

# *County of San Diego*



## **2004 ANNUAL REPORT**

*“SERVING THE COMMUNITY AND THE JUSTICE SYSTEM”*

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### ***About the Citizens' Law Enforcement Review Board***

In November of 1990, the citizens of San Diego County voted to establish the Citizens' Law Enforcement Review Board. The Review Board is composed of 11 citizens who are appointed by the Board of Supervisors. The Review Board was established for the purpose of receiving and investigating complaints of misconduct by peace officers and custodial officers performing their duties while employed by the Sheriff's Department or the Probation Department. The Review Board is also able to investigate any deaths, which occurred while in the custody of, or in connection with, actions of peace officers or custodial officers employed by the Sheriff's Department or the Probation Department. The Review Board advises the Board of Supervisors, the Sheriff and the Chief Probation Officer on matters related to the handling of citizens' complaints or deaths, or departmental policies and practices.

#### ***Mission Statement***

To increase public confidence in government and the accountability of law enforcement through the investigation and reporting of citizen complaints filed against peace officers or custodial officers employed by the County in the Sheriff's or Probation Departments which allege improper conduct by the officers, or which allege policy or procedural violations.

#### **CURRENT BOARD MEMBERS**

Robert Winston, Chairperson  
Samantha Leach, Vice Chairperson  
Otto Emme, Secretary  
Edward Castoria  
Kourosh Hangafarin  
Mark Marchand  
Allen Miliefsky  
Ralph Mora  
Glenn Quiroga  
Don Warfield

#### **STAFF**

John Parker, Executive Officer  
Lynn Setzler, Special Investigator  
Joseph Garcia, Special Investigator  
Victoria Ollier, Administrative Secretary III

**1168 Union Street, Suite 400  
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**RÉSUMÉS OF THE CURRENT  
REVIEW BOARD MEMBERS  
& EXECUTIVE OFFICER**

**Robert Winston**  
*Chairperson*

A resident of Carlsbad, Mr. Winston is a Senior Vice President for Smith Barney in La Jolla. He holds degrees in Criminal Justice Administration from San Diego State University and in Behavioral Science from Indian Valley Colleges. Mr. Winston has served on the Board of Directors of the UCSD Cancer Center Foundation. He volunteered as a reserve police officer for the San Diego Police Department from 1993 through 1999. He also serves as a director for the San Diego Police Foundation.

**Samantha Leach**  
*Vice Chairperson*

Ms. Leach is employed at Intuit as a Program Manager for the non-profit foundations in the Corporate Affairs department. She holds a BS in Criminal Justice and a Masters of Forensic Science. Ms. Leach served as a Deputy Explorer Sergeant for the San Diego County Sheriff's Department, a Community Service Officer for California State University and as an Investigative Intern at the San Diego County Medical Examiner's Office. She resides in Lakeside with her husband and daughter.

**Otto Emme**  
*Secretary*

A resident of San Diego, Otto Emme is owner and operator of his family-owned real estate business, which specializes in apartment rental properties. Additionally, Mr. Emme is a captain in the California Army National Guard. He serves as commander of a heavy maintenance ordinance company in Gardena, California. Locally, he serves on the San Diego Historic Resources Board and also has served as an alternate to the County Grand Jury. He has been the past chair of the Pacific Beach Community Planning Board, Recreation Council and a member of Sigma Delta Parliamentary Society. Mr. Emme is a graduate of the University of San Diego with a degree in International Relations.

**Edward Castoria**

A resident of the community of Tierrasanta in 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 program manager for both San Diego County, California and Nueces County, Texas in Public Works. He is a "recovering" attorney who prosecuted major fraud cases for the U.S. Department of Justice in Washington, D.C. and litigated civil matters in New Mexico and California. Before law school, Mr. Castoria managed an in-house inmate-counseling program in the Bernalillo County, New Mexico jail system. He was a decorated Infantry Airborne Ranger officer who served as a Pathfinder Commander for the U.S. Army during the Viet Nam war. He is an avid, if not talented golfer.

**Kourosh Hangafarin**

A resident of Rancho Santa Fe, Mr. Hangafarin is an operations and public affairs professional with 20 years of experience in private enterprise and political organizations. He has served on the Republican National Committee Chairman's Advisory Board, President of the Iranian American Republican Council, a member on the Board of Director's of the San Diego Lincoln Club and on the World Future Society and World Affairs Council. Recently, he was appointed as a Commissioner on the San Diego County Planning Commission.

**Mark Marchand**

A 14-year resident of the Bonita/Chula Vista area, Mr. Marchand is CEO of the Pacific Southwest Association of Realtors, manages the San Diego County Commercial Association and the Coronado Association of Realtors. He serves on the SR 125 Advisory Committee, Chula Vista Bay front Master Plan Advisory Committee, The Salvation Army Board of Directors, Christmas in October, Boy's and Girl's Club, as well as five corporate boards. He has also been on the Chula Vista Mobile Home Rent Review Commission. Mr. Marchand served in the Navy Security Group and is a graduate of Dallas

Baptist University, North Texas State University, and Duke University.

### **Allen Miliefsky**

A resident of San Diego, Allen Miliefsky is a retired Air Force Officer and flew 256 combat missions in Vietnam. He is a graduate of the University of Nebraska, the University of Southern Mississippi, Industrial College of the Armed Forces, Air Command and Staff College and the Air War College. He is presently employed as a Transition Service Officer for the Disabled American Veterans at Miramar MCAS, and is commander of the local Jewish War Veterans of the U.S.A. Mr. Miliefsky is also a member of the San Diego Police Department RSVP currently serving in the Traffic Division,

### **Ralph Mora**

A resident of Lemon Grove, Mr. Mora is married to Marilyn and has three grown children who graduated from UCSD and SDSU, his alma mater. He is currently the Principal of Sweetwater High School in the Sweetwater Union High School District. Mr. Mora has been in administration, is an active member of the National City Kiwanis Club and serves as a board member of the National City Boys and Girls Clubs. He is a firm believer in community involvement.

### **Glenn Quiroga**

Glenn Quiroga is a life-long resident of San Diego County. He serves as the elected Tribal Treasurer for the Sycuan Band of the Kumeyaay Nation. As Treasurer, Mr. Quiroga oversees the financial affairs of all the business enterprises of the Tribe, works closely with auditors to ensure compliance with applicable regulations and laws, and reports regularly to his constituents on the financial health of the businesses. He continues to serve as Director of the Sycuan Medical Health Plan, a position that he has held for four years. Mr. Quiroga is a member of the California Nations Indian Gaming Association, the National Indian Gaming Association, and the Society of Professional Business Administration. He is a graduate of El Cajon Valley High School and attended Marymount College and the University of San Diego. He and his wife Toni reside in Granite Hills with their son.

