

**NAME:** **CITIZENS LAW ENFORCEMENT REVIEW BOARD (CLERB)**

**LEGAL AUTHORITY:** County Administrative Code, Article XVIII (commencing with Section 340), as amended by Ordinance 10690 (NS), 11/17/20 (28)

**MEMBERS**

**APPOINTED BY:** Nominated by Chief Administrative Officer; appointed by Board of Supervisors.

**MEMBERSHIP  
COMPOSITION:**

CLERB's BOARD should consist of eleven members: two Board members from each Supervisory District within the County of San Diego and one at-large member. This ensures that there is public representation from within all areas of the County.

**District 1:** Seat 1 and seat 9

**District 2:** Seat 2 and seat 6

**District 3:** Seat 8 and seat 11

**District 4:** Seat 5 and seat 7

**District 5:** Seat 3 (at large), seat 4, and seat 10

**VACANCIES &  
APPLICATION PROCESS:**

1. When there is an upcoming Board Member vacancy in a district, public notices shall be sent out through press releases and other direct communications to the communities and civic organizations in that district.
2. If possible, notices should be sent out 120 days prior to the opening and include the submission deadline. Notices will be sent earlier when there are unexpected changes.
3. Applicants should attend one CLERB Board meeting prior to, and as a requirement of submitting an application.
4. Applicants should submit their application directly to their District's Supervisor. Civic organizations or other individuals in that District can endorse an applicant, if desired.
5. The District Supervisor or their designee should interview applicants and forward their recommendation to the Finance and General Government Group (FG3) Deputy Chief Administrative Officer (DCAO) or Designee.
6. Recommended applicants should be interviewed by the DCAO or their designee from the FG3, CLERB Board Member(s) and a Human Resources Department designee.
7. Applicant must pass a background check as is approved by the County of San Diego.
8. Nomination of the applicant, pending the aforementioned steps, is made by the Chief Administrative Officer of the County of San Diego to the Board of Supervisors.

**At Large Members shall be chosen from applicants from all Districts:**

1. Interview/selection by the FG3 DCAO or their designee, CLERB Board Member(s) and a designee of the Human Resources Department.
2. The applicant must successfully pass a background check as is required and approved by the County of San Diego.
3. Nomination of the applicant, pending the aforementioned steps, is made by the Chief Administrative Officer of the County of San Diego to the Board of Supervisors.

**TERMS:**

Each member shall serve a term of three years subsequent to initial appointments. A member shall be appointed for no more than two consecutive full terms. Appointment to fill a vacancy shall constitute appointment for one term. The term for all members shall begin on July 1 and end on June 30.

When a vacancy occurs, the Board of Supervisors, and where appropriate, the member shall be notified of the vacancy by the Chairperson. Vacancies shall be filled in the same manner as the position was originally filled within forty-five days, and subject to the provisions of this article, for the balance of unexpired term.

**DUTIES:**

**The Review Board shall have the authority to:**

- (a) Receive, review and investigate citizen complaints filed against peace officers or custodial officers employed by the County in the Sheriff's Department or the Probation Department which allege:
  - (1) Use of excessive force
  - (2) Discrimination or sexual harassment in respect to members of the public
  - (3) The improper discharge of firearms
  - (4) Illegal search or seizure
  - (5) False arrest
  - (6) False reporting
  - (7) Criminal conduct; or
  - (8) Misconduct

The Review Board shall have jurisdiction in respect to all citizen complaints arising out of incidents occurring on or after November 7, 1990; provided, however, that the Review Board shall not have jurisdiction to take any action in respect to complaints received more than one year after the date of the incident giving rise to the complaint, except that if the person filing the complaint was incarcerated or physically or mentally incapacitated from filing a complaint following the incident giving rise to the complaint, the time duration of such incarceration or physical or mental incapacity shall not be counted in determining whether the one year period for filing the complaint has expired. All action complaints shall be in writing and the truth thereof shall be attested under penalty of perjury. "Citizen complaints" shall include complaints received from any person whatsoever without regard to age, citizenship, residence, criminal record, incarceration, or any other characteristic of the complaint. "Misconduct" is defined to mean

and include any alleged improper or illegal acts, omissions or decisions directly affecting the person or property of a specific citizen by reason of:

