

County of San Diego



2011 ANNUAL REPORT

“SERVING THE COMMUNITY AND THE JUSTICE SYSTEM FOR 21 YEARS”

2011 CLERB ANNUAL REPORT
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About the Citizens' Law Enforcement Review Board

San Diego County citizens voted to establish the Citizens' Law Enforcement Review Board in November 1990. The Review Board was established to receive and investigate complaints of misconduct concerning peace officers performing their duties while employed by the Sheriff's Department or the Probation Department. The Review Board also is authorized to investigate any death that occurs in the custody of, or in connection with, actions of Deputies and Probation Officers. The Review Board is made up of 11 citizens who are appointed by the Board of Supervisors.

Mission Statement

To increase public confidence in government and the accountability of law enforcement by conducting impartial and independent investigations of citizen complaints of misconduct concerning Sheriff's Deputies and Probation Officers employed by the County of San Diego.

2011 Board Members

James Achenbach, Chairperson
George DeLaBarre II, Vice Chairperson
Edward Castoria, Secretary
Sheryl Bennett
Debra DePratti Gardner
Israel Garza
Riley N. Gordon
Thomas Iniguez
Clifford O. Myers, III
Carolyn Norris Rhein
Calixto J. Pena
Loren Vinson
Louis Wolfsheimer

Staff

Patrick A. Hunter, Executive Officer
Lynn Setzler, Special Investigator
Mark A. Watkins, Special Investigator
Ana Marie Becker, Administrative Secretary III

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**RÉSUMÉS OF
REVIEW BOARD MEMBERS
SERVING IN 2011**

James Achenbach
Chair

Mr. Achenbach is a Speech-Language Pathologist with the San Diego City School District. He participates in the Partnership in Education Program and currently volunteers as the Chairman of the San Diego Scottish Rite Language Disorders Clinic. Mr. Achenbach lives in La Mesa with his wife and two children.

George DeLaBarre II
Vice Chairperson

Mr. DeLaBarre is a Systems/Project Engineer for General Atomics Aeronautical Systems and has worked in the defense industry in San Diego since 1985. A graduate of Fallbrook High School, Mr. DeLaBarre holds degrees and graduated with honors from San Diego City College (Electronics Technology) and the University of Phoenix (Information Technology.) He served in the U.S. Navy as a Fire Control Technician and instructor in electronics, microcomputers, and submarine sonar training. Mr. DeLaBarre has served on the Serra Mesa Planning Group, the Serra Mesa Community Council, and the Serra Mesa Recreation Council. Mr. DeLaBarre served as an Assistant Scout Master for BSA Troop 278 and is an Elder at Peace Lutheran Church. Mr. DeLaBarre resides in Serra Mesa with his family.

Edward Castoria
Secretary

A resident of the Tierrasanta area of San Diego, Edward Steven "Eddie" Castoria, M.A., J.D. is President and CEO of TeleTran Tek Services, a San Diego-based consulting company which, among other projects, manages the region's motorist aid call box system. He holds a B.A. in Psychology from the University of San Francisco, as well as an M.A. in Counseling Psychology and a J.D. in law from the University of New Mexico. Before entering private business, Mr. Castoria worked as a government public works Program Manager for both San Diego County and Nueces County, Texas. As an attorney, he prosecuted major fraud cases for the U.S. Department of Justice in Washington, D.C., and practiced civil litigation in New Mexico and California. Before law

school, Mr. Castoria managed an in-house inmate counseling program in the Bernalillo County, NM jail system. He was a decorated Army Infantry Airborne Ranger officer who served as a Pathfinder commander during the Vietnam war. He is an avid golfer.

Sheryl Bennett

Mrs. Bennett is the Director of Human Resources for the City of Escondido, where she has worked since 1999. She has chaired and participated in a variety of boards and committees in relation to her profession. Mrs. Bennett is also actively involved in various community and volunteer activities. Mrs. Bennett graduated with distinction from San Diego State University with a Bachelor's of Science degree in Criminal Justice Administration and holds a Master of Business Administration degree with an emphasis in Human Resources Management from National University. Mrs. Bennett lives in Escondido with her family.

Debra DePratti Gardner

Mrs. DePratti Gardner, a resident of Jamul, is the President of DePratti, Inc., a real estate services company with emphasis in both private, and public sector developments. She has extensive experience in community development with the cities of Chula Vista and Inglewood, and as a Planner for JM Consulting Group in San Diego. A licensed Real Estate Broker, Mrs. DePratti Gardner also holds a number of real estate and planning certifications. She is active in local school, sports league, and church activities. She holds a Bachelor of Arts Degree in Urban Planning from University of California at San Diego, and a Master of Arts in Urban Planning from University of California Los Angeles.

Israel Garza

Israel Garza is the Controller for The Associated Students of San Diego State University. He has been with The Associated Students since 2002. Previously Mr. Garza performed as an Operations and Finance Executive with a local holding company and as Accounting Manager to the Director of Finance for Seajet Cruise Lines, Inc. A resident of Chula Vista Mr. Garza currently serves on the City of Chula Vista Parks and Recreation Commission and serves as a Sports Partner for the Chula Vista's International Friendship Games. He is the Past President for the Chula Vista Youth Sports Council and the Chula

Vista Rangers Soccer Club. In addition to obtaining the CPA (Certified Public Accountant) and CMA (Certified Management Accountant) professional credentials Mr. Garza holds an MBA (Master of Business Administration) degree from California State University, San Marcos.

Riley N. Gordon

Retired from a long career in government, Mr. Gordon was the Deputy Director of the Discrimination Complaints Service, Department of Veterans Affairs, Office of Equal Opportunity in Washington, D.C., where he supervised the processing of complaints and conducted training in EEO investigation. He also served as a labor relations specialist in the Office of Labor Relations and Collective Bargaining for the District of Columbia as a negotiator and advisor. After retiring to San Diego, Mr. Gordon was recruited to serve on the Citizens' Review Board on Police Practices (CRB) at the City of San Diego in May 1999. From June 2005 to June 2006, Mr. Gordon was the chairman of the 23-member CRB. In addition to his work in civilian oversight, Mr. Gordon has participated as a discussion leader for Brandeis University's National Women's Committee. Mr. Gordon has taught graduate courses in public administration, collective bargaining, public personnel administration, and fiscal administration at Roosevelt University's Graduate School of Public Administration. Mr. Gordon holds a Bachelor's Degree in Economics from Fisk University and a Master's Degree in Public Administration from Roosevelt University. He lives in Rancho Bernardo with his wife.

Thomas Iniguez

A resident of Bonita, Thomas Iniguez is currently employed by Walters Management as a Community Director and Property Manager for the Eastlake Community of Chula Vista. He served in the U.S. Navy from 1970-1974. Mr. Iniguez is retired from the Chula Vista Police Department and had served previously with the Imperial Police Department and the San Diego Sheriff's Department. Mr. Iniguez is a member of the Bonita Optimist Club; the Bonita - Sweetwater Civic Association, and the Bonita Highlands Homeowners Association.

Clifford O. Myers III

Mr. Myers recently retired from government service as the Director of Military and Civilian Manpower

and Community Planning and Liaison Officer for the Marine Corps Recruit Depot, San Diego, CA. Prior, he was the Commandant of Cadets for a college preparatory boy's school in south Texas, grades 8-12. He also served in the United States Marine Corps for 33 years as an infantry officer. His tours in the Marine Corps allowed his family to live all over the world. He is very active in the community with Rotary Club 33, North Bay Redevelopment Project Action Committee, President of the FBI Citizen's Academy Alumni Association, Board officer of the Camp Pendleton Armed Services YMCA, past Board member of the American Red Cross, San Diego and Imperial Counties and the San Diego Chamber of Commerce. He holds a Bachelor degree in History and Political Science from Chaminade College of Honolulu and a Master of Public Administration from National University. He resides in Vista with his wife.

Carolyn Norris Rhein

A long-time resident of San Diego County, following residence in Arizona, Ms. Rhein currently lives and works as a Realtor in Carlsbad. As a Legal Assistant, she worked in labor, real estate, corporate, estate planning and family law. She has extensive experience as a volunteer: past Vice-Chair of the Harrington House, a project of the Harrington Arthritis Research Center in Phoenix; past board member for the Sojourner Center in Phoenix; and past board member of the Make-A-Wish Foundation of Central & Southern Arizona, to name a few. She served as president of the Maricopa County Medical Society Alliance and the Columbus County, North Carolina Hospital Auxiliary. She worked as a Realtor in Scottsdale, Arizona, served as Interim Executive Director of the Make-A-Wish Foundation of Central & Southern Arizona, and was the Executive Director of the Whiteville Downtown Development Commission in Whiteville, North Carolina. Ms. Rhein was appointed to the Review Board in October 2009.

Calixto J. Pena

A resident of Chula Vista, Mr. Pena is the Controller for Highland Partnership, Inc., a Chula Vista design/build general contracting firm. He is a member of the Construction Financial Management Association, and has been active in local school and church activities. Mr. Pena holds a Master of Business Administration degree Information and Decision Systems from San Diego State University, and a Bachelor of Science in Accountancy from National University, graduating Magna Cum Laude.