### **Don Warfield**

A San Diego native, Mr. Warfield is owner of Donald Warfield & Associates, a real estate firm dealing in the sales of investment properties & residential real estate. Mr. Warfield is a graduate of San Diego State University & Graduate School Savings & Loan at Indiana University.

Has worked in the banking industry for 28 years. Served on various boards such as Boys & Girls Club, Mother Goose Parade Association, Rotary Club, El Cajon Chamber of Commerce, El Cajon Police Selection Board, Chaired Cajon Valley School Tax Override, City of El Cajon & County of San Diego United Way Boards. Served in the United States Air Force, Board Tax Payers Association and a member of Crime Commission. Mr. Warfield currently serves as a member of the San Diego Police Dept. RSVP Central Division, Treasurer of the Del Cerro Heights Home Owner Association.

### **John Parker**

*Executive Officer*

A resident of Carlsbad and Executive Officer since May 1997, Mr. Parker brings over 30 years of combined law enforcement and police oversight experience to the position of Executive Officer. Mr. Parker retired after 22 years of service from the Oakland (CA) Police Department, where he served in Patrol, Vice Crimes, Narcotics, Special Operations, the Helicopter Unit, and Internal Affairs. Upon his retirement in 1990, Mr. Parker accepted a position as Senior Investigator with the San Francisco Office of Citizen Complaints. He was promoted to Chief Investigator and also served as the acting Director for extended periods of time before coming to San Diego.

## MESSAGE FROM THE CHAIR

The mission of the Citizens' Law Enforcement Review Board is to increase public confidence in law enforcement by investigating and reporting complaints and allegations of misconduct. I am happy to report that CLERB staff, led by Executive Officer John Parker, did an exemplary job of investigating the complaints brought forth in 2004 and prior years. Not only were investigations completed professionally and comprehensively, staff was able to close all complaints older than one year by the close of 2004. This is the first time since the earliest years at CLERB that no cases older than one year were pending.

Unfortunately, CLERB has been unable to fulfill the second aspect of our mission, to report our findings to the public. Because of court rulings dating back to 2003, attorneys representing the Deputy Sheriffs' Association have threatened CLERB with litigation to force our voter-mandated, case-related work behind closed doors. CLERB board members decided to temporarily conduct certain aspects of our "public" work in closed session. This interim policy has allowed CLERB to continue to investigate all citizens' complaints and report our findings to the complainant, the Sheriff, the Chief Probation Officer and the Board of Supervisors. However, we are not fulfilling our obligation to report more specific details of the results of our investigations to the complainants or the citizens of San Diego County.

The Copley Press has championed our cause through a parallel legal challenge that is currently pending a hearing before the California Supreme Court. If the court agrees that allegations of misconduct by peace officers may be aired in public, CLERB would be able to reinstate our long-standing procedure to hold meetings and case hearings that are open to the public.

The other challenge facing CLERB is board member recruitment. Under the Administrative Code, it is the responsibility of the Chief Administrative Officer and members of the

Board of Supervisors to nominate and appoint members. CLERB staff and members of the board have also attempted to identify and recruit qualified individuals to serve on this important board. Together, we have been unsuccessful over the last two years in maintaining the mandated level of eleven board members. CLERB should have a pool of pre-qualified applicants to choose from when vacancies occur. I also call on all current Review Board members to rededicate their efforts to be engaged and attend all meetings. These changes are crucial to assure that the CLERB of the future is as superb and productive as the CLERB of the past.

Lastly, I would like to congratulate all members of law enforcement employed by the County of San Diego for a job well done. Their work is hard and thankless and it occasionally leads to allegations of misconduct. I am happy to report that the overwhelming majority of law enforcement contacts where misconduct is alleged are shown to be both lawful and procedurally proper. However, when misconduct occurs, CLERB remains an advocate of the public and will act to defend the right of citizens to receive fair and lawful treatment from those same members of law enforcement.

I look forward to a productive year in 2005 that builds on the successes of 2004.



Robert H. Winston  
Chairperson – 2004

## EXECUTIVE OFFICER'S SUMMARY

### *The Year in Review*

This has been a year of patient accomplishment for the Review Board and staff. We were able to focus our efforts on completing investigations of older cases dating back to 2002 when we saw record numbers of complaints received. By the end of 2004, we had attained significant achievement of having only 55 open cases for investigation, none of which were older than one year. Our staff was also able to keep pace with a more "normal" year of case receipts, enabling us to further reduce the numbers and age of our open caseload before the next upswing.

There has been no resolution to the issue of peace officer confidentiality as it applies to the Review Board process, which meant having to conduct a majority of the peoples' business behind closed doors during 2004. The two Appellate Court decisions that forced the Review Board to hold case hearings in closed session and suspended our ability to issue public investigative reports remained in force at the close of the year. We did get potential relief when the same Appellate Court decided the Copley Press challenge in favor of allowing a more open hearing and reporting process. However, the attorneys representing the Deputy Sheriffs' Association have requested and were granted a review of the decision by the California Supreme Court. At this time, the hearing date has not been set.

We remain committed to the notion that citizen oversight of law enforcement is most appropriate when conducted in the light of open hearings and where the public has access to a report detailing the independent investigation of misconduct allegations. Past history demonstrates that the overwhelming majority of officers accused of misconduct are cleared by our – and other independent review processes' – investigations. The perceived novelty of citizen review that produced what our detractors referred to as a "circus atmosphere" has long since passed. More jurisdictions than ever have instituted and rely

upon some form of civilian oversight to ensure proper accountability of law enforcement to the people they serve.

Should the Supreme Court rule to uphold the Copley decision, we are prepared to resume or modify our original process as necessary in order to allow the public more complete access to the review process. We remain committed to the fair and complete investigation and review of citizen complaints that has resulted from our agreement with the Deputy Sheriffs' Association and the Sheriff's Department, and which brought about an era of cooperation on the part of deputies, to the benefit of all concerned.

### *Complaint Data Review*

Because of the lower complaint levels in 2004, we were able to place an emphasis on closing more of the older cases while keeping pace with the new intake. The result speaks for itself. At the beginning of 2004, we had 100 open cases - 94 from 2003 and six from 2002. During 2004, we received 116 new complaints and closed 163, including all of the cases that were open at the beginning of the year.

Of the 163 cases processed for closure during 2004, 39 complaints were "*Procedurally Closed*" by staff due to lack of a signed complaint form. Twenty complaints were submitted to the Review Board and approved for "*Summary Dismissal*." Another 104 cases were fully investigated and approved for closure by the Review Board. Of the 104 cases that were fully investigated, a total of six (about 5.8%) had "*Sustained*" allegations.

As we review the decreasing complaint totals, new trends should be pointed out. Total complaints are down by over 30% and total allegations are down by over 41% across the board. For those Sheriff's stations and facilities that generally see higher complaint levels, there have been some corresponding shifts.

