

County of San Diego



2008 ANNUAL REPORT

“SERVING THE COMMUNITY AND THE JUSTICE SYSTEM FOR 15 YEARS”

**2008 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 composed 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.

2008 Board Members

Robert Winston, Chairperson
Otto Emme, Vice Chairperson
Edward Castoria, Secretary
James Achenbach
Sheryl Bennett
George DeLaBarre
Riley Gordon
Thomas Iniguez
Mark Marchand
Don Warfield
Louis Wolfsheimer

Staff

Carol Trujillo, Executive Officer
Lynn Setzler, Special Investigator
Julio Estrada, Special Investigator (transferred April 2008)
Danica James, Special Investigator
Victoria Ollier, Administrative Secretary III (transferred July 2008)
Ana Marie Becker, Administrative Secretary III

Office Information

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Internet: www.sdcounty.ca.gov/clerb

**RÉSUMÉS OF
REVIEW BOARD MEMBERS
SERVING IN 2008**

Robert Winston
Chair

A resident of Carlsbad, Mr. Winston is a Senior Vice President for Morgan Stanley. He holds degrees in Criminal Justice Administration from San Diego State University and in Behavioral Science from Indian Valley College. 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.

Otto Emme
Vice Chairperson

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 major 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 is a member of the 2005-06 County Grand Jury. He has been the past chair of the Pacific Beach Community Planning Board, Recreation Council and a member of Sigma Delta Parliamentarian Society. Mr. Emme is a graduate of the University of San Diego with a degree in International Relations.

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.

James Achenbach

A San Diego native, Mr. Achenbach is a speech-language pathologist with San Diego City School District. He has participated in Boy Scouts, the Partnership in Education with San Diego City Schools and has served as the Clinic Executive Director for the California Scottish Rite Foundation. Mr. Achenbach graduated from San Diego State University with Bachelor of Arts and Master of Arts degrees in Communicative Disorders. He is credentialed in Clinical Rehabilitative Services. Mr. Achenbach lives in La Mesa with his wife and two children.

Sheryl Bennett

Mrs. Bennett is the Director of Human Resources for the City of Escondido, where she has worked since 1999. She has chaired the San Diego City and County Personnel Association and participates in the California Public Employers Labor Relations Association, the Society of Human Resources Management, and Toastmasters. Mrs. Bennett has owned and operated her own medical transcription business and has worked as an information technology manager and bookkeeper. Mrs. Bennett is actively involved in the education and school activities of her children and has volunteered for Habitat for Humanity, the San Diego Horticultural Society, and Boys and Girl Scouts. 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 husband and three children.

George DeLaBarre II

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.

Riley Nunn 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 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.

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 Bayfront 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.

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 and the Graduate School of Savings & Loan at Indiana University, and served in the United States Air Force. He has worked in the banking industry for 28 years and served on various boards, including Boys & Girls Club; the Mother Goose Parade Association; Rotary Club; the El Cajon Chamber of Commerce; the El Cajon Police Selection Board; the City of El Cajon & County of San Diego United Way Boards; Tax Payers Association and Chaired Cajon Valley School Tax Override. Mr. Warfield was also a member of the Crime Commission. Mr. Warfield currently serves as a member of the San Diego Police RSVP in Central Division and is the Treasurer of the Del Cerro Heights Home Owners' Association

Louis Wolfsheimer

Originally from Baltimore, MD, Mr. Wolfsheimer has been a resident of San Diego since 1962. He was First Lieutenant in the United States Air Force. 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. Presently, Mr. Wolfsheimer is a member of the State Bar of California, and is "Of Counsel" with the law firm of Procopio, Cory Hargreaves and Savitch, LLP. In the past, Mr.

Wolfsheimer has served on a multitude of board committees such as Francis W. Parker School, American Jewish Committee, Episcopal Community, Combined Arts of San Diego (COMBO), Salvation Army and Human Subjects Committee of UCSD Medical School, to name a few.

EXECUTIVE SUMMARY
DATA

Intakes

The Review Board logged **105** complaints in 2008, a 26% decrease from the **141** complaints received in 2007. Allegations totaled 380 in 2008, a 25% decrease from 507 allegations in 2007. Included in the yearly total were 3 death cases, compared to 7 death cases opened in 2007. Complaint trends over several years show spikes upward and downward without specific causal factors.

Sheriff's facilities or units with double digit complaint totals decreased slightly to 2 in 2008 from 3 in 2007. Leading in complaint totals as they have in past year, despite decreases from last year, were the Sheriff's Department's largest jails - George Bailey Detention Facility with 14 (29 in 2007), followed by the San Diego Central Jail with 12 (18 in 2007). The next highest in complaints was Lemon Grove Station with 9 (Encinitas Station had 11 in 2007). The Probation Department received 6 complaints in 2008 compared to 7 in 2007.

Total complaints are traditionally broken into three departmental segments by count and percentage: Sheriff's Detention with 37 or 35% (compared to 62 or 44% in 2007); Sheriff's Law Enforcement & Other with 62 or 59% (compared to 72 or 51% in 2007); and Probation with 6 or 6% (compared to 7 or 5% in 2007).