- (1) An alleged violation of any general, standing or special orders or guidelines of the Sheriff's Department or the Probation Department; or
- (2) An alleged violation of any state or federal law; or
- (3) Any act otherwise evidencing improper or unbecoming conduct by a peace officer or custodial officer employed by the Sheriff's Department or the Probation Department.

The Review Board shall have no authority pursuant to this subdivision to take action in regard to incidents for which no citizen complaint has been filed with the Review Board.

- (b) Investigate the following incidents regardless of whether a citizen complaint regarding such incident has been filed:
  - (1) The death of any individual arising out of or in connection with actions of peace officers or custodial officers employed by the County in the Sheriff's Department or the Probation Department, The Review Board shall have jurisdiction in respect to all deaths of individuals coming within the provisions of this subdivision occurring on or after November 7, 1990; provided however, that the Review Board may not commence review or investigation of any death of an individual coming within the provisions of this subdivision more than one year after the date of death, unless the review and investigation is commenced in response to a complaint filed within the time limits set forth in subdivision (a) of this section.
  - (2) Incidents involving the discharge of a firearm by peace officers or custodial officers employed by the County Sheriff's Department or the Probation Department.
  - (3) The use of force by peace officers or custodial officers employed by the County Sheriff's Department or the Probation Department resulting in great bodily injury.
  - (4) The use of force by the peace officers or custodial officers employed by the County Sheriff's Department or the Probation Department at protests or other events protected by the First Amendment.
- (c) Prepare reports, including at least the Sheriff or the Probation Officer as recipients, on the results of any investigations conducted by the Review Board in respect to the activities of peace officers or custodial officers, including recommendations relating to the imposition of discipline, including the facts relied on in making such recommendations, and recommendations relating to any trends in regard to employees involved in citizen complaints. The Review Board is not established to determine criminal guilt or innocence.
- (d) Prepare an annual report to the Board of Supervisors, the Chief Administrative Officer, the Sheriff and the Probation Officer

summarizing the activities and recommendations of the Review Board including the tracking and identifications of trends in respect to all complaints received and investigated during the reporting period and present the annual report to the Board of Supervisors within 60 days of its adoption by the Review Board.

- (e) Notify in writing any citizen having filed a complaint with the Review Board of the disposition of his or her complaint. The Chief Administrative Officer shall also receive appropriate notification of the disposition of citizen complaints. Such notifications shall be in writing and shall contain the following statement: "In accordance with Penal Code section 832.7, this notification shall not be conclusive or binding or admissible as evidence in any separate or subsequent action or proceeding brought before an arbitrator, court, or judge of California or the United States."
- (f) Establish necessary rules and regulations for the conduct of its business, subject to approval of the Board of Supervisors.
- (g) Review and make recommendations on policies and procedures of the Sheriff's Department and the Probation Departments to the Board of Supervisors, the Sheriff and the Chief Probation Officer.
- (h) Annually inspect County adult detention facilities and annually file a report of such visitations together with pertinent recommendations with the Board of Supervisors.

**MEETING DATE  
AND LOCATION:**

Second Tuesday, 5:30 p.m.  
1600 Pacific Highway, Room 302  
San Diego, CA 92101

**COMPENSATION:**

Members of the Review Board shall serve without compensation; except they shall be reimbursed for expenses incurred in performing their duties in accordance with provisions of the County Administrative Code regulating reimbursement to County officers and employees.

**FILINGS NECESSARY:**

Statement of Economic Interests - Form 700

**CONTACT PERSON:**

**Paul Parker**  
Citizens' Law Enforcement Review Board  
(619) 238-6766  
MS: A-210

**REVISED:** May 7, 2021