Complaints at Central Jail have dropped over 56% with total allegations dropping over 68%. Excessive Force allegations at that facility are

down an impressive 85%. However, at George Bailey Detention Facility, the complaint total is down 10%, with allegation totals down just under 46%.

While other facilities and stations show less significant downward or upward numbers, San Marcos Station is an exception. They went from one complaint with two allegations in 2003 to eight complaints with 35 allegations in 2004. With reference to the Probation Department, it should be pointed out that only two complaints were received in 2004, the lowest yearly total since 1992.

A more complete picture of how all Sheriff's and Probation Department units fared comparatively, please refer to the "*Complaints & Allegations By Station – 2003/2004 Comparison*" and other tables and charts in the pages following this summary.

### *The Changing Times*

With the close of each year, it important to reflect on the changes that have taken place at the Review Board, or within the community we serve. Leaving the Review Board during 2004 were Develyn Watson, Steve Castaneda and Tom Pocklington.

New members appointed to the Review Board are Mark Marchand, Don Warfield and Eddie Castoria. The Review Board elected new officers for 2004. Robert Winston elevated to Chairperson, Samantha Leach to Vice-Chair and Otto Emme to Secretary. We offer our gratitude to those leaving office and welcome the new board members and officers.

We also had changes to our staff. Marilyn Johnson, long-time County employee and with CLERB as an Administrative Secretary since 1998, has retired. We are very fortunate to have recruited Victoria Ollier, from the Health and Human Services Agency and Edgemoor Hospital, to fill this position.

Several key command personnel from the Sheriff's Department retired, were promoted or transferred within the department during the year. Of particular note were the retirements of Undersheriff Jack Drown and Assistant Sheriff Tom Zoll. Unfortunately, the close of 2004 was not without some concerns for the future. The California budget mess is still with us and there are no easy solutions. Our budget was impacted for the current fiscal year and will be affected more so in FY 2005-06. We are going to tighten our belts and weather through this period with a minimal impact on our customers.

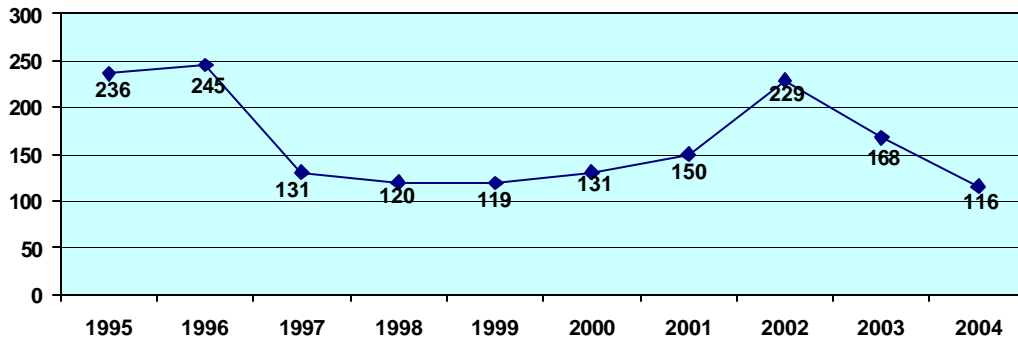
As you read through this report, it should be noted that prior annual reports contained statistics reflecting case information known at the time the reports were published. Some previously reported complaint and allegation breakdowns have changed as open case investigations progressed and were completed. It is not uncommon, for example, that the numbers and types of allegations would change after all the information was gathered and assessed. If there are any questions concerning this report, please contact me at 619-238-6776.