Closures

The Review Board met 8 times¹ and closed **126** cases during the year, compared to meeting 10 times and closing 96 cases in 2007. This was a 31% increase in productivity despite a five-month investigator vacancy. Of the 126 cases closed, **32** were *Procedurally Closed* for lack of jurisdiction or because a signed complaint was not returned to the office. This was comparable to the 36 that were Procedurally Closed in 2007. "PC" cases accounted for 30% of the year's complaint total (105), compared to 26% of last year's total (141). Another **31** cases were submitted to the Review Board for *Summary Dismissal* following an abbreviated investigative process. This was a 121% increase from the 14 Summary Dismissal cases in 2007. The remaining **63** closed cases were fully investigated and submitted to the Review Board, compared to 46 fully investigated cases submitted in 2007, a 37% increase. Of the 63 fully investigated cases, **5** or 7.9%, had *Sustained* allegations, compared to 4 or 8.7% of the 46 fully investigated cases in 2007. Of the 63 fully investigated cases, the total number of sustained findings was 6, representing 1.8% of the 335 findings made in fully investigated cases.

At year's end there were **61** open cases, a 24.7% decrease from the 81 open cases at the end of 2007. This decrease in inventory was consistent with closing more cases than were opened in 2008. In addition to death cases, which typically involve lengthy prior investigations by the Sheriff's Homicide Unit and the District Attorney's Office, two cases were completed beyond one year.

¹ The May, July, September, and November 2008 meetings were cancelled due to the Special Investigator vacancy.

PERSONNEL

Special Investigator Lynn Setzler marked her ten year anniversary with the Review Board. She also was named a Customer Service Hero by the County's Department of Human Resources. After a five-month vacancy, Danica James, a former police officer, succeeded Special Investigator Julio Estrada, who returned to the Medical Examiner's Office. After a four-month vacancy, Ana Marie Becker succeeded the Review Board's Administrative Assistant III, Victoria Ollier, who transferred to the Health and Human Services Agency. At the end of the year, Board Member and Vice-chair Otto Emme resigned because of a year-long deployment to Kosovo as a major in the California Army National Guard. The County Board of Supervisors re-appointed Board Members James Achenbach (Second District) and Thomas Iniguez (First District). John Madigan, Sheriff's Legal Advisor, replaced Assistant Sheriff Michele Braatz, who retired, as the Review Board's liaison to the Sheriff's Department. The Review Board's processor at the Sheriff's Department, Sergeant Anthony Ray, was promoted to lieutenant and was succeeded by Sergeant David Paseman. Supervising Probation Officer Cesar Escuro continued to serve as the Review Board's liaison at the Probation Department.

TRAINING

In addition to participating in ride-alongs and facility tours, Review Board members enhanced their understanding of law enforcement topics through the following presentations at Board meetings: an overview of the Sheriff's Department's new Division

of Inspectional Services; Chief Probation Officer Mack Jenkins' vision for the Probation Department; an overview of the Sheriff's Canine Unit, with a demonstration; a briefing by Chief Deputy County Counsel William Smith, the Review Board's advisor, on Berkeley Police Association v. City of Berkeley; and an overview of the Sheriff's Internal Affairs Unit.

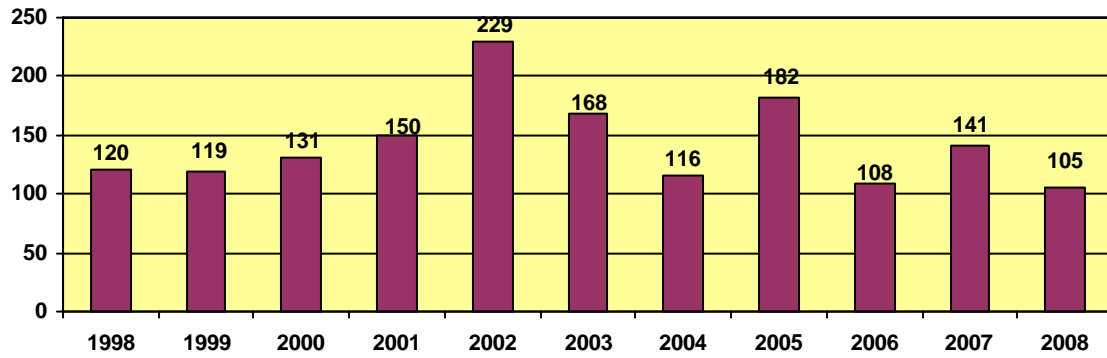
COMMUNITY

Review Board staff gave presentations to the District Attorney's Citizens Academy, criminal justice classes at San Diego State University and San Diego City College, and a delegation from Brazil studying prison reform, sponsored by the U.S. State Department and the Citizens Diplomacy Council of San Diego. Additionally, staff participated in a "best practices" survey for investigating citizen complaints by the California Highway Patrol.

CUSTOMER SERVICE

Review Board staff referred 142 callers to other agencies in 2008. Comments from customer satisfaction surveys returned in 2008 included: "It was refreshing to finally be heard and to have someone respond without me getting the run around." "I was provided all I needed. Thank you so much." "The Board has been very responsive." "Thank you very much for your concerns, help, and prompt assistance." "Lynn Setzler is excellent – she responds quickly, has information on hand, and pays attention to details!" "Patient and very professional." "Very responsive an understanding! Thank you." "Your response was terrific."