Loren Vinson

Following his service as a Naval Officer during the Vietnam War, Mr. Vinson worked for more than 28 years as a Probation Officer at the state and federal levels. He worked with both juveniles and adults in the San Diego County Probation Office as a Deputy Probation Officer and Senior Probation Officer from 1969 to 1975. He then joined the U.S. Probation Office in San Diego and served in both the Supervision and Investigation Divisions as a Probation Officer, Supervisor, and Division Chief. He retired in 1998 as the Deputy Chief Probation Officer in charge of the Investigation Division. After retirement, he taught a variety of Criminal Justice Administration courses as a part-time Adjunct Professor at three local colleges. Before being appointed to the Review Board, he completed eight years of service on the City of San Diego's Citizens' Review Board on Police Practices, where he chaired the training committee, authored an investigation manual, and was First Vice-Chair. Mr. Vinson holds a Master of Science degree in Criminal Justice Administration and a Bachelor of Arts degree in Political Science from San Diego State University. Mr. Vinson lives with his wife in the Tierrasanta neighborhood of San Diego, where he currently serves as a member of the Tierrasanta Community Council.

Louis Wolfsheimer

Originally from Baltimore, MD, Mr. Wolfsheimer has been a resident of San Diego since 1962. He was a First Lieutenant in the United States Air Force, 1100th Air Police Squadron in Washington D.C. Mr. Wolfsheimer currently practices law with the firm of Milch & Wolfsheimer. He is a graduate of the University of North Carolina and California Western School of Law. Mr. Wolfsheimer has served on a multitude of board committees such as Francis W. Parker School, American Jewish Committee, Episcopal Community Services, Combined Arts of San Diego (COMBO), Salvation Army and Human Subjects Committee of UCSD Medical School. He was 8 years Chairman of the City of San Diego Planning Commission, Board member of Port Commission of San Diego Unified Port District, and Board member of the Del Mar Fair Board. Mr. Wolfsheimer lives in Rancho Santa Fe.

MESSAGE FROM THE CHAIR

On behalf of the Members of the Citizens' Law Enforcement Review Board (CLERB), I am pleased to present the Review Board's 2011 Annual Report. This year has again been challenging as we regain momentum with a complete Staff and full Review Board. In 2011, 130 citizen complaint cases were filed on behalf of members of the public, and death cases reported totaled fourteen. The Review Board closed 149 cases through the year.

The Review Board and Staff take every complaint seriously and strive for completion of timely, thorough, and professional investigations. We finally achieved full Special Investigator staffing midway into 2010 which has resulted in an increase in completed investigations presented to the Board. Time constraints still necessitated the closure of 25 complaint cases closed without investigation, however, that was a significant decrease from the 53 cases reported in 2010.

As a citizen of San Diego, I am grateful for the outstanding leadership at both the Probation Department and Sheriff's Department, and for the dedicated law enforcement professionals that serve our county. I am also pleased to serve on a Review Board that is dedicated to providing a measure of assurance that both departments respect the rights of all individuals while performing their duties.

James Achenbach
Chairperson – 2011

EXECUTIVE OFFICER'S SUMMARY

After years of staffing shortages, CLERB entered 2011 with a full Staff complement and renewed emphasis on our mission, "... to increase public confidence in government and the accountability of law enforcement by conducting impartial and independent investigations of citizen complaints..." Through hard work and dedicated efforts, Investigators successfully increased by 148% the number of completed investigations presented to the Review Board over those in 2010, and reduced by 53% the number of cases dismissed without investigation because of case law and Public Safety Officer's Procedural Bill of Rights time constraints.

In October, Staff participated in a 3½-day Business Process Re-engineering effort to address the backlog of investigations with a goal to improve processes in order to streamline investigations and eliminate the loss of cases because of time constraints. A number of recommendations were immediately adopted and others will be implemented over time.

PUBLIC SAFETY OFFICERS PROCEDURAL BILL OF RIGHTS (POBR) – TIME LIMITS

CLERB reports, which sustain findings of officer misconduct are considered "punitive action" under the Public Safety Officer Procedural Bill of Rights (POBR) and must be completed to provide notice to the officer within one year of receiving a citizen's complaint.

CLERB was advised by Counsel that in order to remain in compliance with POBR, staff must

complete investigatory actions within one year from receipt of a signed complaint or dismiss the case. (See Table 8, Page 17.)

COMPLAINT DATA REVIEW

Intakes

The Review Board logged **144** complaints in 2011; a 12.5% increase from the **128** complaints received in 2010.¹ Allegations totaled **687** in 2011; a 22% increase from the **563** allegations in 2010. Death cases increased with **14** reported in 2011; a 100% increase from the **7** reported in 2010.

Sheriff's facilities or units with double digit complaint totals increased from one in 2010 to three in 2011 (**11** complaints were recorded for unidentified sheriff units). Leading in complaint totals was Lemon Grove Station with **16** complaints, followed by the Sheriff's Department's largest detention facilities - the San Diego Central Jail with **13** complaints (down from **18** in 2010), followed by the George Bailey Detention Facility with **10** complaints (up from **8** in 2010). The Probation Department received **17** complaints in 2011; a 31% increase from the **13** complaints in 2010. (See Table 1, Page 10.)

Total complaints traditionally are broken into three segments by count and percentage: Sheriff's law enforcement, which includes Court Services and units that could not be identified from the complaint; Sheriff's jails; and the Probation Department. In 2011, Sheriff's law enforcement had **89** complaints or

62% of the total (compared to 80 or 49% in 2010); Sheriff's jails had **38** complaints or 26% (compared to 35 or 28% in 2010); and the Probation Department had **17** complaints or 12% of total (compared to 13 or 10% in 2010).

Closures

The Review Board met **10** times and closed **149** cases during the year, compared to closing **119** cases in 2010; a 25% increase in case closures. Of the **149** cases closed, **49** were *Procedurally Closed* by staff because a signed complaint was not returned by the complainant. This was a 48% increase from the **33** cases that were Procedurally Closed "PC" in 2010. Overall however, PC cases accounted for 34% of the year's complaint total (144), which was an increase from the 26% (128) in 2010. Another **23** cases were submitted to the Review Board for *Summary Dismissal* following an abbreviated investigation of a signed complaint. Summary Dismissal cases were dismissed for lack of jurisdiction or because further investigation was not possible without the complainant's cooperation. This was a 92% increase over the **12** Summary Dismissal cases submitted to and approved by the Board in 2010.

There were **25** cases submitted to the Review Board for One-Year Summary Dismissal because the investigations had not been completed within legislated timelines (down 53% from the **53** One-Year Summary Dismissals in 2010).

The remaining **52** closed cases were fully investigated and submitted to the Review Board, compared to **21** fully investigated cases submitted in 2010; a 148% increase. Included in the number of fully investigated

¹ The average number of complaints over the last 5 years is 131. The highs and lows in the past ten years were 229 in 2002 and 105 in 2008. See Graph 1, Page 9.

cases were 5 death cases. Of the 52 fully investigated cases, 9 cases or 17% had Sustained allegations, compared to 2 cases with Sustained allegations, or 10%, of the 21 fully investigated cases in 2010. Of the 52 fully investigated cases, the number of sustained findings was 9, representing 4% of the 235 findings in fully investigated cases. (See Table 7, Page 16.)

The 9 sustained findings, involved misconduct by deputies for procedure (4), discourtesy (3), criminal conduct (1), and death/pursuit (1).

At year's end there were 89 open cases. This was a 5% decrease from the 94 open cases at the end of 2010.

BOARD MEMBER, STAFF CHANGES

The Board re-elected James Achenbach chair, George DeLaBarre II vice chair, and Eddie Castoria secretary at the January 2011 meeting.

Board Chair James Achenbach was reappointed to his second full term and Loren Vinson was reappointed to his first full term in July.

In July, Israel Garza was appointed to fill the District 1 seat vacated by Thomas Iniguez, and in December, Clifford O. Myers III was appointed to fill the District 5 vacancy created by the September resignation of Carolyn Norris-Rhein.

At the Sheriff's Department Division of Inspectional Services (DIS), Bob Kanaski was appointed Executive Manager replacing John Madigan. Sergeant

Kevin Menzies was appointed to serve as the Review Board's processor following the Lieutenant promotions of Sergeant Scott Amos and David Gilmore. Supervising Probation Officer Mark Palmer replaced Cesar Escuro as the Review Board's liaison to the Probation Department.

TRAINING

In addition to participating in ride-alongs and facility tours, Review Board members enhanced their understanding of law enforcement procedures through presentations at Board meetings through topics which included: Watchful Eye Pilot Project, a joint Sheriff/Probation operation; Detentions, Pat-Downs, and Arrests; Sheriff's Department Equipment and Technology; Sheriff's Detentions Training Unit; Psychiatric Emergency Response Team (PERT); and Assembly Bill 109 – Public Safety Realignment.

Chief Probation Officer Mack Jenkins addressed the Board in in May.

Sheriff's and Probation Departments Orientation Programs were conducted for two new Board Members. Staff and Board Members also participated in a Sheriff's Department training event for the University of San Diego Law School.

Board Chair James Achenbach and Board Executive Officer Patrick Hunter attended the annual conference of the National Association for Civilian Oversight of Law Enforcement (NACOLE) in New Orleans, Louisiana, where NACOLE announced that San Diego has been selected to host the 2012 annual conference.

COMMUNITY OUTREACH

The Executive Officer conducted presentations for the Sheriff's Detentions Academy, Probation Department Leadership Academy, and the San Diego Diplomacy Council. He also served on a citizen's rights panel at a Lawyer's Guild event at Thomas Jefferson School of Law.

