB in connection with this agenda less than 72 hours before the meeting will be available to the public at the CLERB office located at 1600 Pacific Highway, Ste. 034, San Diego, CA 92101.

1) ROLL CALL (1 minute)

2) STATEMENT (just cause) and/or consideration of a request to participate remotely. (emergency circumstances) by a Board Member, if applicable. Voting item as necessary (1 minute)

3) PUBLIC COMMENTS (45 minutes)

This is an opportunity for members of the public to address the Board on any subject matter that is within the Board's jurisdiction but not an item on today's open session agenda. Each speaker shall complete and submit a "[Request to Speak](#)" form. Each speaker will be limited to **two minutes**; however, the time allotted for in-person, virtual and written public comment may be adjusted by the Board Chair in their discretion. This meeting will also be held remotely via the Zoom Platform. Click the link in the agenda header above to access the meeting. Contact CLERB at clerb@sdcounty.ca.gov or 619-238-6776 if you have questions.

4) MINUTES APPROVAL (2 minutes)

- a) Draft Meeting Minutes for September 3, 2026 (Attachment A)

5) PRESENTATION/TRAINING (30 minutes)

- a) SDSO Detention Facilities Modifications – Commander Jesse Johns

Public Comment is 10 minutes for this item. Each speaker shall submit a Request to Speak form PRIOR to the start of the item.

6) EXECUTIVE OFFICER’S REPORT (10 minutes)

- a) Overview of Activities of Executive Officer
- b) Workload/Status Report (Attachment B)
- c) Outreach Report (Attachment C)
- d) Policy Recommendation to SDSO (Attachment D)

7) BOARD CHAIR’S REPORT (5 minutes)

8) BOARD MEMBER QUERY for SHERIFF/PROBATION LIAISON(S) (10 minutes)

9) NEW BUSINESS (10 minutes)

- a) Proposed 2027 Board meeting calendar (Attachment E)

10) UNFINISHED BUSINESS (0 minutes)

- a) None

11) BOARD MEMBER COMMENTS (15 minutes)

12) CLOSED SESSION: TIME CERTAIN – 7:30 pm

Continued next page

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).

CASES FOR SUMMARY HEARING (9)

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.

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: Pending (Adopted/Deferred)

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...”

25-096/DOE 2503 (GBI)

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

25-097/DOE 2504 (GBI)

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

25-110/SMIEL (Routine)

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

Board Finding: Pending

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: Pending

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: Pending

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: Pending

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: Pending

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.

25-129/DIAZ & PERSSON (Priority)

1. Illegal Search & Seizure – Deputy 2 *illegally* entered Persson’s property.

Board Finding: Pending

Staff Recommended Finding: Unfounded

Rationale: Complainant Abigail Persson reported, “I have the right to be free from seizure in the curtilage of my own home.” Diaz wrote, “Deputy 2 had no reason to enter the west part of my property. There were no exigent circumstances to give him the right to enter the curtilage of my home.” “There was no crime occurring inside my house or on my porch”. On 05-13-25, deputies were involved in a pursuit that ended on the north side of the complainant’s duplex. The suspected vehicle from that pursuit stopped in the driveway of the side yard. Both occupants exited the vehicle and the driver (the aggrieved) fled on foot further into the yard of the aggrieved’s duplex. Deputies contacted him and a use of force occurred. Additional deputies arrived to assist with the incident, including Deputy 2. Upon Deputy 2’s arrival he was alerted by another deputy that “a female” left one of the duplex’s entrances and entered the next entrance. The aggrieved’s incident was still active, and Deputy 2 observed two females exit the second entrance. He told them, “Stay right there, don’t be coming in and out of the house.” Deputy 2 entered the picket fence on the front yard and addressed both females again telling them, “That’s an officer safety issue, you need to stop doing that.” Terry v Ohio “knock and talk” exception states – “Officers may walk up standard, direct walkways, driveways, or paths to the front door to speak with the occupant.” Per the California Peace Officers Legal Sourcebook (CPOLS), “Typically, it is proper for you to access a person’s driveway or to view areas and objects from that location, and the fact the driveway is within the “curtilage” is not, by itself, determinative...” Furthermore, “A person normally has no reasonable expectation of privacy in the areas around the front of his or her home “where members of the public having business with the occupants” would naturally go or see. Indeed, the test for any area immediately surrounding a residence is whether it is an area where the public has been implicitly invited...” (case cites omitted for brevity.) Per 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 3, 4, 6 and 7 used excessive force against an aggrieved on 05-13-25.