Graph 1: TOTAL COMPLAINTS RECEIVED BY YEAR 1998 - 2008



Graph 2: COMPLAINTS RECEIVED BY QUARTER – 2007/2008

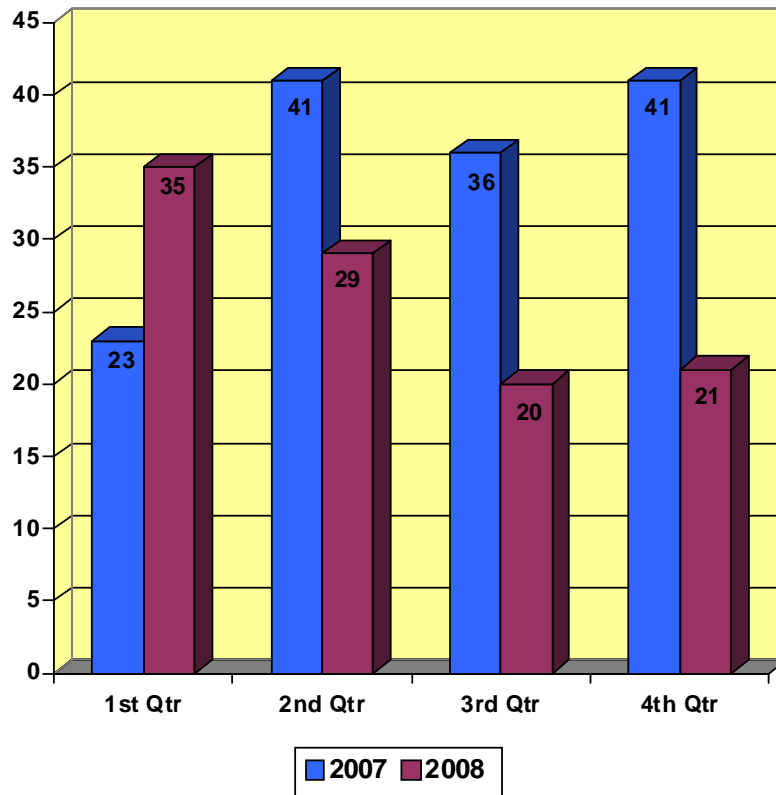


TABLE 1: COMPLAINTS & ALLEGATIONS RECEIVED BY UNIT OR FACILITY IN 2008

STATIONS/UNITS:	Complaint										Allegation Totals
	Totals	CC	Deaths	Discr.	EF	FA	FR	ISS	IDF	Misconduct	
ALPINE SUBSTATION	2	-	-	-	-	1	-	-	-	5	6
CAMPO/TECATE SUBSTATION	3	1	-	-	-	1	-	-	-	5	7
COURT SERVICES	7	3	-	-	2	-	-	1	-	16	22
EAST MESA DETENTION FACILITY	1	-	-	-	-	-	-	-	-	1	1
ENCINITAS STATION	2	-	-	1	-	-	-	-	-	5	6
FALLBROOK SUBSTATION	2	-	-	1	1	-	-	1	-	4	7
GEO. BAILEY DETENTION FACILITY	14	1	2	1	4	-	2	-	-	31	41
IMPERIAL BEACH STATION	2	-	-	-	2	1	-	1	-	5	9
INTERNAL AFFAIRS	1	-	-	-	-	-	-	-	-	2	2
JULIAN SUBSTATION	1	-	-	-	-	-	-	-	-	6	6
LAKESIDE SUBSTATION	1	2	-	-	-	1	-	-	-	1	4
LAS COLINAS DETENTION FACILITY	3	-	-	-	1	-	-	-	-	7	8
LEMON GROVE STATION	9	-	-	1	6	2	-	2	-	23	34
PERSONNEL DIVISION	1	-	-	1	-	-	-	-	-	4	5
POWAY STATION	2	-	-	-	1	-	-	1	1	7	10
RAMONA SUBSTATION	2	-	-	1	-	2	-	-	-	2	5
RANCHITA/WARNER SPRINGS SUB.	1	1	-	-	-	-	-	-	-	3	4
SAN MARCOS STATION	5	-	-	-	1	2	-	2	-	16	21
SANTEE STATION	7	-	-	1	9	1	1	6	-	14	32
SAN DIEGO CENTRAL JAIL	12	-	1	-	2	1	-	-	-	21	25
SED	1	-	-	-	-	-	-	-	-	5	5
SID: NARCOTICS TASKFORCE	1	-	-	-	-	-	-	6	-	30	36
SOUTH BAY DETENTION FACILITY	2	-	-	-	2	1	-	-	-	10	13
UNKNOWN UNIT	3	1	-	-	-	-	1	-	-	3	5
VALLEY CTR/PAUMA SUBSTATION	2	-	-	-	-	-	-	1	-	2	3
VISTA DETENTION FACILITY	5	-	-	-	2	-	-	-	-	7	9
VISTA STATION	7	-	3	-	1	1	-	3	-	22	30
PROBATION: ADULT SERVICES	6	-	-	1	1	2	2	1	-	17	24
Totals:	105	9	6	8	35	16	6	25	1	274	380

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 always 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 2008

