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August 16, 2018

The Honorable Peter C. Deddeh, Presiding Judge
San Diego Superior Court
1100 Union Street, 10th Floor
San Diego, CA 92101

Response to 2017-2018 San Diego County Grand Jury Report: "Citizens' Law Enforcement Review Board (CLERB)," Dated May 31, 2018

Dear Judge Deddeh:

The 2017-2018 San Diego County Grand Jury recently completed its term and filed a report with recommendations requiring a response from the CLERB Board and the CLERB Executive Officer. On August 14, 2018, the CLERB Board approved responses to the report and directed me to forward the responses to your office, as required by the California Penal Code.

FINDINGS

Finding 01: It is CLERB's mission and responsibility to investigate, review, and recommend policy changes to the Sheriff's or Probation Departments respectively.

Response: The CLERB agrees with this finding.

Finding 02: The position of Executive Officer remained vacant at times, impeding the ability of remaining staff to handle investigative workloads.

Response: The CLERB agrees with this finding.

Finding 03: Board and Investigative Unit shortages contributed to death cases not being investigated within POBOR time limitations, a responsibility CLERB did not meet resulting in 22 death cases being dismissed.

Response: The CLERB disagrees wholly with this finding. Board and Investigative Unit shortages did not contribute to a case backlog, but the failure to properly prioritize death cases resulted in the subsequent dismissals. Additionally, the Executive Officer in 2016 neglected his duties, which led to the fact that death cases exceeded the one-year time limitation.

Finding 04: Lack of Board oversight of the Investigative Unit contributed to death cases remaining uninvestigated well beyond POBOR time limitations.

Response: The CLERB disagrees partially with this finding. The Board was erroneously informed that there was no time limitation of death cases.

Finding 05: There exists a potential for bias toward the selection of Board membership when the Executive officer is involved in the selection process.

Response: The CLERB agrees with this finding.

Finding 06: Removing CLERB from the Public Safety Group will provide additional independence from those departments that CLERB reviews.

Response: The CLERB agrees with this finding.

Finding 07: County Counsel may have a conflict of interest when CLERB investigates issues that may raise liability to the County.

Response: CLERB disagrees partially with this finding. An ethical wall exists within the Office of County Counsel to safeguard against conflicts of interest. In instances where a conflict would arise from the Office of County Counsel's representation of CLERB in a particular manner, CLERB engages independent outside counsel.

RECOMMENDATIONS

18-26: Funding another Special Investigator position thus allowing the Executive Officer more time to supervise the Special Investigators and conduct more community outreach.

Response: The San Diego County Board of Supervisors is responsible for this response. NOTE: This recommendation has not been implemented. The Board appreciates the funding that resulted in the addition of a third Special Investigator position in March 2018. The Grand Jury included that newly created position in the CLERB staff totals referenced throughout its report and considered when making this recommendation. As CLERB prepares to conduct its first ever detention facility inspections as authorized in its Rules and Regulations, CLERB agrees with this recommendation, which was intended to increase the total number of CLERB Special Investigators to four.

18-27: Removing the CLERB Executive Officer from any involvement with consideration of applicants so as to avoid any question of bias in the selection of board members.

Response: This recommendation has been implemented.

Explanation:

The Executive Officer has not been involved in the consideration of appointing or re-appointing CLERB Members since September 2017.

18-28: Updating regulations for the section of Board Members in the CLERB Rules and Regulations manual.

Response: This recommendation has not been implemented, but will be implemented in the future.

Explanation:

Revisions and updates to all of CLERB's Rules and Regulations are in the process of final review. These revisions and updates will be completed by December 31, 2018.

18-29: Directing the Executive Officer to develop and monitor a checklist, including time limitations with possible exceptions, to track all case investigations.

Response: This recommendation has been implemented.

Explanation:

The Executive Officer implemented this recommendation in 2017.

18-30: Ensuring that the CLERB Board evaluate the performance of the Executive Officer annually as required in the CLERB Rules and Regulations.

Response: This recommendation has been implemented.

Explanation:

In June 2017, the Board of Supervisors approved a change to the Rules and Regulations, effective immediately, that an Annual Performance Evaluation be conducted for the Executive Officer. In June 2018, the CLERB Board conducted the first Executive Officer annual evaluation in recent memory.

18-31: Filling open positions in the Investigative Unit as soon as they become vacant.

Response: This recommendation has been implemented.

Explanation:

Upon an opening in the Investigative Unit, the Executive Officer takes immediate steps to fill it. Oftentimes vacancies in government positions take many months to fill, however, the most recent Investigative Unit vacancy occurring in January 2018 was filled in March 2018.

18-32: Develop a Training Manual for the Investigative Unit.

Response: This recommendation has not been implemented but will be implemented in the future.

Explanation:

The Executive Officer has been in the process of authoring a Training Manual for the Investigative Unit, and has recently hired and trained two new Special Investigators. The materials, plans, and structure used during this training will be

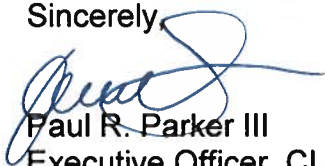
the basis for the new Training Manual. A comprehensive Training Manual will be completed by December 31, 2018.

18-33: Moving CLERB from the Public Safety Group to another Group in the County to separate oversight from the same group that supervises the Sheriff and Probation Departments to avoid the possibility of a conflict of interest.

Response: The San Diego County Chief Administrative Officer is responsible for a response to this recommendation. NOTE: This recommendation has not been implemented. The Board agrees with this recommendation.

I thank the Grand Jury for their commitment to this process. If you have questions or need additional information, please contact me at (619) 238-6776.

Sincerely,



Paul R. Parker III
Executive Officer, CLERB

cc: CLERB Members
San Diego County Public Safety Group DCAO Ronald Lane
James Sandler and Jessica Kondrick of Sandler, Lasry, Laube, Byer & Valdez LLP