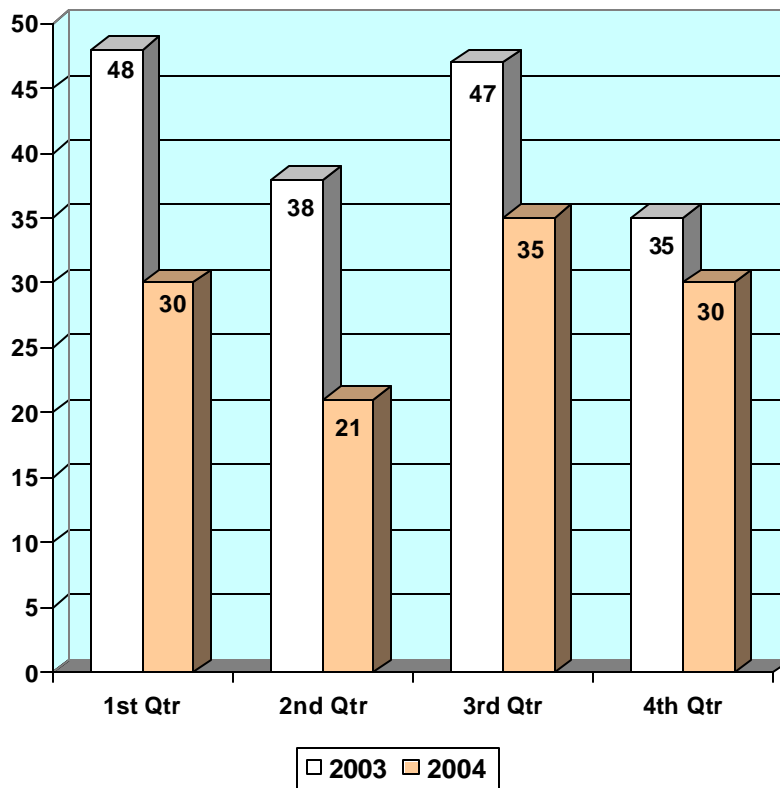
JOHN PARKER  
Executive Officer



Graph 1: TOTAL COMPLAINTS RECEIVED BY YEAR 1995 - 2004



Graph 2: COMPLAINTS RECEIVED BY QUARTER - 2003/2004



TABLES 1 & 2: COMPLAINTS & ALLEGATIONS BY UNIT OR FACILITY – 2003/2004

2003 STATIONS/UNITS	Complaint Totals	CC	Deaths	Discr.	EF	FA	FR	ISS	Misconduct	Allegation Totals
ALPINE SUBSTATION	2	0	0	1	0	0	0	0	2	3
CAMPO/TECATE SUBSTATION	1	0	0	0	0	0	0	0	1	1
CHULA VISTA COURT	1	0	0	0	1	0	0	0	2	3
EAST MESA DETENTION FACILITY	3	0	0	0	3	0	0	0	5	8
EL CAJON COURT	1	0	0	0	0	0	0	0	2	2
ENCINITAS STATION	7	0	2	0	2	0	0	2	23	29
FALLBROOK SUBSTATION	2	0	0	0	0	0	0	0	7	7
GEO. BAILEY DETENTION FACILITY	19	0	1	1	4	0	0	0	55	61
IMPERIAL BEACH STATION	1	0	0	0	1	0	0	0	2	3
LAS COLINAS DETENTION FACILITY	3	0	1	0	2	0	0	0	2	5
LEMON GROVE STATION	2	0	0	0	4	0	0	0	3	7
PINE VALLEY SUBSTATION	1	2	0	0	0	0	0	0	0	2
POWAY STATION	1	0	0	0	0	0	0	0	3	3
PROF. STANDARDS DIVISION	1	0	0	0	0	0	0	0	2	2
RAMONA SUBSTATION	3	0	0	0	0	1	1	0	6	8
RANCHITA/WARNER SPRINGS SUB	1	0	0	0	0	0	0	0	1	1
SAN MARCOS STATION	1	0	0	1	0	0	1	0	0	2
SANTEE STATION	10	0	9	0	2	1	0	1	17	30
SAN DIEGO CENTRAL JAIL	79	0	3	3	75	1	3	3	206	294
SID: NORTH COUNTY GANG TF	1	0	0	0	0	0	0	0	1	1
SOUTH BAY DETENTION FACILITY	1	0	0	0	0	0	0	0	1	1
UNKNOWN UNIT	1	0	1	0	0	0	0	0	0	1
VISTA DETENTION FACILITY	8	0	0	1	2	0	1	0	30	34
VISTA STATION	9	1	5	0	0	2	1	2	26	37
PROBATION: ADULT SERVICES	3	0	0	2	0	0	1	0	4	7
PROBATION: INSTITUTIONS	3	1	1	0	0	0	0	0	6	8
PROBATION: JUVENILE SVCS	3	1	0	0	0	0	0	0	4	5
<b>Totals:</b>	<b>168</b>	<b>5</b>	<b>23</b>	<b>9</b>	<b>96</b>	<b>5</b>	<b>8</b>	<b>8</b>	<b>411</b>	<b>565</b>

2004 STATIONS/UNITS	Complaint Totals	Deaths	Discr.	EF	FA	FR	ISS	IDF	Misconduct	Allegation Totals
ALPINE SUBSTATION	3	0	0	1	0	0	1	0	4	6
CAMPO/TECATE SUBSTATION	1	0	0	0	0	0	2	0	3	5
CHULA VISTA COURT	1	0	1	0	0	1	0	0	2	4
COURT SERVICES	1	0	0	1	0	0	0	0	1	2
EAST MESA DETENTION FACILITY	2	0	0	2	0	1	0	0	8	11
ENCINITAS STATION	6	0	0	1	3	0	3	0	12	19
FALLBROOK SUBSTATION	1	0	0	0	0	0	0	1	0	1
GEO. BAILEY DETENTION FACILITY	17	1	3	0	0	0	0	0	29	33
IMPERIAL BEACH STATION	2	0	0	0	0	0	0	0	5	5
INTERNAL AFFAIRS	2	0	0	0	0	0	0	0	3	3
JULIAN SUBSTATION	2	0	3	0	1	1	0	0	2	7
LAS COLINAS DETENTION FACILITY	1	1	0	0	0	0	0	0	0	1
LEMON GROVE STATION	5	0	0	0	0	1	0	0	9	10
PINE VALLEY SUBSTATION	1	0	0	0	0	0	0	0	1	1
POWAY STATION	2	0	0	0	3	0	3	0	5	11
SAN MARCOS STATION	8	2	0	4	5	1	0	0	23	35
SANTEE STATION	7	0	0	2	1	0	4	0	15	22
SAN DIEGO CENTRAL JAIL	34	3	3	11	0	1	0	0	76	94
SOUTH BAY DETENTION FACILITY	3	1	0	0	0	0	0	0	4	5
UNKNOWN UNIT	2	0	0	0	0	1	0	0	2	3
VALLEY CTR/PAUMA SUBSTATION	2	0	0	0	0	0	0	0	4	4
VISTA DETENTION FACILITY	5	0	3	7	0	0	0	0	14	24
VISTA STATION	6	8	1	0	0	0	1	0	10	20
PROBATION: ADULT SERVICES	2	0	0	0	0	0	0	0	4	4
<b>Totals:</b>	<b>116</b>	<b>16</b>	<b>14</b>	<b>29</b>	<b>13</b>	<b>7</b>	<b>14</b>	<b>1</b>	<b>236</b>	<b>330</b>

**NOTES:**

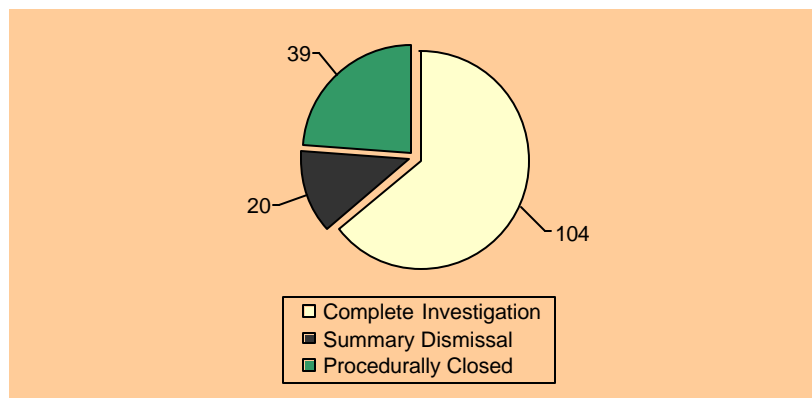
- 1) CC= Criminal Conduct; Discr= Discrimination; EF= Excessive Force; FA= False Arrest; FR= False Reports; ISS= Illegal Search & Seizure; IDF= Improper Discharge of Firearm.
- 2) No IDF allegations in 2003; no CC allegations in 2004.
- 3) Allegation totals always exceed complaint totals.

<b>Table 3: TOTAL COMPLAINTS BY MAJOR ORG./BUREAU</b>		
<b>Organization/Bureau</b>	<b>2003</b>	<b>2004</b>
Sheriff's Detention Facilities	113	62
Sheriff's Law Enforcement Services	45	50
Probation Department -All	9	2
Unknown	1	2
<b>TOTAL</b>	<b>168</b>	<b>116</b>

<b>Table 4: BREAKDOWN OF DISCRIMINATION ALLEGATIONS</b>		
<b>Description</b>	<b>2003</b>	<b>2004</b>
National Origin	-	-
Other	-	1
Racial	5	4
Religious	1	2
Sexual/Gender	3	7
<b>TOTAL</b>	<b>9</b>	<b>14</b>