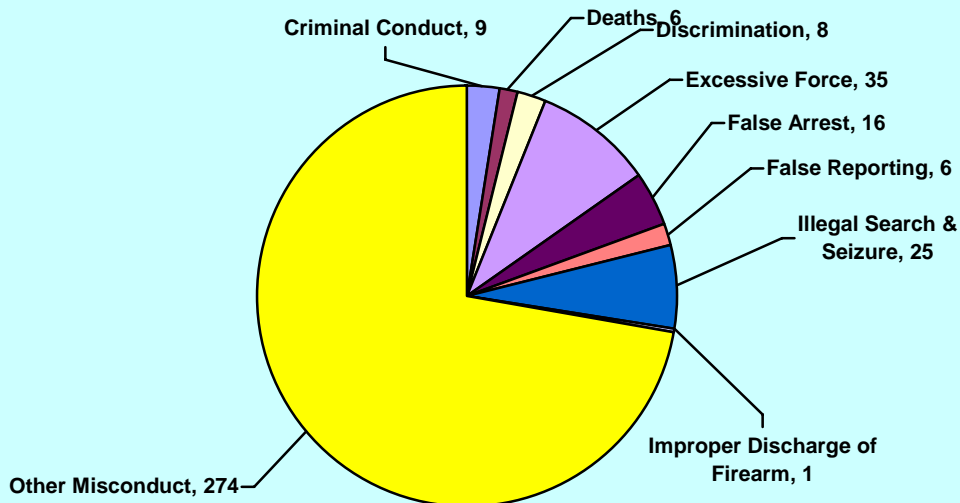


Table 2: TOTAL COMPLAINTS BY MAJOR ORG / BUREAU

Organization/Bureau	2007	2008
Sheriff's Detention Facilities	62	37
Sheriff's Law Enforcement Services	66	59
Probation Department-All	7	6
Unknown	6	3
TOTAL	141	105

Table 3: BREAKDOWN OF DISCRIMINATION ALLEGATIONS

Description	2007	2008
National Origin	-	-
Other	2	3
Racial	16	4
Religious	1	-
Sexual/Gender	-	1
TOTAL	19	8

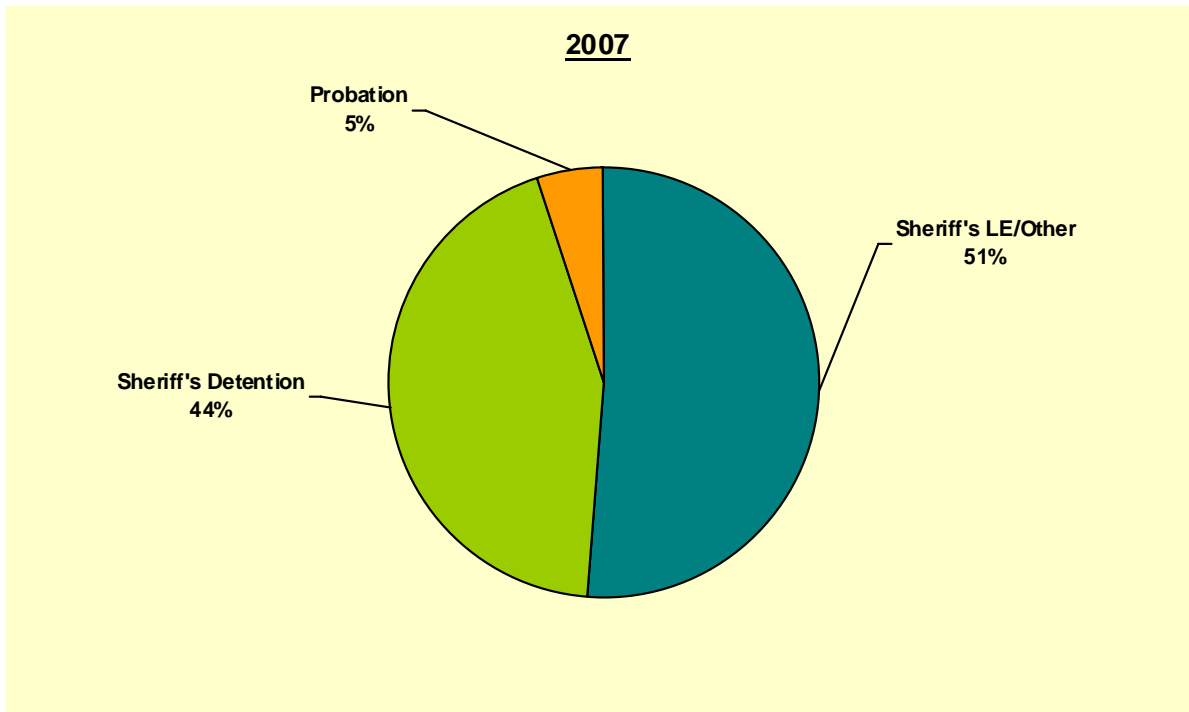
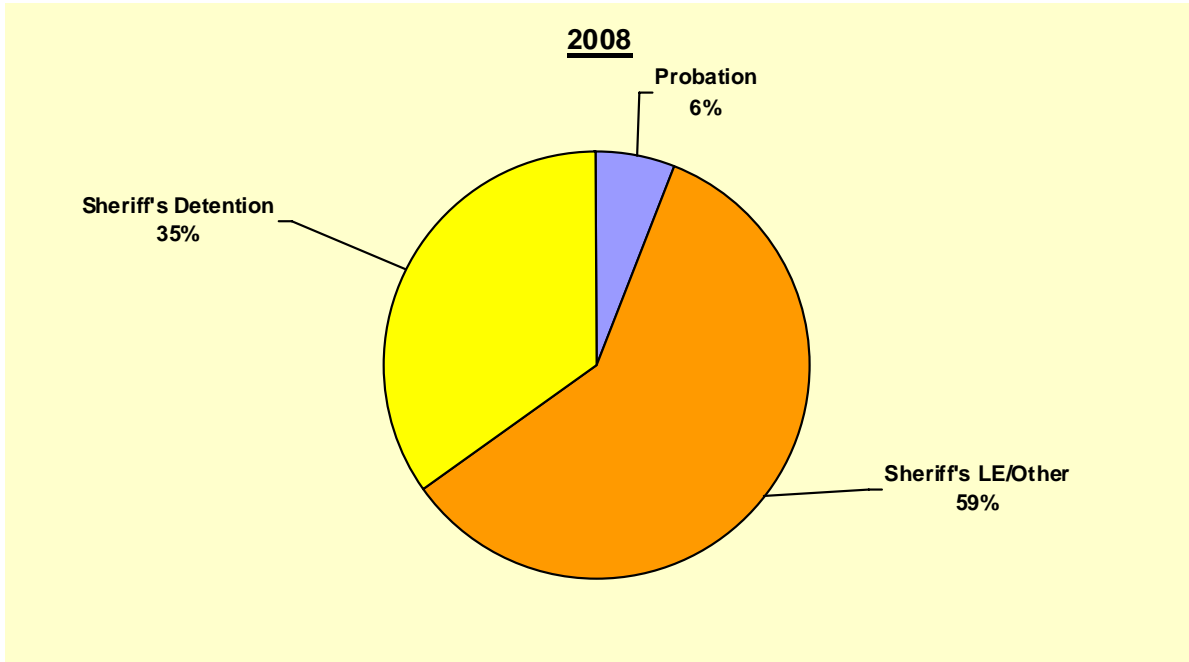
Table 4: BREAKDOWN OF MISCONDUCT ALLEGATIONS