POLICY RECOMMENDATIONS

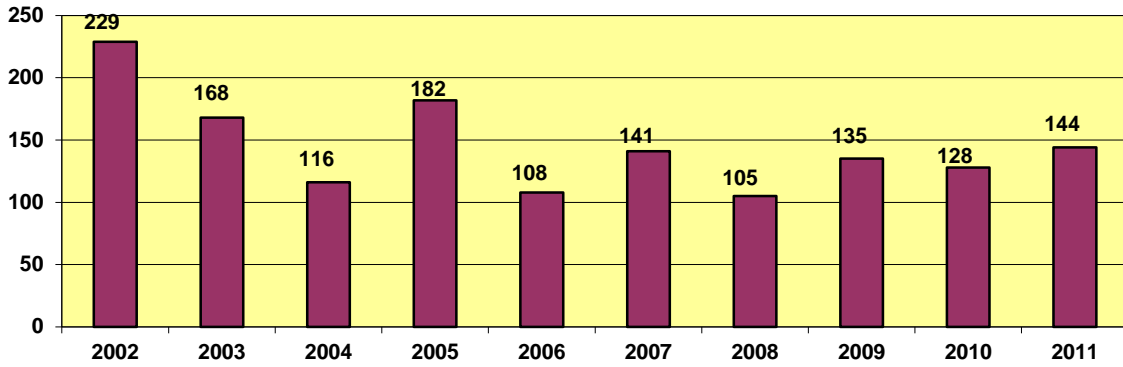
Six Policy recommendations were presented to the Sheriff's Department during 2011. Four investigations resulted in the submission of seven policy recommendations to Sheriff's Command Staff, and to the Bureaus of Law Enforcement, Detentions, and Court Services. Six of the recommendations were implemented through reissuance of policies and procedures; the seventh, updating of the Identity Theft Quick Reference Guide was not adopted. Additionally, CLERB requested to be included in the notification process for all In-Custody Deaths. The Sheriff's Department declined to update individual policies, but directed the Executive Manager for the Division of Inspectional Services to notify CLERB of all In-Custody Deaths. (See Table 9, Page 20).

As in previous reports, we have tried to present relevant complaint data in a variety of ways to include tables of broad complaint information, enhanced by other charts or graphs to break down and better illustrate what has occurred during the year. Information included in this report is based on the last best data we had at the close of 2011. As with any statistics dealing with on-going and closed

investigations, there can be minor changes in complaint and allegation breakdowns as investigations progress and are finally closed. If there are any questions or comments concerning any portion of this report, please contact me at 619-238-6776.

PATRICK A. HUNTER
Executive Officer

Graph 1: TOTAL COMPLAINTS RECEIVED BY YEAR 2002-2011



Graph 2: COMPLAINTS RECEIVED BY QUARTER – 2010/2011

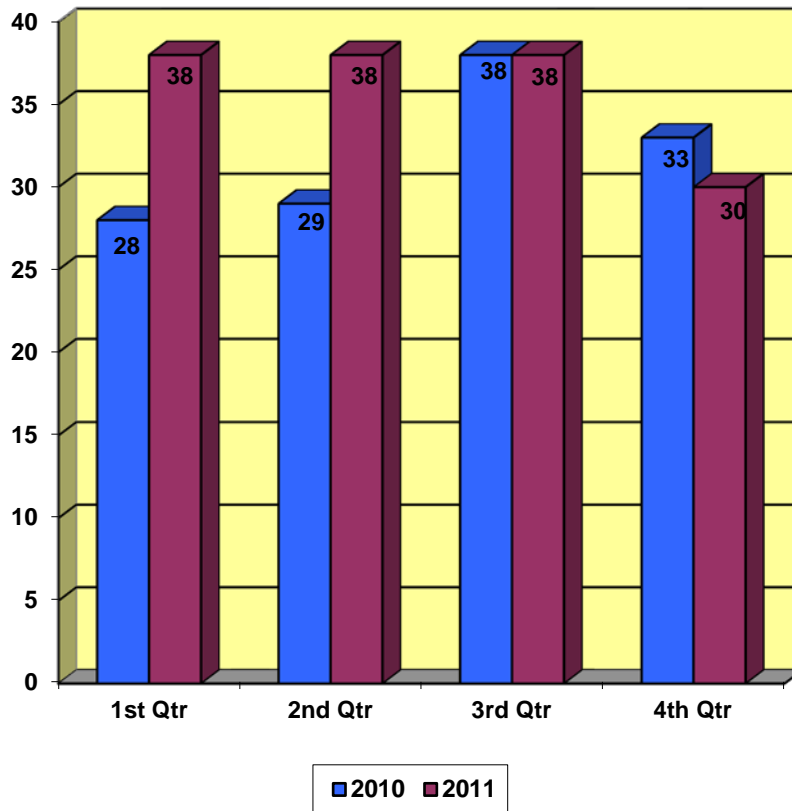


TABLE 1: COMPLAINTS & ALLEGATIONS RECEIVED BY UNIT OR FACILITY IN 2011

STATIONS/UNITS:	Complaint Totals	CC	Deaths	Discr.	EF	FA	FR	ISS	IDF	Misconduct	Allegation Totals
LAW ENFORCEMENT											
4S Ranch Substation	1	-	-	5	-	-	-	-	-	-	5
Alpine Station	4	-	4	2	5	-	1	2	-	2	16
Bonsall Office	-	-	-	-	-	-	-	-	-	-	-
Borrego Springs Office	-	-	-	-	-	-	-	-	-	-	-
Boulevard Office	-	-	-	-	-	-	-	-	-	-	-
Campo/Tecate Substation	1	-	-	-	-	-	-	-	-	1	1
Encinitas Station	4	-	-	1	4	1	2	-	-	20	28
Fallbrook Substation	3	4	-	1	-	3	2	-	-	14	24
Imperial Beach Station	7	1	1	-	1	8	5	5	-	33	54
Julian Substation	-	-	-	-	-	-	-	-	-	-	-
Lakeside Substation	-	-	-	-	-	-	-	-	-	-	-
Lemon Grove Station	16	6	-	5	26	6	1	17	-	48	109
Pine Valley Substation	-	-	-	-	-	-	-	-	-	-	-
Poway Station	3	-	-	-	1	-	1	1	-	2	5
Ramona Substation	4	1	-	-	2	1	2	13	-	21	40
Ranchita Substation	-	-	-	-	-	-	-	-	-	-	-
Rural Law Enforcement	4	7	1	-	1	-	1	3	-	14	27
San Marcos Station	4	-	-	-	-	2	2	2	-	7	13
Santee Station	8	2	-	-	2	2	2	2	-	23	33
SID:SD Regional Fugitive TF	1	-	-	2	-	-	-	-	-	8	10
Valley Center Substation	2	-	1	-	-	-	-	1	-	2	4
Vista Station	6	-	-	-	-	1	1	3	-	17	22
TOTAL	68	21	7	16	42	24	20	49	-	212	391
DETENTIONS											
East Mesa Detention Facility	-	-	-	-	-	-	-	-	-	-	-
Facility 8 Detention Facility	-	-	-	-	-	-	-	-	-	-	-
George F. Bailey Detention Facility	10	-	3	14	1	-	1	-	-	34	53
JAIL PMD Inmate Classification	1	-	-	-	-	2	-	-	-	-	2
Las Colinas Detention Facility	6	1	1	1	1	-	-	1	-	17	22
San Diego Central Jail	13	1	5	-	29	-	-	-	-	24	59
South Bay Detention Facility	-	-	-	-	-	-	-	-	-	-	-
Vista Detention Facility	8	-	3	-	17	-	-	-	-	18	38
TOTAL	38	2	12	15	48	2	1	1	-	93	174
COURT SERVICES											
Court Services Bureau	7	5	-	1	1	-	-	-	-	20	27
TOTAL	7	5	-	1	1	-	-	-	-	20	27
OTHER SHERIFF UNITS											
Other Sheriff Units	3	-	-	-	-	-	1	-	-	15	16
Unknown Sheriff Unit	11	2	-	-	1	2	-	2	-	15	22
TOTAL	14	2	-	-	1	2	1	2	-	30	38
PROBATION											
Probation: Adult Services	14	3	1	1	1	3	1	5	-	33	48
Probation: Inst Services	1	-	-	-	-	-	-	-	-	3	3
Probation: Juvenile Services	2	-	-	-	1	-	-	3	-	2	6
TOTAL	17	3	1	1	2	3	1	8	-	38	57
TOTALS:	145	33	20	33	94	31	23	60	-	393	687

NOTES:

- 1) CC= Criminal Conduct; Discr= Discrimination; EF= Excessive Force; FA= False Arrest; FR= False Reports; ISS= Illegal Search & Seizure; IDF= Improper Discharge of Firearm.
- 2) Allegation totals exceed complaint totals and are multiplied by the number of personnel involved.
- 3) Unknown Unit: staff was unable to identify personnel or a command from the complaint