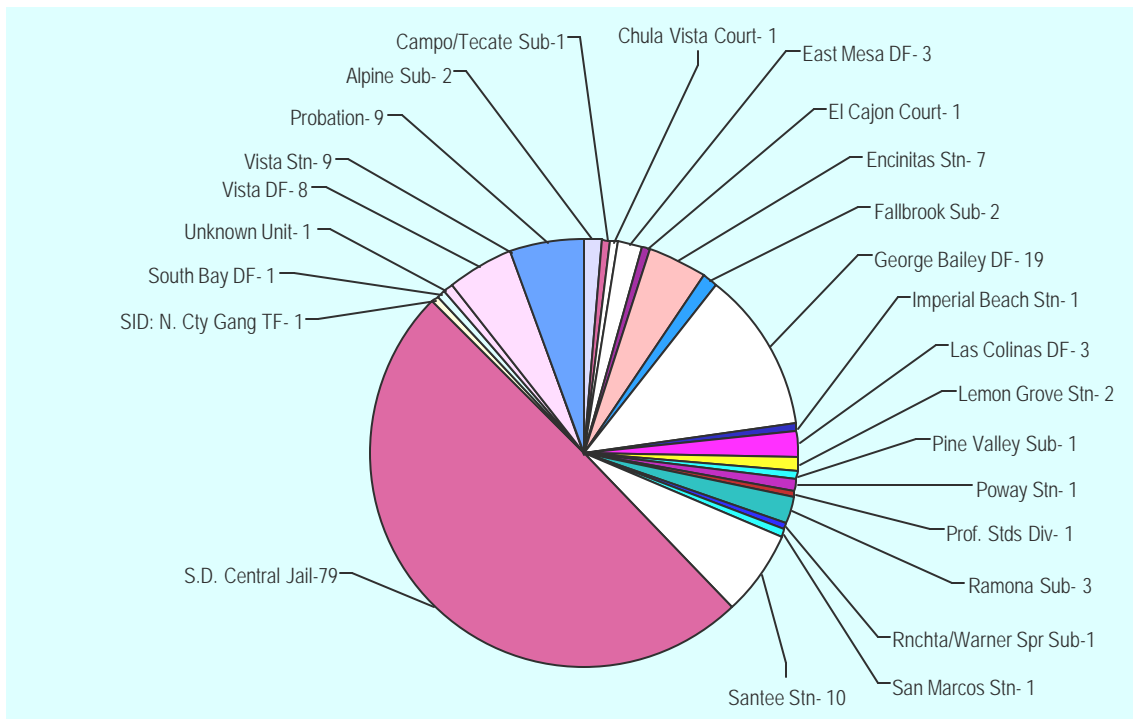
<b>Table 5: BREAKDOWN OF MISCONDUCT ALLEGATIONS</b>		
<b>Description</b>	<b>2003</b>	<b>2004</b>
Discourtesy	47	34
Harassment	4	5
Intimidation	13	10
Medical	29	12
Procedure	298	166
Retaliation	14	5
Truthfulness	6	4
<b>TOTAL</b>	<b>411</b>	<b>236</b>