Description	2007	2008
Discourtesy	59	30
Harassment	9	12
Intimidation	19	21
Medical (I/O)	5	3
Procedure	231	192
Retaliation	4	8
Truthfulness	7	8
TOTAL	334	274

Table 5: BREAKDOWN OF EXCESSIVE FORCE ALLEGATIONS

Description	2007	2008
Baton/Impact Weapon	4	5
Carotid Restraint	1	4
Drawn Firearm	5	2
K-9 Bites	1	-
OC Spray	-	-
Other	53	18
Taser	6	1
Tight Handcuffs	6	3
Unspecified	8	2
TOTAL	84	35

GRAPHS 4 & 5: COMPLAINT PERCENTAGES BY MAJOR ORG / BUREAU – 2008/2007



GRAPHS 6 & 7: ALLEGATIONS BY PERCENTAGE – 2008 / 2007

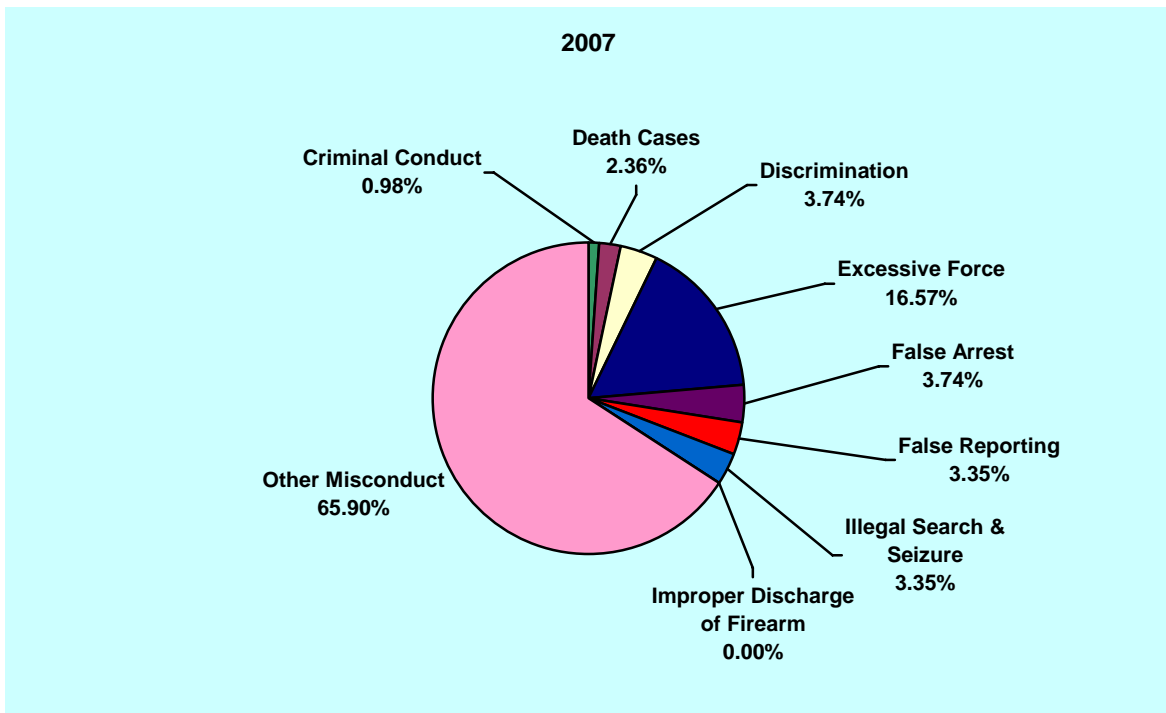
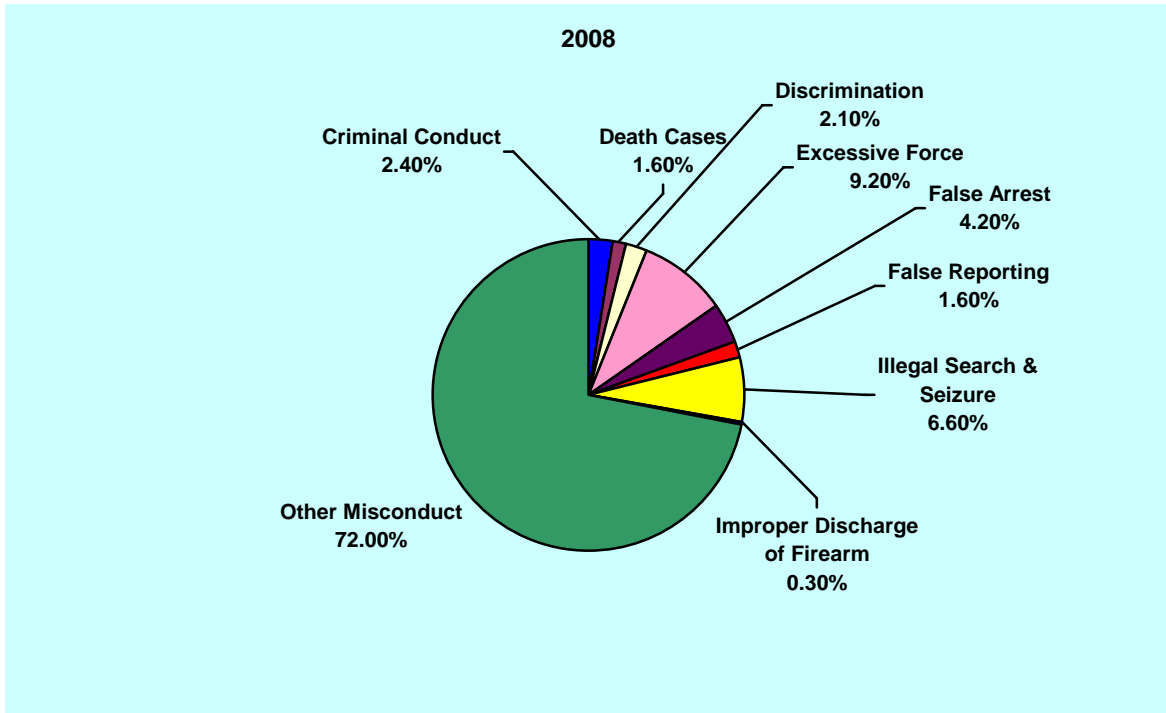