GRAPH 3: ALLEGATION TOTALS FOR COMPLAINTS RECEIVED IN 2011

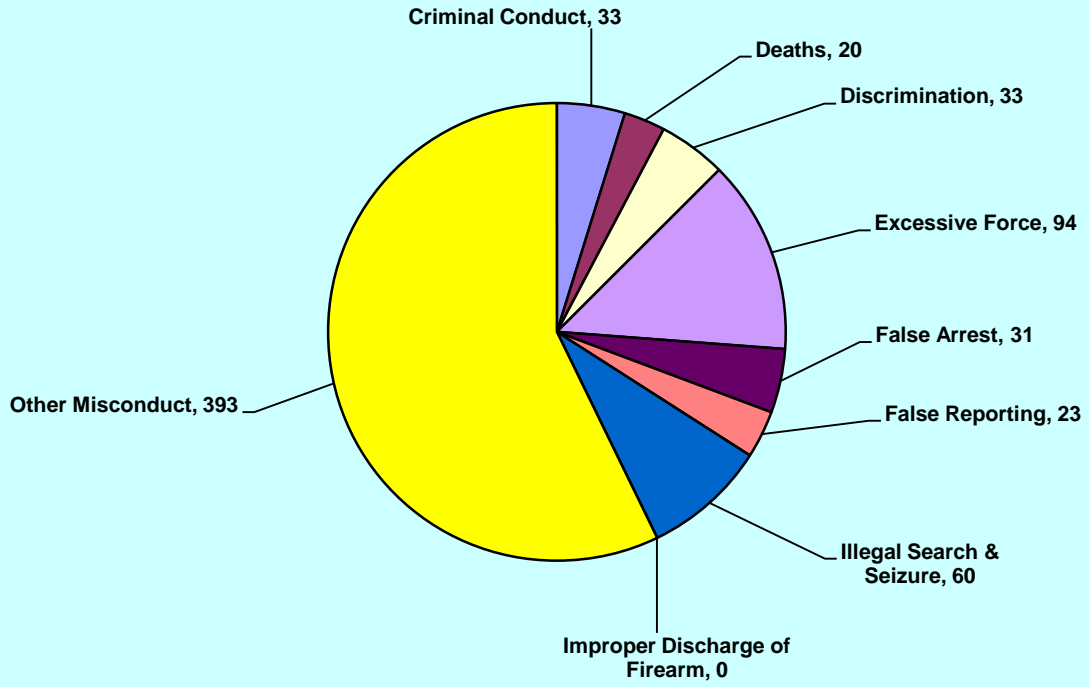


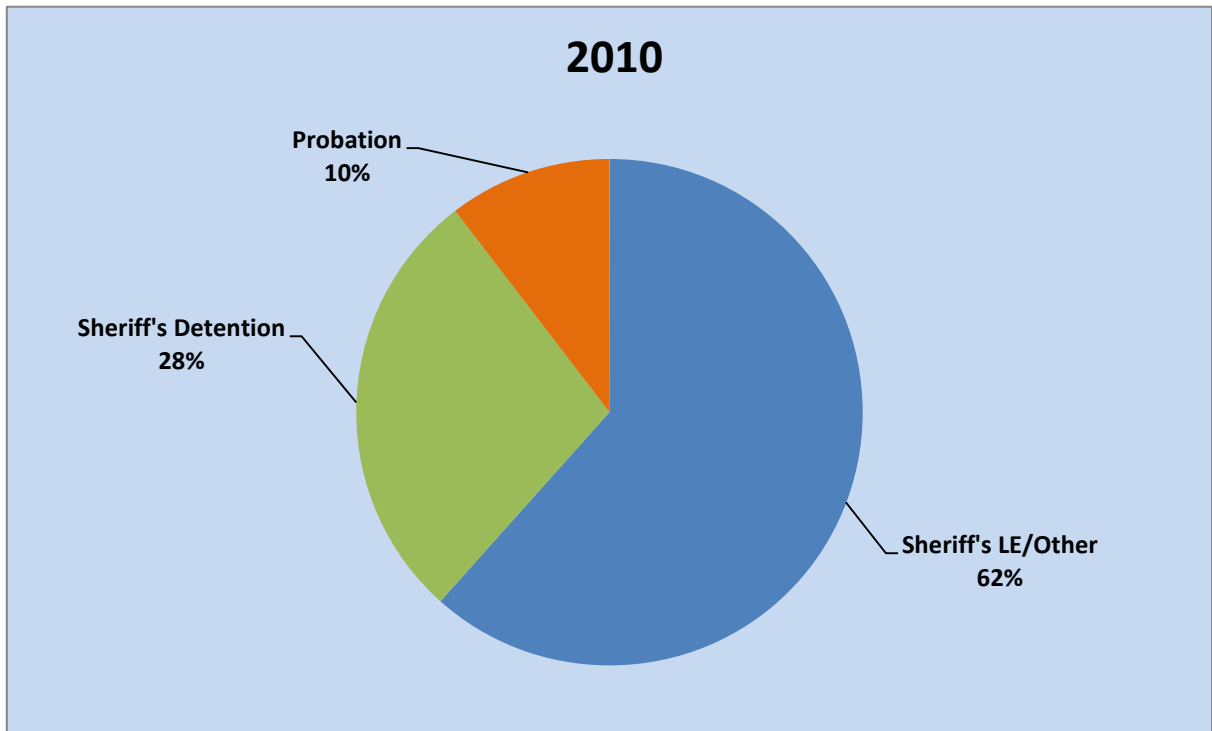
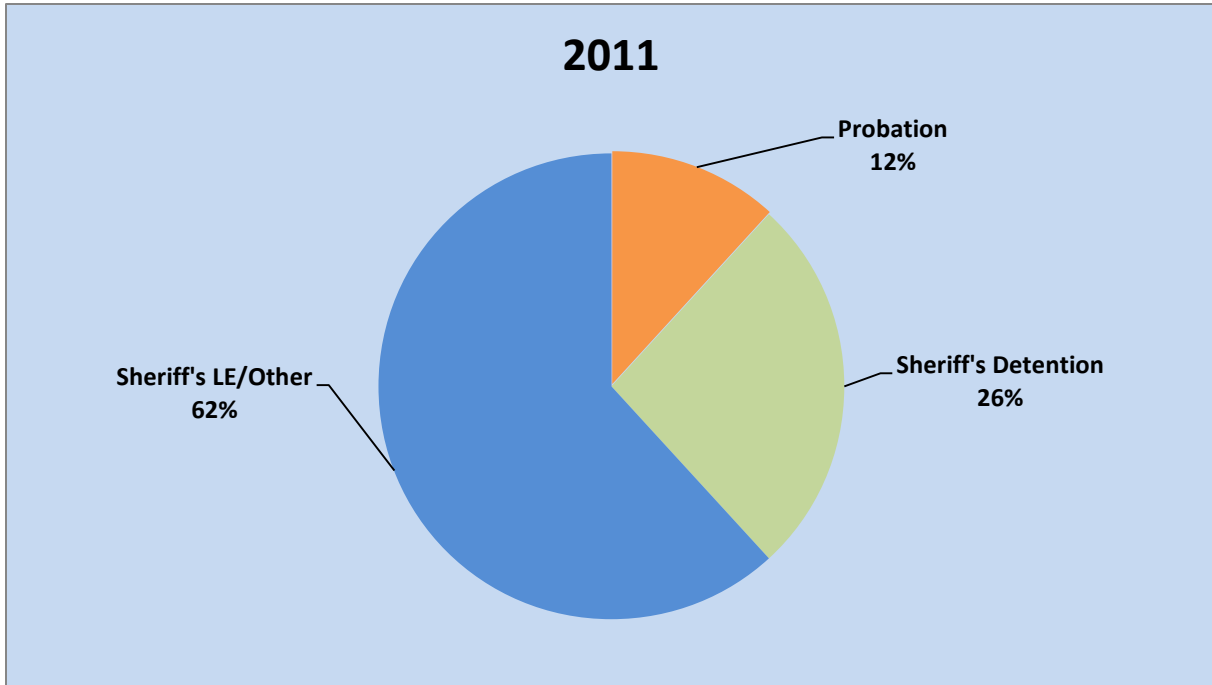
Table 2: TOTAL COMPLAINTS BY MAJOR ORG / BUREAU		
Organization/Bureau	2010	2011
Sheriff's Detention Facilities	35	38
Sheriff's Law Enforcement Services & Other	77	81
Probation Department-All	13	17
Unknown Sheriff's Unit	3	8
TOTAL	128	144

Table 3: BREAKDOWN OF DISCRIMINATION ALLEGATIONS		
Description	2010	2011
National Origin	1	0
Other	8	2
Racial	14	16
Religious	3	0
Sexual/Gender	1	15
TOTAL	27	33

Table 4: BREAKDOWN OF MISCONDUCT ALLEGATIONS		
Description	2010	2011
Discourtesy	60	53
Harassment	7	17
Intimidation	26	35
Medical (info only)	8	7
Procedure	223	264
Retaliation	6	8
Truthfulness	15	9
TOTAL	345	393

Table 5: BREAKDOWN OF EXCESSIVE FORCE ALLEGATIONS		
Description	2010	2011
Baton/Impact Weapon	1	1
Carotid Restraint	-	2
Drawn Firearm	1	3
Fists	4	15
Kicks	2	3
K-9 Bites	-	-
Less Lethal Munitions	-	1
OC Spray	-	2
Other	40	42
Pepperball Launcher	-	-
Taser	-	7
Tight Handcuffs	2	4
Unspecified	8	14
TOTAL	58	94