Board Finding: Pending

Staff Recommended Finding: Unfounded

Rationale: Complainant Jonathan Diaz said, “investigate the use of force the other officers did against our neighbor.” “They claimed they had to punch him to gain compliance he was showing pre-assaultive behavior.” Attempts to contact the aggrieved were unsuccessful. SDSO reports verified by Body Worn Camera (BWC) showed on 05-13-26, the aggrieved failed to yield to deputies after they attempted to stop him for traffic violations. The aggrieved drove another 1.3 miles and stopped at his residence. He jumped out of the car

and would not comply with deputy's commands. Instead, the aggrieved walked away towards his residence. Deputies ran towards him, telling him he was under arrest and to stop. The aggrieved failed to comply and he was taken to the ground. Deputies attempted to handcuff the aggrieved, who struggled and kicked at deputies. Per Deputy 6, *"(Aggrieved) continued to resist and got up and attempted to flee."* Deputies used force including *"punching"* and *"downward pressure"* to gain control of him. The aggrieved sustained scratches, abrasions and a lump on his head. He was medically evaluated at the scene and transported to a hospital prior to booking. Per SDSO P&P Section 6.48, Physical Force: *"It shall be the policy of this Office whenever any Deputy Sheriff of this Office, while in the performance of his/her official law enforcement duties, deems it necessary to utilize any degree of physical force shall only be that which the Deputy Sheriff believes necessary and objectively reasonable to effect the arrest, prevent escape or overcome resistance (per 835(a) PC). Deputies shall utilize appropriate control techniques or tactics which employ maximum effectiveness with minimum force to effectively terminate, or afford the Deputy control of, the confrontation incident."* Per P&P 11.2, Use of Force Definitions: *Totality of 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."* *Takedown: "A method for taking a subject to the ground to control the subject and the situation. The primary objective of a takedown is to gain control of a subject and may be performed individually or by multiple deputies."* *Excessive Force: "A level of force that violates California state law or the United States Constitution. Excessive force is evident when the type, degree, or duration of force employed was not objectively reasonable."* Per P&P 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."* The investigation clearly established that the allegation is not true.

3. Excessive Force – Deputies 1, 2, and 5 used excessive force on Abigail Persson on 05-13-25.

Board Finding: Pending

Staff Recommended Finding: Unfounded

Rationale: Complainant Abigail Persson reported, *"Deputy 2 used his legs to throw me off balance and take me to the ground."* *"He slammed to the ground; he and another officer put all their weight on top of me."* SDSO reports, BWC and CCTV were reviewed. On 05-13-25, deputies were involved in a pursuit that ended on the north side of the complainant's duplex. The vehicle from the pursuit stopped in the driveway of a side yard. Two occupants exited the vehicle and the driver (aggrieved) fled on foot further into the yard of the aggrieved's duplex. Deputies contacted him and a use of force occurred. Additional deputies arrived to assist, including Deputy 2. Upon Deputy 2's arrival, he was alerted to *"a female"* who had exited one of the duplex's entrances and entered the next entrance. Deputy 2 observed two females exit the second entrance and told them, *"Stay right there, don't be coming in and out of the house."* Deputy 2 entered the picket fence on the front yard and addressed both females again telling them, *"That's an officer safety issue, you need to stop doing that."* *"Persson then disregarded my instructions and attempted to walk past me quickly towards deputies. I attempted to gain control of her left arm, to prevent her from approaching and interfering with deputies who were on the ground actively attempting to place Meza in handcuffs."* *"I guided Persson to the ground, and she resisted and rolled onto her back. Persson began screaming, "Bro no, my baby! What the fuck? Babe!" She broke from my grasp of her right arm. I attempted to grab Persson's left hand, and she rolled away and kicked me multiple times in my torso area, dislodging my radio microphone. Deputy 1 and I rolled Persson onto her chest and I gained control of her right wrist."* Deputy 5 arrived and assisted by placing *"downward pressure"* on Persson's legs. Per 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.