TABLE 6: COMPLAINTS & ALLEGATIONS CLOSED BY UNIT OR FACILITY IN 2008

STATIONS/UNITS	Complaint										Allegation Totals
	Totals	CC	Deaths	Discr.	EF	FA	FR	ISS	IDF	Misconduct	
ALPINE SUBSTATION	3	-	-	-	1	2	-	-	-	6	9
CAMPO/TECATE SUBSTATION	4	1	-	1	-	-	1	-	-	17	20
COURT SERVICES	5	1	-	2	2	-	-	1	-	13	19
CSD: PRISONER TRANSPORT	1	-	-	-	-	-	-	-	-	3	3
EAST MESA DETENTION FACILITY	1	-	-	-	-	-	-	-	-	1	1
ENCINITAS STATION	8	-	-	5	7	2	6	4	-	21	45
FALLBROOK SUBSTATION	1	-	-	1	1	-	-	1	-	3	6
GEO. BAILEY DETENTION FACILITY	25	-	1	4	14	-	4	-	-	67	90
IMPERIAL BEACH STATION	3	-	-	-	1	3	2	1	-	11	18
LAKESIDE SUBSTATION	1	-	-	-	-	-	-	-	-	1	1
LAS COLINAS DETENTION FACILITY	2	-	-	-	3	-	-	-	-	3	6
LEMON GROVE STATION	8	-	1	1	4	1	-	1	-	12	20
PERSONNEL	1	-	-	1	-	-	-	-	-	4	5
POWAY STATION	2	-	-	-	-	-	-	-	-	5	5
RAMONA SUBSTATION	4	-	-	1	4	2	-	-	-	14	21
SAN MARCOS STATION	3	1	-	-	-	1	1	-	-	10	13
SANTEE STATION	4	-	2	1	7	4	1	-	-	16	31
SAN DIEGO CENTRAL JAIL	15	-	2	1	11	-	1	-	-	35	50
SED	1	-	-	-	-	-	-	-	-	5	5
SID: CRIMINAL INTELLIGENCE	1	-	-	-	-	-	-	-	-	3	3
SID: NARCOTICS TASK FORCE	1	-	-	-	-	-	-	-	-	1	1
SID: NARCOTICS & GANG DETAIL	1	-	-	-	-	-	-	6	-	30	36
SOUTH BAY DETENTION FACILITY	2	-	-	-	2	-	-	-	-	2	4
UNKNOWN UNIT	3	1	-	-	-	-	1	-	-	3	5
VALLEY CENTER/PAUMA SUBST.	3	-	-	-	-	-	-	1	-	5	6
VISTA COURT	1	-	-	-	-	-	-	-	-	6	6
VISTA DETENTION FACILITY	5	-	1	-	2	-	-	-	-	9	12
VISTA STATION	9	-	3	1	6	1	-	3	-	34	48
PROB: INST. SERVICES	7	-	-	1	-	1	2	2	-	14	20
PROB: JUVENILE SERVICES	1	-	-	-	-	-	-	-	-	1	1
Totals:	126	4	10	20	65	17	19	20	0	355	510

NOTES:

- 4) CC= Criminal Conduct; Discr= Discrimination; EF= Excessive Force; FA= False Arrest; FR= False Reporting; ISS= Illegal Search & Seizure; IDF= Improper Discharge of Firearm.
- 5) Allegation totals always exceed complaint totals. 6) Unknown Unit indicates staff was unable to identify involved personnel or a work station