GRAPHS 4 & 5: COMPLAINT PERCENTAGES BY MAJOR ORG / BUREAU – 2010/2011



GRAPHS 6 & 7: ALLEGATIONS BY PERCENTAGE – 2010/2011

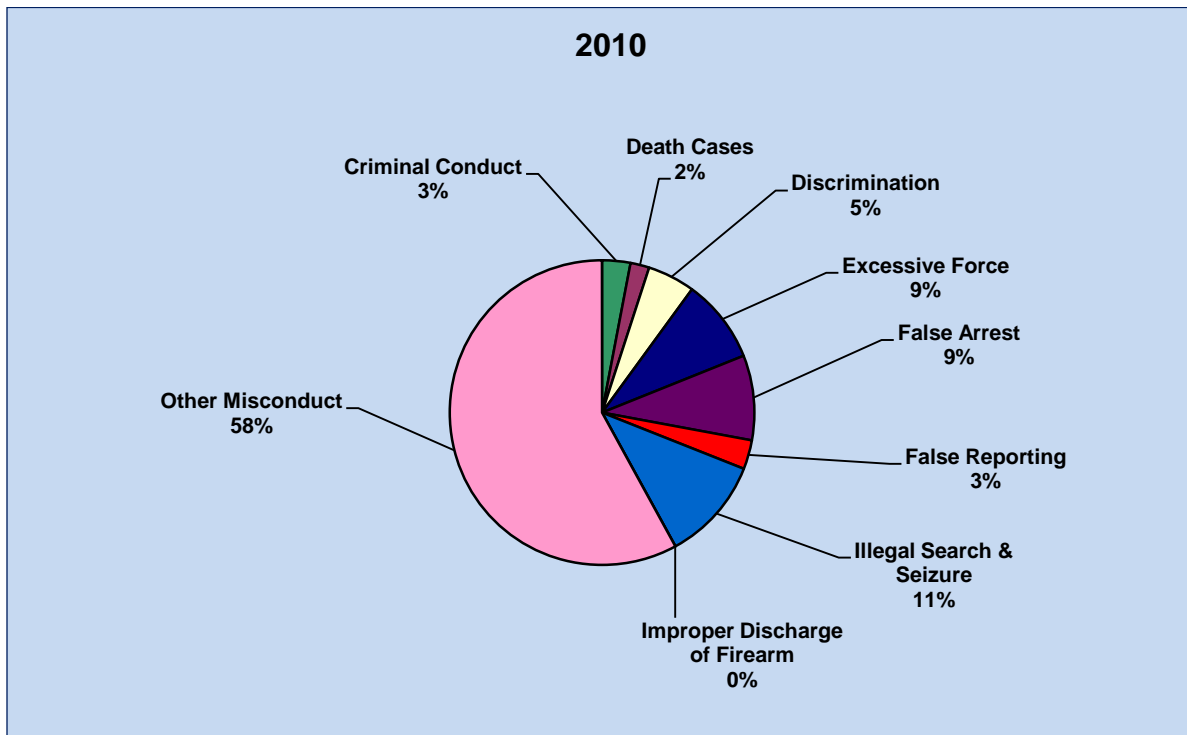
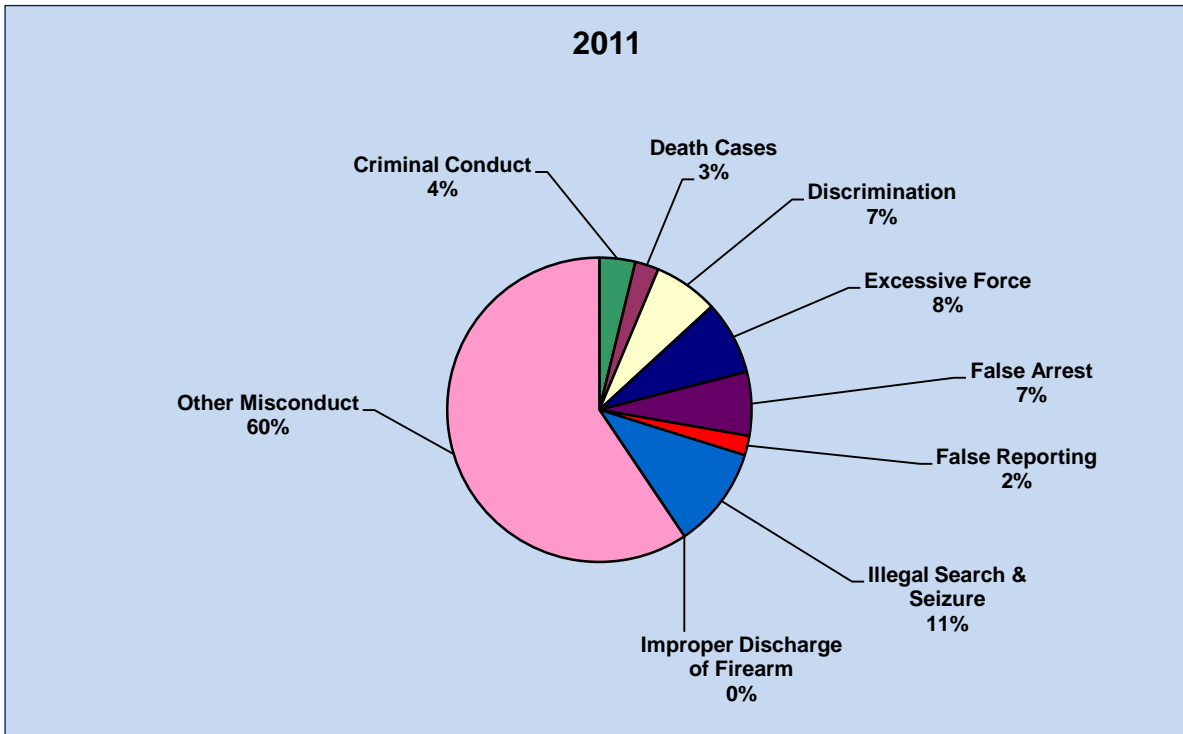


TABLE 6: COMPLAINTS & ALLEGATIONS CLOSED BY UNIT OR FACILITY IN 2011

STATIONS/UNITS	Complaint											Allegation Totals
	Totals	CC	Deaths	Discr.	EF	FA	FR	ISS	IDF	Misconduct	Totals	
LAW ENFORCEMENT	-	-	-	-	-	-	-	-	-	-	-	-
4S Ranch Substation	1	-	-	5	-	-	-	-	-	-	-	5
Alpine Station	2	-	-	-	1	-	1	2	-	-	-	4
Bonsall Office	-	-	-	-	-	-	-	-	-	-	-	-
Borrego Springs Office	-	-	-	-	-	-	-	-	-	-	-	-
Boulevard Office	-	-	-	-	-	-	-	-	-	-	-	-
Campo/Tecate Substation	1	-	-	-	-	-	-	-	-	-	1	1
Encinitas Station	13	1	-	5	6	7	1	12	-	48	80	
Fallbrook Substation	3	2	-	-	-	1	-	3	-	8	14	
Imperial Beach Station	6	-	-	1	7	6	1	1	-	31	47	
Julian Substation	-	-	-	-	-	-	-	-	-	-	-	-
Lakeside Substation	-	-	-	-	-	-	-	-	-	-	-	-
Lemon Grove Station	12	5	-	1	13	2	-	10	-	34	65	
Pine Valley Substation	-	-	-	-	-	-	-	-	-	-	-	-
Poway Station	5	-	2	3	-	-	1	2	-	8	16	
Ramona Substation	2	-	-	2	-	3	-	2	-	11	18	
Ranchita Substation	1	-	-	-	-	-	-	-	-	5	5	
Rural Law Enforcement	2	3	-	2	-	2	2	4	-	9	22	
San Marcos Station	2	-	-	-	2	1	-	-	-	4	7	
Santee Station	7	2	1	-	5	7	-	6	-	16	37	
SID: SD Regional Fugitive TF	1	-	-	2	-	-	-	-	-	8	10	
Valley Center Substation	1	-	-	-	-	-	-	1	-	2	3	
Vista Station	7	-	-	2	4	5	-	2	-	18	31	
TOTAL	66	13	3	23	38	34	6	45	-	203	365	
DETENTIONS												
East Mesa Detention Facility	-	-	-	-	-	-	-	-	-	-	-	
Facility 8 Detention Facility	-	-	-	-	-	-	-	-	-	-	-	
George F. Bailey Detention Facility	6	-	-	2	-	1	-	-	-	15	18	
Jail PMD Inmate Classification	1	-	-	-	-	2	-	-	-	-	2	
Las Colinas Detention Facility	5	2	-	1	3	-	-	1	-	20	27	
San Diego Central Jail	20	1	13	1	7	-	1	3	-	69	95	
South Bay Detention Facility	-	-	-	-	-	-	-	-	-	-	-	
Vista Detention Facility	9	1	1	2	1	-	-	2	-	12	19	
TOTAL	41	4	14	6	11	3	1	6	-	116	161	
COURT SERVICES												
Court Services Bureau	9	6	-	1	1	1	1	-	-	18	28	
CSB: Prisoner Transport	1	-	-	-	1	-	-	-	-	2	3	
TOTAL	10	6	-	1	2	1	1	-	-	20	31	
OTHER SHERIFF UNITS												
Office of the Sheriff	-	-	-	-	-	-	-	-	-	-	-	
Unknown Sheriff Unit	14	3	-	-	1	4	3	4	-	22	37	
TOTAL	14	3	-	-	1	4	3	4	-	22	37	
PROBATION												
Probation: Adult Services	15	1	-	4	1	4	3	17	-	32	62	
Probation: Inst Services	1	-	-	-	-	-	-	-	-	9	9	
Probation: Juvenile Services	2	-	-	2	1	-	-	1	-	-	4	
TOTAL	18	1	-	6	2	4	3	18	-	41	75	
TOTALS:	149	27	17	36	54	46	14	73	-	402	669	