**Graph 3: BREAKDOWN OF TOTAL CASE CLOSURES**

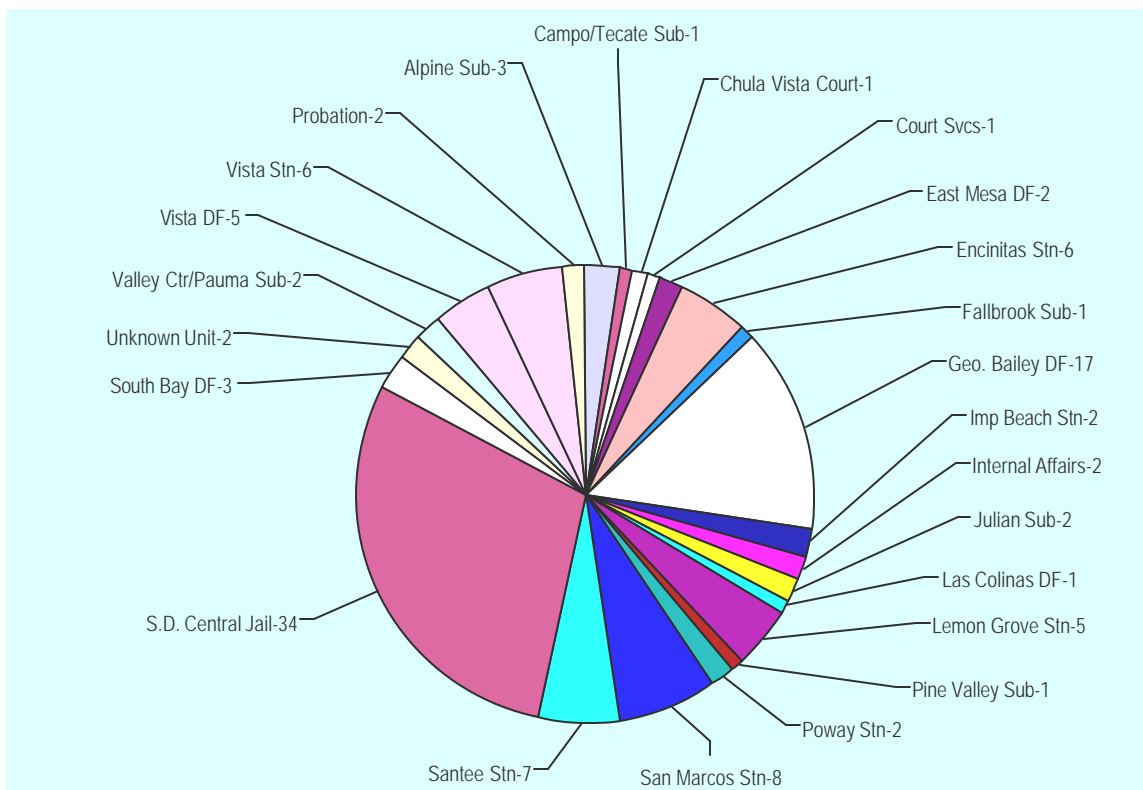


**Graph 4: COMPLAINTS BY ORGANIZATION, FACILITY OR UNIT – 2003/2004**

**2003**

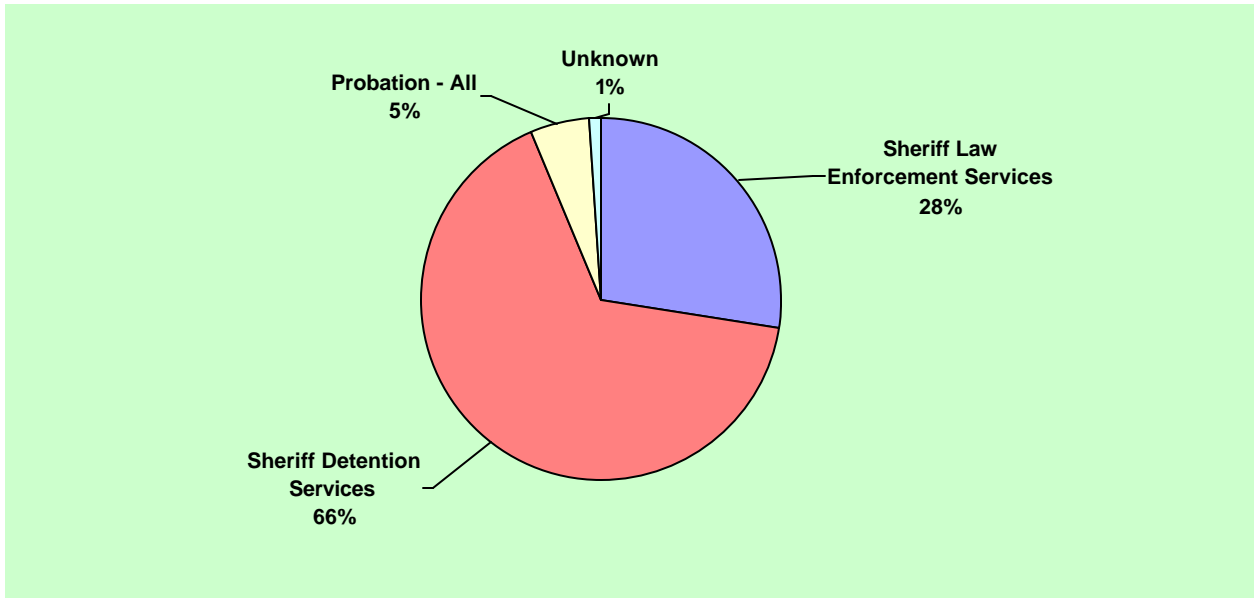


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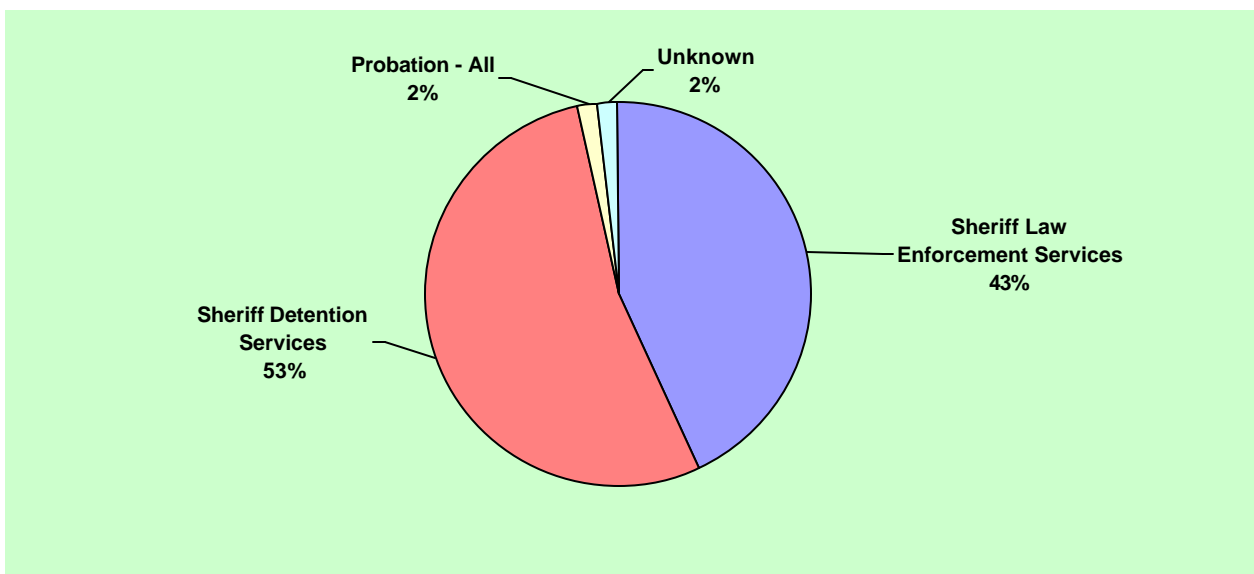