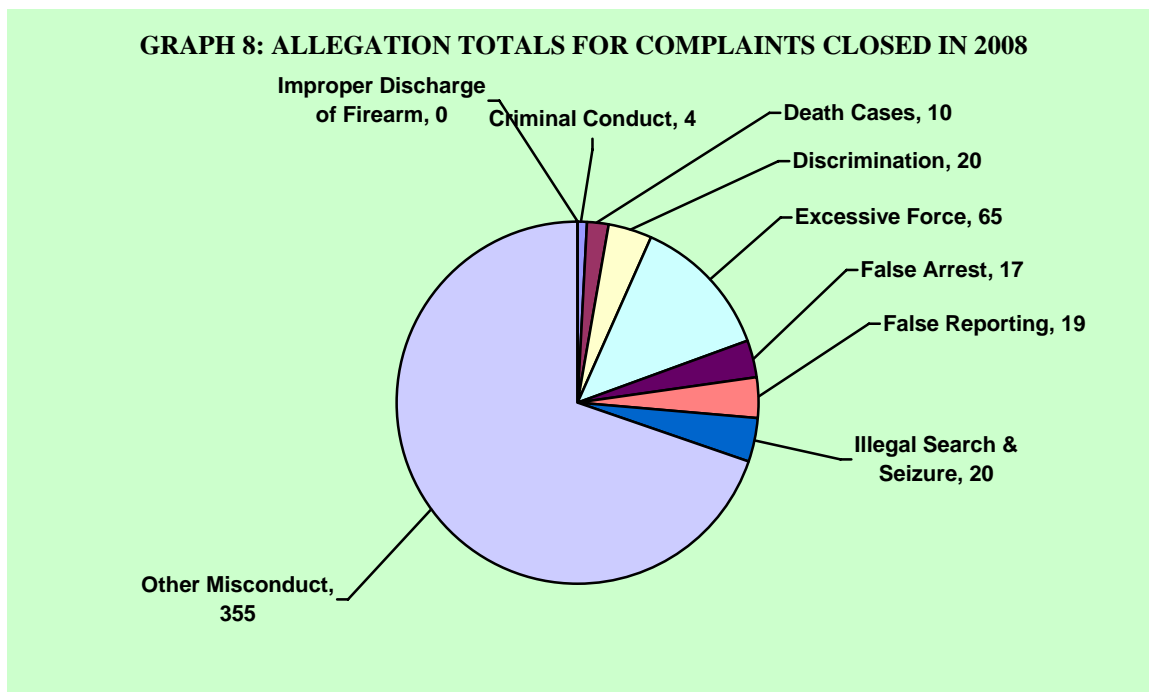


TABLE 7: INVESTIGATED CASES CLOSED / FINDINGS BY DATE - 2008
(Procedurally Closed & Summary Dismissal Cases are listed separately.)

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
07-007	Mrowca		2	1	1		01/08/2008
07-032	Vaught					7	01/08/2008
07-063	Correa			1		1	01/08/2008
07-124	Bowman				1		01/08/2008
07-014	Lopez			5	1		02/12/2008
07-015	Forte		1		3		02/12/2008
07-023	Hernandez		5	2	1		02/12/2008
07-026	Jillings		2	4	1		02/12/2008
07-035	Forte		1			1	02/12/2008
07-067	Peters		3	2	1		02/12/2008
07-098	Edmunds		2	1			02/12/2008
07-105	Ames	1	1				02/12/2008
08-003	Boyd					5	02/12/2008
07-020	Hoban			2			03/11/2008
07-034	Villalva				2		03/11/2008
07-041	Harrell					12	03/11/2008
07-042	Wade		4	6			03/11/2008
07-119	Sapp			1			03/11/2008
07-125	Phelps			1			03/11/2008
08-016	Alee					1	03/11/2008
07-012	Wright			1			04/08/2008
07-038	Hooper			6	1		04/08/2008
07-046	Parker			1			04/08/2008
07-053	Coriden		1	1			04/08/2008
07-062	Ruppert		1	2			04/08/2008
07-093	Cortez					1	04/08/2008
07-118	Miller					1	04/08/2008
08-013	O'Neal		4	2			04/08/2008
08-022	Torres					3	04/08/2008
07-043	Dybbro		6	1			06/10/2008
07-058	Johnson			1			06/10/2008
07-060	Longabardi			1			06/10/2008
07-071	Hurlbert			3			06/10/2008
07-081	Williams					3	06/10/2008
07-084	Williams					4	06/10/2008
07-092	Commentz		3	1			06/10/2008
07-095	Thompson					10	06/10/2008
07-097	Hall			1			06/10/2008
08-010	Montgomery					5	06/10/2008
08-014	Montgomery					3	06/10/2008
08-015	Lopez		2				06/10/2008
08-025	Hay					2	06/10/2008