NOTES:

- 1) CC= Criminal Conduct; Discr= Discrimination; EF= Excessive Force; FA= False Arrest; FR= False Reports; ISS= Illegal Search & Seizure; IDF= Improper Discharge of Firearm.
- 2) Allegation totals exceed complaint totals and are multiplied by the number of personnel involved.
- 3) Unknown Unit: staff was unable to identify personnel or a command from the complaint

GRAPH 8: ALLEGATION TOTALS FOR COMPLAINTS CLOSED IN 2011

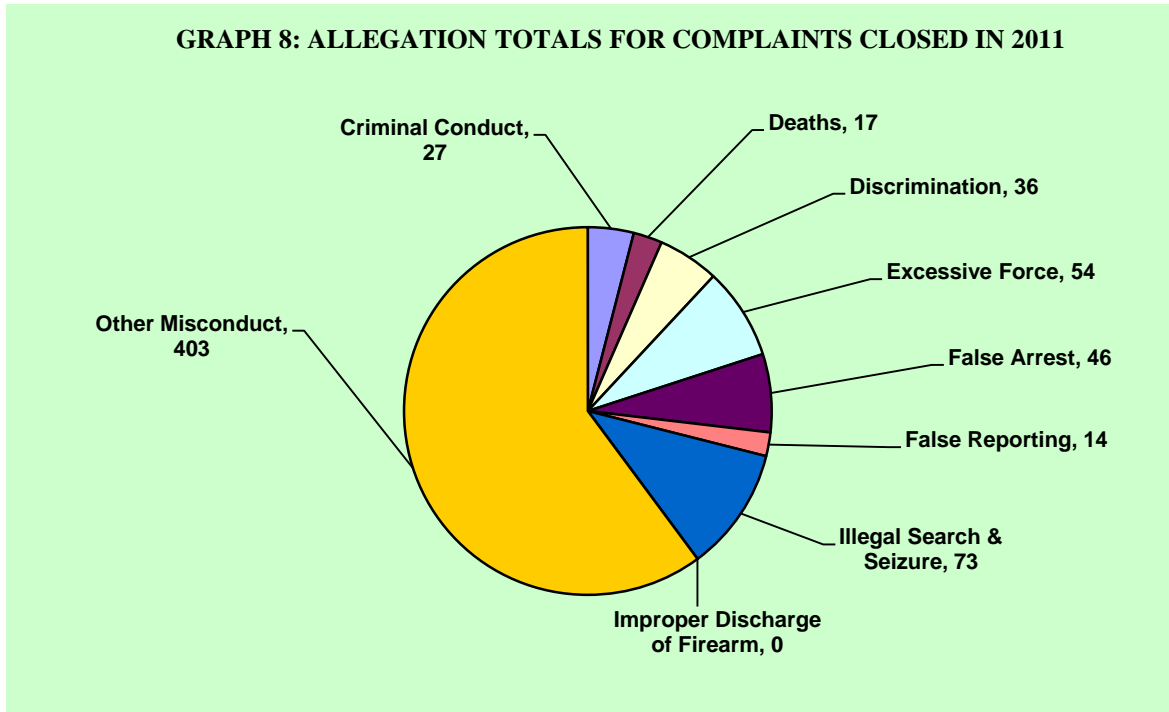


TABLE 7: FULLY INVESTIGATED CASES / FINDINGS BY DATE CLOSED - 2011
(Procedurally Closed & Summary Dismissal Cases are listed separately in Table 8, below.)

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
09-134	Kordahl			1			01-11-11
10-002	Selhari		1	2	4		01-11-11
10-010	Ewing	1	1				01-11-11
10-016	Ferguson		1	1			01-11-11
10-060	Farley			1			01-11-11
10-068	Pullman			4		1	01-11-11
10-105	Bagri		2	1			01-11-11
10-108	Jolley			1			01-11-11
08-012	Dewall		12				02-08-11
10-003	Vinegar	1	2	1			02-08-11
10-006	Jones		7				02-08-11
10-036	Chou			1			03-08-11
09-118	Torres			1	1		05-10-11
10-022	Hopson			2	1		05-10-11
10-030	Horvath			2			05-10-11
10-031	Beck-Brown		2		1		05-10-11
10-045	Logan		7	1			05-10-11
10-040	Molinaro			4			06-14-11
10-042	Jordan		2	4	2	1	06-14-11
10-053	Benli		1	5	3		06-14-11
11-034	Jackson				2		06-14-11
10-029	Reed			2			07-12-11

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
10-046	Flaherty		3	7	5		07-12-11
10-050	Seymour		1	1			07-12-11
10-055	Neldaughter		1	5	2	1	07-12-11
10-039	Collier	1					08-09-11
10-056	Garcia				1	4	08-09-11
10-064	Sawyers	1	1	1			08-09-11
10-089	Flinn		11			1	08-09-11
11-049	Picazo	1		1			08-09-11
11-056	Inayat	1					08-09-11
10-069	Hernandez		3	3	2		10-11-11
10-071	Power	1				1	10-11-11
10-074	Lewis	1	1				10-11-11
10-079	Sepulveda		1			3	10-11-11
10-082	Pearson		1	1			10-11-11
10-085	Nadolski			2	1		10-11-11
10-086	Albright			9			10-11-11
10-096	Edley			3			10-11-11
11-041	Mercado			2			10-11-11
11-075	Lopez			1			10-11-11
10-077	Massalene	1	3	4			11-08-11
10-095	Meredith					3	11-08-11
10-101	Novobilsky			5	2		11-08-11
10-102	Novobilsky			2	2		11-08-11
10-043	Walker		2	2			12-13-11
10-107	Chambers			1			12-13-11
10-111	Cappello		4	6			12-13-11
10-112	Cappello			9			12-13-11
10-113	Benner		4	2			12-13-11
11-014	Moore		3				12-13-11
11-071	Fleming		1	3			12-13-11
TOTALS	52	9	78	104	29	15	235 findings/ 10 meetings

TABLE 8: ONE YEAR SUMMARY DISMISSAL / SUMMARY DISMISSAL / PROCEDURALLY CLOSED CASES BY DATE – 2011

CASE #	COMPLAINANT	FINDINGS			DATE CLOSED
		ONE YEAR SUMMARY DISMISSAL *	SUMMARY DISMISSAL	PROCEDURALLY CLOSED	
09-116	Adams/Bucchi	X			01-11-11
09-122	Wesley	X			01-11-11
09-128	Jones	X			01-11-11
09-129	Fleming-Nancarrow	X			01-11-11
09-135	King/Bryant	X			01-11-11
10-116	Garcia		X		01-11-11
10-120	Stevenson		X		01-11-11

CASE #	COMPLAINANT	FINDINGS		PROCEDURALLY CLOSED	DATE CLOSED
		ONE YEAR SUMMARY DISMISSAL *	SUMMARY DISMISSAL		
10-126	Rose			X	01-12-11
10-123	Reed			X	01-25-11
10-128	Singletary			X	01-25-11
11-008	Marschild			X	01-31-11
11-001	Peterson			X	02-01-11
11-002	Johnson			X	02-01-11
10-005	Thomas	X			02-08-11
11-005	Osmanoglu		X		02-08-11
11-009	Sawyers			X	02-23-11
11-015	Caulder			X	03-02-11
10-007	Bridgeman	X			03-08-11
10-008	Brown	X			03-08-11
10-011	Holtrop	X			03-08-11
10-014	Shirley	X			03-08-11
10-015	Boggs	X			03-08-11
10-109	Bingman		X		03-08-11
11-017	Cortes			X	03-14-11
11-019	Pearce			X	03-14-11
11-020	Boren			X	03-14-11
11-021	Boren			X	03-14-11
11-036	Roberts			X	04-11-11
11-037	Shellenbarger			X	04-11-11
11-040	Sanchez			X	04-25-11
11-045	Flanagan			X	05-04-11
10-019	Walker	X			05-10-11
10-021	Leo	X			05-10-11
10-023	Torres/Clinkscates	X			05-10-11
10-115	Heald		X		05-10-11
11-012	Hennington		X		05-10-11
11-018	Blount		X		05-10-11
11-030	Smith		X		05-10-11
11-050	Hansen			X	05-17-11
11-054	McNalley			X	05-24-11
11-057	Tapia			X	06-01-11
11-058	Pochinko			X	06-07-11
09-063	Busby, et al	X			06-14-11
10-047	Nunez		X		06-14-11
10-048	Dawson		X		06-14-11
10-049	Dawson		X		06-14-11
10-067	Azhocar		X		06-14-11
11-060	Foreman			X	06-15-11
11-063	Richardson			X	06-21-11
11-064	Grineau			X	06-21-11