**Graph 5: COMPLAINT PERCENTAGES BY MAJOR ORG./BUREAU – 2003/2004**

**2003**

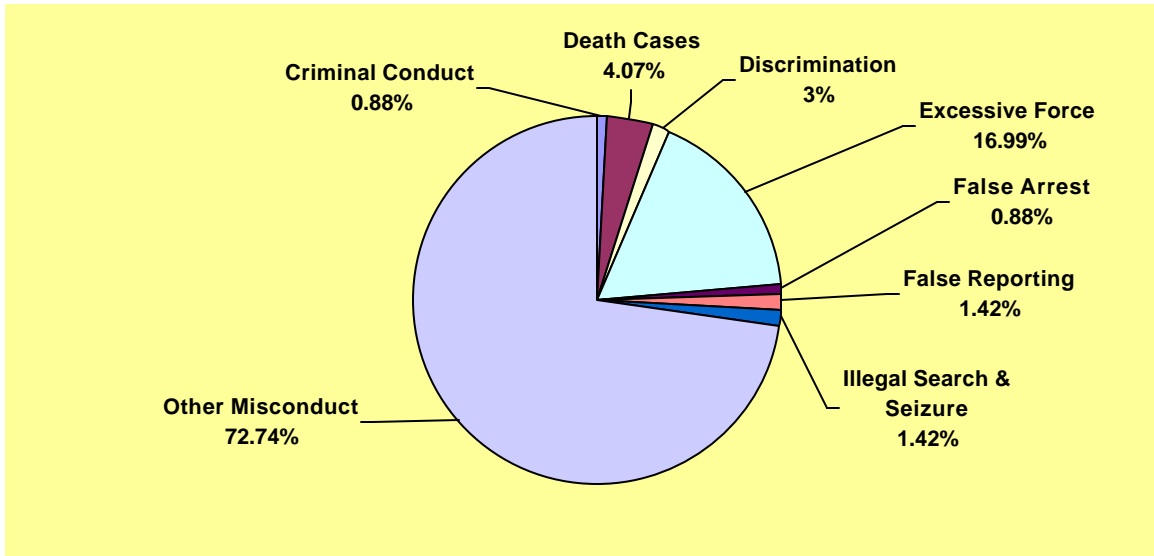


**2004**

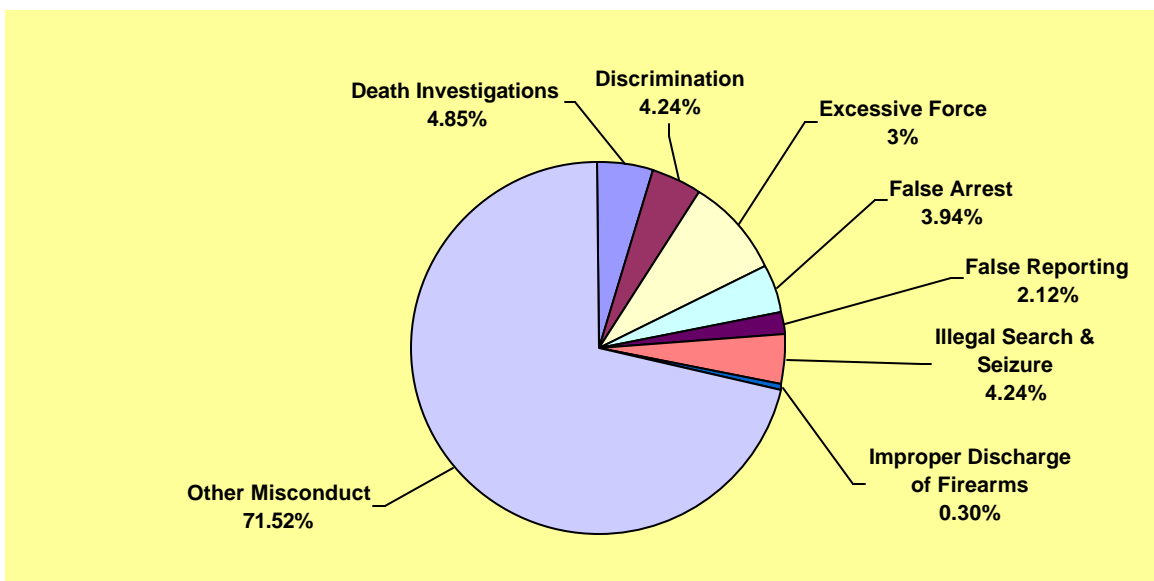


**Graph 6: ALLEGATIONS BY PERCENTAGE – 2003/2004**

**2003**



**2004**



**Table 6: INVESTIGATED CASES CLOSED/FINDINGS (BY DATE)- 2004**  
*(Procedurally Closed & Summary Dismissal Cases are listed separately.)*

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
02-060	Prather				4	1	02-10-04
02-130	Booker			2	5		02-10-04
02-204	Butler		1	2	2		02-10-04
02-210	Brown		2		2		02-10-04
02-220	Tinoco			1			02-10-04
03-040	Webster			2			02-10-04
03-043	Gonzales		2				02-10-04
03-048	Varner		1			1	02-10-04
03-055	Tyler			3			02-10-04
03-058	Fallon			4			02-10-04
03-059	Curtis		2				02-10-04
03-067	Brose			1	1	1	02-10-04
03-069	Jennings		1				02-10-04
03-077	Godinez			4		1	02-10-04
03-091	Matson				4		02-10-04
03-098	Richison			1	3		02-10-04
03-120	Smith / Coleman			4			02-10-04
03-133	Prince		2				02-10-04
03-160	Bates		2		1		02-10-04
02-186	Andrade			2	6		03-09-04
03-068	Hanson			3	1		03-09-04
03-079	Ehrmann				1		03-09-04
03-080	Ehrmann		1	1			03-09-04
03-093	Pique			5			03-09-04
03-094	Wright				2		03-09-04
03-114	Williams				1		03-09-04
03-141	Costa			1			03-09-04
03-143	Johnson & Wallace		2	6			03-09-04
03-147	Miller / Wilson			1	1	1	03-09-04
03-149	Vaughn			2	4		03-09-04
03-166	Shrestha		1	1	2		03-09-04
02-105	Wasdwke		1	3			04-13-04
03-016	Lombardi		3	1	2	1	04-13-04
03-053	Bruce				1		04-13-04
03-060	Lombardi		1	1	3		04-13-04
03-088	Ryles		2	1	1		04-13-04
03-125	Smith		1	1	3	1	04-13-04

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
03-139	Brittan		2			1	04-13-04
03-157	Harris		1				04-13-04
03-013	Kent		2	7	2		06-08-04
03-038	Nease	1		2	1	2	06-08-04
03-044	Freeman		3	4			06-08-04
03-065	Dubizhansky		2		1		06-08-04
03-072	Cage			2	1		06-08-04
03-076	Coleman				2	1	06-08-04
03-095	Fernandez		1				06-08-04
03-117	Crawford			1	2		06-08-04
03-137	Brown	1	5	1	1		06-08-04
04-009	Chapel et al		1				06-08-04
04-010	Tyler		1				06-08-04
04-015	Bethel			1			06-08-04
02-118	Martell		1	2	2		07-13-04
02-211	Neal		9		2	1	07-13-04
03-042	Kolpacoff		1		2	1	07-13-04
03-073	Keirn		3	5	3		07-13-04
03-090	Gonzalez		6	5			07-13-04
03-105	Cortez		1	1		1	07-13-04
04-014	Leon			1	1		07-13-04
04-025	Castillo		1		1		07-13-04
03-014	Kolpacoff		1	2			08-10-04
03-047	Harbour		4	11	10		08-10-04
03-062	DeSarno				3		08-10-04
03-063	Harbour			1	2		08-10-04
03-070	Borja		2	2			08-10-04
03-084	Searle		2	2			08-10-04
03-099	Singleton		2	1			08-10-04
03-112	Fryman		2	3	2		08-10-04
03-121	Ramos			3			08-10-04
04-011	Peele			3			08-10-04
03-074	Hossfeld		2				09-14-04
03-092	Wright				4		09-14-04
03-100	Wright				1		09-14-04
03-124	Hacker		2		3		09-14-04
03-129	Hill		2	1			09-14-04
03-132	Loper & Henderson			2	1		09-14-04
03-134	Dixon			4			09-14-04



CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
03-135	Tran				2		09-14-04
04-022	Lascalles / Tichnor			1	1	1	09-14-04
04-027	Brice		1				09-14-04
03-128	Hassett				2		10-12-04
03-130	Gonzalez		1	1	1		10-12-04
03-156	Camacho		5	3			10-12-04
03-162	Wintermute			1	2		10-12-04
03-163	Dunsmore		1		1		10-12-04
04-005	Cintron			2			10-12-04
04-018	Browning			2			10-12-04
04-019	Barajas			1			10-12-04
03-109	Gonzalez		1	11		1	11-09-04
03-122	Singleton			3			11-09-04
03-158	Ageel	1	4	2	2		11-09-04
04-017	Williams		1	2			11-09-04
04-028	Hay & Schaefer		2			1	11-09-04
04-054	Dixon		2	1			11-09-04
04-063	Kelly			1			11-09-04
04-078	St. Clair		1		1		11-09-04
04-086	Smith				1		11-09-04
03-107	Romero	1		2			12-14-04
03-108	Perry					3	12-14-04
03-142	Xivir & Parsons	1			2		12-14-04
03-146	Escalante		1	2			12-14-04
03-148	Mace					4	12-14-04
04-001	Dunsmore		2			1	12-14-04
04-058	Carrea			1	2		12-14-04
04-060	Whalen					1	12-14-04
04-062	Kelly	1	4	1			12-14-04
<b>TOTALS</b>		<b>6</b>	<b>110</b>	<b>163</b>	<b>117</b>	<b>26</b>	