4. Excessive Force – Deputy 2 used excessive force on Jonathan Diaz on 05-13-25.

Board Finding: Pending

Staff Recommended Finding: Unfounded

Rationale: Complaint Diaz reported, *“He did not need to throw me to my knees the way he did. He could have used a verbal command to get me to put my hands behind my back. Instead, he instantly used force to take me to the ground.”* SDSO Reports, BWC and CCTV showed Diaz moving quickly out the front door. There was about eight feet between Diaz and the active struggle with Persson. Due to the screaming during the use of force of Persson, additional deputies ran over from the pursuit incident. Deputy 2 and the other deputies yelled at Diaz to *“get back”* and *“stay back!”* Deputy 2 grabbed Diaz and pulled him to the ground, where an additional deputy assisted in handcuffing him. SDSO P&P Section 11.1, Policy: *“While no policy can anticipate every conceivable situation or circumstances deputies may face, deputies are expected to exercise sound judgement and use critical decision making when using force. Deputies may only use a level of force they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.”* SDSO P&P Section 11.2, Use of Force Definitions: Takedown (Rationale 1) The investigation clearly established that the allegation is not true.

5. False Arrest – Deputy 2 *falsely* arrested Abigail Persson on 05-13-25.

Board Finding: Pending

Staff Recommended Finding: Unfounded

Rationale: Complainant Persson alleged she was falsely arrested and stated, *“I did not obstruct Deputy 2 in any way.”* See Rationale 3. Deputy 2 told her to stay where she was. Persson tried to push past Deputy 2 despite the fact Deputy 2 had just informed Persson and her companion, *“That’s an officer safety issue, you need to stop doing that.”* Once a struggle ensued, Persson kicked Deputy 2 *“multiple times in my torso area, dislodging my radio microphone.”* Persson was charged with Obstruct/Resist Executive Officer with minor injury. Per 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.

6. False Arrest – Deputy 2 *falsely* arrested Jonathan Diaz on 05-13-25.

Board Finding: Pending

Staff Recommended Finding: Unfounded

Rationale: Complainant Diaz alleged he was falsely arrested and stated, *“I did not obstruct Deputy 2 in any way.”* As noted in the above rationales, aggrieved brought deputies onto the property occupied by Persson and Diaz. This contact turned into a use of force where Persson was screaming for her boyfriend, Diaz. Diaz exited his residence and was about eight feet from the active struggle between Persson and Deputy 2. Deputy 2 and other deputies told Diaz to *“get back, stay back.”* Diaz kept moving and Deputy 2 had to turn away from Persson leaving one deputy holding her down and directing his attention now on Diaz. Per California Pena Code 148(a) – *“resisting, obstructing or delaying a peace officer in the performance or attempted performance of their duties. Where a subject willfully resisted, obstructed or delayed a peace officer and the subject reasonably should have known that the peace officer was performing their duties.”* Per 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.

25-144/LOPEZ (Routine)

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

Board Finding: Pending

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: Pending

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: Pending

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.

25-158/CLARK (Routine)

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

Board Finding: Pending

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: Pending

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: Pending

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: Pending

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: Pending

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: Pending

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: Pending

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.

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: Pending

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 (Greenbander) 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 I.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.

26-055/OLIVER (Priority)

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

Board Finding: Pending

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: Pending

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.

End of Report