CASE #	COMPLAINANT	FINDINGS		PROCEDURALLY CLOSED	DATE CLOSED
		ONE YEAR SUMMARY DISMISSAL *	SUMMARY DISMISSAL		
11-065	Leo			X	06-23-11
11-068	Johnson			X	07-05-11
10-051	Francois	X			07-12-11
11-048	Graham		X		07-12-11
11-070	Petersen			X	07-12-11
11-072	Miranda			X	07-12-11
11-073	Tapia			X	07-12-11
11-076	Youngblood			X	07-20-11
10-066	Drinkard/Lutz	X			08-09-11
10-075	Corona		X		08-09-11
10-118	Maloney		X		08-09-11
11-080	Baumann			X	08-10-11
11-084	Lehew			X	08-17-11
11-087	Sherman			X	08-22-11
11-088	Callahan			X	08-24-11
11-092	Marchan			X	08-24-11
11-100	Buell			X	09-16-11
11-106	George			X	09-30-11
11-108	Valdez			X	10-05-11
10-088	Gomez	X			10-11-11
10-091	Lange	X			10-11-11
10-076	Davis		X		10-11-11
11-081	Graham		X		10-11-11
11-096	Wynberg		X		10-11-11
11-102	Roper		X		10-11-11
11-116	Ramirez			X	10-27-11
11-117	Mohammed			X	10-27-11
11-115	Yamato/Boardman			X	11-04-11
10-072	Ewing	X			11-08-11
10-094	Ewing	X			11-08-11
10-041	Geissler	X			11-08-11
10-103	Geissler	X			11-08-11
11-113	Perez/Molina		X		11-08-11
11-124	Terrones			X	11-15-11
11-120	Jones			X	11-15-11
11-125	Tyler			X	11-16-11
11-126	Nesbitt			X	11-28-11
11-123	Cook			X	11-29-11
11-128	Duran			X	12-06-11
11-129	Gordon			X	12-06-11
10-098	Ramsay/Gonzalez	X			12-13-11
10-099	Ramsay/Gonzalez	X			12-13-11
11-011	Belliard		X		12-13-11

CASE #	COMPLAINANT	FINDINGS		PROCEDURALLY CLOSED	DATE CLOSED
		ONE YEAR SUMMARY DISMISSAL *	SUMMARY DISMISSAL		
11-052	Chavez		X		12-13-11
11-104	Miller		X		12-13-11
11-133	Reveles			X	12-13-11
11-134	Wyatt			X	12-19-11
TOTALS	97	25	23	49	

* Court decisions applicable to the Review Board and Government Code Section 3304(d) of the Public Safety Officers' Procedural Bill of Rights require that an investigation of a misconduct that could result in discipline be completed within one year of discovery of the misconduct, unless statutory exceptions apply. A review of the complaint showed no statutory exceptions applied, and the Review Board approved Summary Dismissal.

TABLE 9: POLICY RECOMMENDATIONS - 2011

CASE #	NAME	SUMMARY OF POLICY RECOMMENDATIONS	DATE TO BOARD	DEPT. RESPONSE
10-016	Ferguson	It is recommended that the Sheriff's Department review Sheriff's Department and Court Services Bureau policies and procedures related to passenger drop-off/pick-up areas immediately in front of San Diego County court facilities and perimeter security in general. It is further recommended that the Sheriff's Department collaborate with the Administrative Office of the Courts relative to court facility physical profile, security protocols, and procedures; and with the City of San Diego Parking Enforcement to affect enforcement of passenger loading zones in front of the San Diego Hall of Justice.	01/11/11	03/09/10
08-012	Dewall	It is recommended that the Sheriff's Department place identifying numbers on body armor – large enough to be visibly recognized on video – to identify sworn personnel during the execution of special duties. It is also recommended that the Sheriff's Detention Services Bureau develop required training in the proper use of Restraining Equipment, to include: Pro-Strait Chair Placement, Cord Cuffs and Posey Cloth Restraints. Training should be conducted in all available venues: Phase Training, In-Service Training, Continuing Professional Training, Special Team Training, etc. Additionally, the Detention Services Bureau should review Sheriff's Policy & Procedure Section 10.5, Training Attendance, to ensure that upon successful completion, the Training Coordinator will ensure proper documentation is placed in an employee's training file.	02/08/11	09/07/11
--	Staff	It is requested that the following San Diego Sheriff's Department Policies and Procedures be modified to include CLERB in all death notification processes: San Diego County Sheriff's Department Policies and	03/09/11	03/14/11

CASE #	NAME	SUMMARY OF POLICY RECOMMENDATIONS	DATE TO BOARD	DEPT. RESPONSE
		<p>Procedures Manual 4.25 – Division of Inspectional Services 6.5 – Unusual Incident, Death and Serious Injury Notification</p> <p>San Diego County Sheriff's Detention Facility Services Manual of Policies and Procedures M.7 – Inmate Deaths</p> <p>San Diego County Sheriff's Department Court Services Bureau Policies and Procedures Manual F.1 – Adult Inmate Deaths F.2 – Juvenile Inmate Attempted Suicides, Deaths and Serious Illnesses or Injuries</p>		
10-022	Hopson/Hewitt	<p>It is recommended that the Sheriff's Department review and re-issue San Diego County Sheriff's Department Detention Services Bureau – Manual of Policies and Procedures P.3 – Inmate Mail to address the receipt of books by inmates in detention facilities. Updated procedures should consider identifying the exclusion of compact disks, soft cover books with wire/spiral binding, or any other new media which may pose a threat to the safety and security of detention facilities. Facility Commanders should then be directed to review facility Green Sheets supplementing Department Procedure P.3 to ensure compliance.</p> <p>It is recommended that the Sheriff's Department review procedures for receipt, acceptance, rejection, and return of inmate books to ensure sufficient document accountability and tracking of returned materials, and to ensure compliance with appropriate document retention procedures.</p>	05/10/11	08/30/12
10-095	Meredith	<p>It is recommended that the San Diego Sheriff's Department review and issue an up-to-date Training Bulletin addressing Identity Theft (Report Writing and Investigative Procedures). Procedures should include appropriate reference to Department Policies and Procedures and the State of California's Identity Theft Data Base to assist victims of criminal identity theft who may have been wrongfully accused or associated with crimes.</p> <p>It is recommended that San Diego County Sheriff's Department review and update the Identity Theft Quick Reference Guide (SO-08) to include information related to criminal identity theft. Last revised in May 2010 the Guide offers a significant amount of information and guidance for victims whose personal information has been used by others to purchase goods or services, but provides no guidance or direction for those that experience criminal identity theft.</p>	11/08/11	04/01/12

TABLE 10: CLERB TWO-YEAR ADOPTED/APPROVED OPERATIONAL BUDGET

LINE ITEM CATEGORY	2011-2012	2012-2013
Salaries & Fringe Benefits	\$461,514	\$459,996
Services & Supplies	\$127,971	\$129,609
Total Expense	\$589,485	\$589,605
General Revenue	\$589,485	\$589,605
Employee positions	4²	4

² The Review Board maintained the Administrative Assistant III as a part-time rather than full-time position.

GLOSSARY OF TERMS & DEFINITIONS

Action Justified:

The investigation showed the alleged act did occur, and was lawful, justified and proper.

Not Sustained (Insufficient Evidence):

There was insufficient evidence to either prove or disprove the allegation.

Procedurally Closed:

A lodged case is closed by the Executive Officer when it is not returned with a signature under penalty of perjury.

Summary Dismissal: Action taken by the Review Board on a filed complaint:

- (a) The Review Board has no jurisdiction over the complaint or an allegation; or
- (b) The Review Board has no jurisdiction because the complaint was not timely filed; or
- (c) The complaint was so clearly without merit that no reasonable person could sustain a finding based on the facts.

Sustained:

The evidence supports the allegation and the act or conduct was not justified.

Unfounded:

The investigation showed the alleged act or conduct did not occur.

Lodged versus Filed Complaints:

A complaint is “lodged” or recorded and given a case number when a person contacts the Review Board to complain about an incident and is sent a complaint form. The complaint is “filed” when the person returns the complaint form signed under penalty of perjury.

Preponderance of the Evidence:

Evidence that has more convincing force than that opposed to it. “Preponderance of the evidence” is the standard of proof used in the Review Board’s investigations.

Summary Hearings:

The Review Board considers the staff reports on complaint investigations in Summary Hearings in closed session.

APPENDIX A:
CHARTER OF THE COUNTY OF SAN DIEGO

Section 606: Citizens Law Enforcement Review Board.