**Table 7: SUMMARY DISMISSAL & PROCEDURALLY CLOSED CASES (BY DATE) 2004**

CASE #	COMPLAINANT	FINDINGS		DATE CLOSED
		Summary Dismissal	Procedurally Closed	
03-022	Curtis	X		04-13-04
03-115	Crawford	X		04-13-04
03-123	Austin	X		04-13-04
04-013	Chinn	X		04-13-04
03-041	Gaudaur	X		06-08-04
03-082	Bravo	X		06-08-04
03-151	Stockton	X		06-08-04
03-152	Stockton	X		06-08-04
03-153	Ramos	X		06-08-04
03-154	Misleh	X		06-08-04
04-002	Stockton	X		06-08-04
04-003	Stockton	X		06-08-04
04-007	Altamuro	X		06-08-04
04-008	Baker	X		06-08-04
04-012	Crowell	X		06-08-04
03-097	Snipes	X		07-13-04
04-016	Naranjo & Duran	X		09-14-04
03-108	Louis	X		12-14-04
03-148	Mace	X		12-14-04
04-060	Whalen	X		12-14-04
03-161	McNeal		X	01-05-04
03-167	Dunn		X	01-20-04
03-168	Malone		X	01-20-04
03-164	Dewing		X	01-21-04
03-165	Dewing		X	01-21-04
04-004	Biniecki		X	01-28-04
04-006	Dugan-Martinez		X	02-09-04
03-136	Henry		X	03-05-04
04-024	Aguirre		X	03-24-04
04-023	Coleman		X	03-30-04
04-026	Lavigne		X	04-06-04
04-030	Greenberg		X	04-13-04
04-020	Stockton		X	04-24-04

CASE #	COMPLAINANT	FINDINGS		DATE CLOSED
		Summary Dismissal	Procedurally Closed	
04-032	Taskey		X	04-29-04
04-033	Dunsmore		X	04-29-04
04-034	Cherry		X	04-29-04
04-035	Wilson		X	05-10-04
04-040	Rainville		X	05-17-04
04-036	McCartney		X	05-19-04
04-038	Bates		X	05-19-04
04-039	Pratt		X	05-19-04
04-042	Hallowman		X	06-03-04
04-045	Bautista		X	06-18-04
04-048	Huesta		X	06-30-04
04-049	Evans		X	07-06-04
04-047	Therrian		X	07-19-04
04-056	Burris		X	08-18-04
04-057	Oshea		X	08-18-04
04-059	Jauregui		X	08-18-04
04-066	Dwyer		X	09-08-04
04-072	Becker		X	09-08-04
04-075	Chacon		X	09-14-04
04-079	Maldonado		X	09-30-04
04-081	Singleton		X	10-11-04
04-085	Thompson		X	10-26-04
04-087	Kinser		X	11-08-04
04-099	Rosenfield		X	11-29-04
04-104	Flagg		X	11-30-04
04-109	Marks		X	12-07-04
<b>TOTALS</b>		<b>20</b>	<b>39</b>	

**Table 8: POLICY RECOMMENDATIONS - 2004**

CASE #	NAME	SUMMARY OF POLICY RECOMMENDATIONS	DATE TO BOARD
03-077	Godinez, Raul	<p style="text-align: center;"><b>Inmate Grievance Control</b></p> <p>It is recommended that the San Diego County Sheriff's Department implement changes to the inmate grievance process as a means to preclude the many claims of lost grievances. The recommended changes should include a pressure sensitive triplicate form, which would be initially filled out by the inmate, then handed over to a deputy who would be required to date and place his/her name and ARJIS number on the form acknowledging receipt. The deputy would then detach the last copy page and give it to the originating inmate. The remaining two copies of the form would then be forwarded to the jail staff member responsible for resolving the grievance. That person would then write his/her resolution or response on the form before detaching the remaining copy for return, to the inmate. The original or top copy of the form would then be placed in the inmate's booking jacket. Such a process would serve to better document grievances and resolutions, while eliminating most of the claims of destroyed or lost grievances.</p>	2-10-04
03-074	Hossfeld, Michael	It is recommended that the Department develop a policy to preclude the issuance of any directives or temporary orders to deputies affecting the rights and responsibilities of inmates, except in the case of an emergency, without the approval of the facility commander. Said directives, upon approval, shall only be enforced after being put in written form and distributed to staff and inmates. No directive that is in contradiction to standing detentions policies and procedures or inmate rules, which affect the safety and security of staff and inmates alike, may be implemented without departmental legal review.	09-14-04
03-158	Ageel, Omar	It is recommended that in addition to the required documenting of injuries to suspects/inmates resulting from the use of force by deputies, the San Diego County Sheriff's Department also mandate that photographs of any injuries (actual or alleged) resulting from physical contact between inmates and sworn staff shall be taken. Such a process would serve to better document the presence or absence of injuries, if visible. At the present time, there is no requirement for documentation of injuries other than in writing.	11-09-04

**Table 9: CLERB TWO-YEAR OPERATIONAL BUDGET**

LINE ITEM CATEGORY	*2004-05	*2005-06
Salaries & Fringe Benefits	\$395,995	\$388,161
Services & Supplies	112,325	92,264
Total Expense	507,280	480,425
General Revenue	\$507,280	\$480,425
Full Time Employees	4	4

\*Subject to change due to fiscal crisis in California

## **GLOSSARY OF TERMS & DEFINITIONS**

**Action Justified:**

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

**Not Sustained (Insufficient Evidence):**

The investigation failed to support the allegation, but the allegation could not be shown to be false.

**Procedurally Closed:**

Cases closed by the Executive Officer when they lack a signature under penalty of perjury.

**Summary Dismissal:**

- (a) CLERB had no jurisdiction over the complaint (or an allegation) subject matter; or
- (b) CLERB had 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 investigation proves that the allegations were true and not justified.

**Unfounded:**

The investigation showed the alleged act(s) did not occur.

**Lodged versus Filed Complaints:**

Complaints are "lodged" when a person describes an incident about which s/he wants to complain, but has not sworn to the truth of their statement. Many complainants phone in their complaints; these complaints are deemed "lodged only" until the

complainant submits a signed statement attesting or swearing to the truth of the complaint.

**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 most cases the Review Board makes its findings on the allegations at Summary Hearings without taking public testimony. Summary Hearings are conducted in accordance with the Review Board's Rules and Regulations, and California's Public Meeting statutes.

**Investigative Hearings:**

At a Summary Hearing, the Review Board may vote to hold an "Investigative Hearing" on a complaint. It will then schedule such a hearing at which public testimony will be taken. Investigative Hearings are conducted in accordance with the Review Board's Rules and Regulations, and California's Public Meeting statutes.