- (a) The Board of Supervisors, by ordinance, shall establish a Citizens Law Enforcement Review Board consisting of not less than nine (9) nor more than fifteen (15) members nominated by the Chief Administrative Officer and appointed by the Board of Supervisors. Members of the Citizens Law Enforcement Review Board shall serve without compensation for terms not to exceed three years as established by ordinance, and members shall be appointed for not more than two consecutive full terms. County employees and persons employed as peace officers or custodial officers shall not be eligible to be members of the Citizens Law Enforcement Review Board.
- (b) Members of the Citizens Law Enforcement Review Board shall serve at the pleasure of the Board of Supervisors, and they may be removed at any time by a majority vote of the Board of Supervisors.
- (c) Vacancies on the Citizens Law Enforcement Review Board shall be filled for the balance of the unexpired term in the same manner as the position was originally filled.
- (d) The Citizens Law Enforcement Review Board shall have the power to subpoena and require attendance of witnesses and the production of books and papers pertinent to its investigations and to administer oaths.
- (e) The Citizens Law Enforcement Review Board may appoint in accordance with its established procedures such personnel as may be authorized by the Board of Supervisors. Notwithstanding any other provision of this Charter, any authorized executive director and investigators of the Citizens Law Enforcement Review Board shall be in the classified or the unclassified service as determined, by ordinance, by the Board of Supervisors.
- (f) The Board of Supervisors, by ordinance, shall establish the duties of the Citizens Law Enforcement Review Board and its duties may include the following:
 - (1) Receive, review and investigate citizens complaints which charge peace officers or custodial officers employed by the Sheriff's Department or the Probation Department with (A) use of excessive force, (B) discrimination or sexual harassment in respect to members of the public, (C) the improper discharge of firearms, (D) illegal search or seizure, (E) false arrest, (f) false reporting, (G) criminal conduct or (H) misconduct. All action complaints shall be in writing and the truth thereof shall be attested under penalty of perjury. "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.
 - (2) Review and investigate the death of any individual arising out of or in connection with actions of peace officers or custodial officers employed by the Sheriff's Department or the Probation Department, regardless of whether a citizen complaint regarding such death has been filed with the Citizens Law Enforcement Review Board.
 - (3) Prepare reports, including at least the Sheriff or the Probation Officer as recipients, on the results of any investigations conducted by the Citizens Law Enforcement Review Board in respect to the activities of peace officers or custodial officers, including recommendations relating to the imposition of discipline and recommendations relating to any trends in regard to employees involved in citizen complaints.
 - (4) 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 Citizens Law Enforcement Review Board, including the tracking and identification of trends in respect to all complaints received and investigated during the reporting period.
 - (5) Notify in writing any citizens having filed a complaint with the Citizens Law Enforcement 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.
 - (6) Review and make recommendations on policies and procedures of the Sheriff and the Probation Officer.
 - (7) Establish necessary rules and regulations for the conduct of its business, subject to approval of the Board of Supervisors.
 - (8) Perform such other duties as the Board of Supervisors, by ordinance, may assign to the Citizens Law Enforcement Review Board.
 - (9) Established rules and procedures for receipt of complaints from detention facility inmates.
- (g) In the event that a County Department of Corrections is established, the Citizens Law Enforcement Review Board shall have the same powers and duties in respect to that Department, its Director, and its peace officer and custodial officer employees, as the Citizens Law Enforcement Review Board has in respect to the Sheriff, the Probation Officer and their departments and employees.

(Added, Effective 12-26-90)

APPENDIX B:

SAN DIEGO COUNTY ADMINISTRATIVE CODE

ARTICLE XVIII - CITIZENS LAW ENFORCEMENT REVIEW BOARD

SEC. 340. PURPOSE AND INTENT.

It is the purpose and intent of the Board of Supervisors to establish a Citizens Law Enforcement Review Board of the County of San Diego to advise the Board of Supervisors, the Sheriff and the Chief Probation Officer on matters related to the handling of citizen complaints which charge peace officers and custodial officers employed by the County in the Sheriff's Department or the Probation Department with misconduct arising out of the performance of their duties. The Citizens Law Enforcement Review Board is also established to receive and investigate specified citizen complaints and investigate deaths arising out of or in connection with activities of peace officers and custodial officers employed by the County in the Sheriff's Department or the Probation Department. In addition, the Citizens Law Enforcement Review Board is to make appropriate recommendations relating to matters within its jurisdiction, report its activities, and provide data in respect to the disposition of citizen complaints received by the Citizens Law Enforcement Review Board. It is the purpose and intent of the Board of Supervisors in constituting the Citizens Law Enforcement Review Board that the Review Board will be advisory only and shall not have any authority to manage or operate the Sheriff's Department or the Probation Department or direct the activities of any County officers or employees in the Sheriff's Department or the Probation Department. The Review Board shall not decide policies or impose discipline against officers or employees of the County in the Sheriff's Department or the Probation Department.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.1. CITIZENS LAW ENFORCEMENT REVIEW BOARD.

The Board of Supervisors hereby establishes the Citizens Law Enforcement Review Board of the County of San Diego, hereinafter referred to as "Review Board."

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.2. NUMBER OF MEMBERS.

The Review Board shall consist of eleven (11) members.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.3. NOMINATION AND APPOINTMENT.

(a) The Board of Supervisors shall appoint all eleven members to the Review Board, all of whom shall be residents and qualified electors of the County. Members shall be nominated by the Chief Administrative Officer. In making nominations the Chief Administrative Officer shall attempt to reflect in Review Board membership

comprehensive representation of age, sex, socioeconomic status, racial and ethnic background and geographical distribution, including representation of both the unincorporated areas and the cities that contract with the County for law enforcement by the Sheriff's Department. The list of nominees submitted to the Board of Supervisors shall include a statement of the qualifications of each person nominated.

(b) Public notice and publicity shall be given of intention to appoint members to the Review Board. An application form shall be provided to members of the public.

(c) County employees and persons employed as peace officers and custodial officers shall not be eligible to be members of the Review Board.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.4. TERM OF OFFICE.

(a) Each member shall serve a term of three years; provided, however, that the terms of the initial members of the Review Board shall be determined as follows:

At the first meeting of the Review Board, the eleven members shall draw lots to determine which four members will serve a three year term, which four members will serve a two year term, and which three members will serve a one year term.

(b) A member shall serve on the Review Board until a successor has been appointed. 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. The term of all persons who are the initial appointees to the Review Board shall be deemed to commence on July 1, 1991.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.5. REMOVAL.

Members of the Review Board serve at the pleasure of the Board of Supervisors and may be removed from the Review Board at any time by a majority vote of the Board of Supervisors.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.6. VACANCIES.

A vacancy shall occur on the happening of any of the following events before the expiration of the term:

- (1) The death of the incumbent.
- (2) The resignation of the incumbent.
- (3) The ceasing of the incumbent to be a resident of the County of San Diego.
- (4) Absence of the member from three consecutive regular meetings of the Review Board, or

(5) Failure to attend and satisfactorily complete the required training course within three months of the beginning of a member's term or of the member's appointment to fill a vacancy.

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. Vacancies shall be filled within forty-five days and, subject to the provisions of this article, shall be filled for the balance of the unexpired term.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.7. ORGANIZATION.

(a) *Officers.* The Review Board shall select annually from its membership a Chairperson, a Vice-Chairperson and a Secretary.

(b) *Rules.* The Review Board shall prepare and adopt necessary rules and regulations for the conduct of its business, subject to approval of the Board of Supervisors. A current copy of the rules and regulations shall be filed with the Clerk of the Board of Supervisors.

(c) *Quorum.* A majority of members currently appointed to the Review Board shall constitute a quorum. A majority of members currently appointed to the Review Board shall be required to carry any motion or proposal.

(d) *Minutes.* The Review Board shall keep written minutes of its meetings, a copy of which shall be filed with the Clerk of the Board of Supervisors.

(e) *Meetings.* The Review Board shall establish a regular meeting schedule and shall give public notice of the time and place of meetings. All meetings shall be held in accordance with the requirements of the Ralph M. Brown Act (Government Code, section 54950 et seq.).

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.8. 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.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.9. DUTIES AND RESPONSIBILITIES.

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: (A) use of excessive force; (B) discrimination or sexual harassment in respect to members of the public; (C) the improper

discharge of firearms; (D) illegal search or seizure; (E) false arrest; (F) false reporting; (G) criminal conduct; or (H) 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 complainant. "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) Review and investigate 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, regardless of whether a citizen complaint regarding such death has been filed with the Review Board. 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 the 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.

(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 identification of trends in respect to all complaints received and investigated during the reporting period.

(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 Officers.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91; amended by Ord. No. 7914 (N.S.), effective 6-27-91; amended by Ord. No. 9737 (N.S.), effective 10-27-05; amended by Ord. No. 9782 (N.S.), effective 7-20-06)

SEC. 340.10. REVIEW BOARD INVESTIGATIONS.

Citizen complaints received by the Review Board shall be transmitted forthwith to the Sheriff or the Probation Officer.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.11. SUBPOENAS.

The Review Board shall, pursuant to the Charter of the County of San Diego, section 606(d), have the power to subpoena and require attendance of witnesses and the production of books and papers pertinent to its investigations and to administer oaths.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.12. STAFF ASSISTANCE.

The Review Board shall appoint such personnel as may be authorized by the Board of Supervisors.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.13. TRAINING REQUIREMENTS.

All members shall attend and satisfactorily complete a training course within three months of the beginning of the member's term or of the member's appointment to fill a vacancy. The training requirements shall be established by the Chief Administrative Officer. Failure to attend and satisfactorily complete the training course within the prescribed time shall result in the member's removal from the Review Board and shall automatically create a vacancy on the Review Board.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.14. RECORDS.

Any personnel records, citizen complaints against County personnel in the Sheriff's Department or the Probation Department, and information obtained from these records, which are in the possession of the Review Board or its staff, shall be confidential and shall not be disclosed to any member of the public, except in accordance with applicable law. Copies of records and complaints of the Review Board shall be made available

to the Sheriff or the Probation Officer upon completion of the investigation of the Review Board unless prohibited by applicable law.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)

SEC. 340.15. COOPERATION AND COORDINATION.

In the discharge of its duties, the Review Board shall receive complete and prompt cooperation from all officers and employees of the County. The Review Board and other public officers, including the Sheriff, the District Attorney, and the Grand Jury, shall coordinate their activities so that the other public officers and the Review Board can fully and properly perform their respective duties.

(Added by Ord. No. 7880 (N.S.), effective 5-2-91)