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
08-034	Thompson		2		2		06/10/2008
08-038	Hanslik/Waite				1		06/10/2008
06-085	Hayes			1			08/12/2008
07-065	Widsen			2	1		08/12/2008
07-068	Fisher					1	08/12/2008
07-069	Clack					11	08/12/2008
07-076	German					2	08/12/2008
07-077	Banks					3	08/12/2008
07-096	Bodiford et al.	1		1	1	1	08/12/2008
07-100	Bost			1			08/12/2008
08-021	Coleman	1	1	2			08/12/2008
08-060	Logue					1	08/12/2008
08-064	Bruening					1	08/12/2008
08-067	Sammut					1	08/12/2008
06-094	Lopez			1			10/14/2008
06-105	Ehling			1			10/14/2008
07-078	Smith			1			10/14/2008
07-079	Curry			1			10/14/2008
07-086	Bay					4	10/14/2008
07-087	Boxx		2	1			10/14/2008
07-088	Gordon		3	1			10/14/2008
07-090	Sonnier					3	10/14/2008
07-102	Sapp		1	1	2		10/14/2008
07-103	Lewis	1	1	3		2	10/14/2008
07-106	Plunkett			1			10/14/2008
07-109	Joyce		2				10/14/2008
07-111	Dunn			1			10/14/2008
07-121	Gonzalez					10	10/14/2008
08-049	Torres			2	1		10/14/2008
08-058	James		3		2		10/14/2008
08-074	Chase					2	10/14/2008
07-080	Alford			1			12/09/2008
07-112	Pearson		3		1		12/09/2008
07-113	Brooks		5	1	1		12/09/2008
07-114	Shea	2	1	1	1	3	12/09/2008
07-120	Harris		3	3		1	12/09/2008
07-122	Rockhold			3			12/09/2008
07-123	Harris		7	2	1		12/09/2008
07-126	Scott		4	3			12/09/2008
07-128	Frazier		5				12/09/2008
07-131	Johnson					1	12/09/2008
07-132	Sanchez					2	12/09/2008
07-133	Gomez					3	12/09/2008
07-134	Hawthorne		3	2	1		12/09/2008
07-136	Yarbrough		5				12/09/2008
07-141	Lopez				1		12/09/2008
08-002	Alford					1	12/09/2008

CASE #	COMPLAINANT	FINDINGS					DATE CLOSED
		Sustained	Not Sustained	Action Justified	Unfounded	Summary Dismissal	
08-004	Miller					6	12/09/2008
08-007	Miller					1	12/09/2008
08-009	Griffin					2	12/09/2008
08-052	Miller					1	12/09/2008
08-087	Hawthorne		3	2	1		12/09/2008
TOTALS	94 cases	6	92	86	29	122	335 findings/ 8 meetings

TABLE 8: SUMMARY DISMISSAL / PROCEDURALLY CLOSED CASES BY DATE - 2008

CASE #	COMPLAINANT	FINDINGS		DATE CLOSED
		SUMMARY DISMISSAL	PROCEDURALLY CLOSED	
07-130	Witkower		X	01/07/2008
07-129	Crippen		X	01/07/2008
07-137	Shelton		X	01/22/2008
07-138	Beiser		X	01/22/2008
07-139	King		X	01/22/2008
07-140	Cates		X	01/22/2008
08-001	Harris		X	01/23/2008
08-006	Cummins		X	02/05/2008
08-005	Lovell		X	02/05/2008
08-019	Norris		X	03/11/2008
08-023	Aranda		X	03/24/2008
08-024	Boldin		X	03/25/2008
08-032	Alvidres		X	04/07/2008
08-028	Pitchford		X	04/15/2008
08-044	Golu		X	04/15/2008
08-029	Huff		X	04/21/2008
08-030	Huff		X	04/21/2008
08-035	Reazor		X	04/21/2008
08-040	Guarguagli		X	04/29/2008
08-041	Bolding		X	04/29/2008
08-043	Bolding		X	04/29/2008
08-045	Noble		X	05/01/2008
08-046	Hyatt		X	05/06/2008
08-048	Maxwell		X	05/20/2008
08-055	Alejandro for Antillon		X	05/27/2008
08-056	Krouse		X	06/06/2008
08-085	Morse		X	10/27/2008
08-088	Bowen		X	10/31/2008
08-089	Garcia		X	10/31/2008
08-090	Ledgett		X	11/18/2008
08-094	Cabrera		X	12/03/2008
08-096	Obrowski		X	12/08/2008
08-003	Boyd	X		02/12/2008
07-041	Harrell	X		03/11/2008
08-016	Alee	X		03/11/2008
07-093	Cortez	X		04/08/2008
07-118	Miller	X		04/08/2008
08-022	Torres	X		04/08/2008
07-081	Williams	X		06/10/2008
07-084	Williams	X		06/10/2008
07-095	Thompson	X		06/10/2008
08-010	Montgomery	X		06/10/2008

CASE #	COMPLAINANT	FINDINGS		DATE CLOSED
		SUMMARY DISMISSAL	PROCEDURALLY CLOSED	
08-014	Montgomery	X		06/10/2008
08-025	Hay	X		06/10/2008
07-068	Fisher	X		08/12/2008
07-069	Clack	X		08/12/2008
07-076	German	X		08/12/2008
07-077	Banks	X		08/12/2008
08-060	Logue	X		08/12/2008
08-064	Bruening	X		08/12/2008
08-067	Sammut	X		08/12/2008
07-086	Bay	X		10/14/2008
07-090	Sonnier	X		10/14/2008
07-121	Gonzalez	X		10/14/2008
08-074	Chase	X		10/14/2008
07-131	Johnson	X		12/09/2008
07-132	Sanchez & Felton	X		12/09/2008
07-133	Gomez & Gonzalez	X		12/09/2008
08-002	Alford	X		12/09/2008
08-004	Miller	X		12/09/2008
08-007	Miller	X		12/09/2008
08-009	Griffin	X		12/09/2008
08-052	Miller	X		12/09/2008
TOTALS		31	32	

TABLE 09: CLERB TWO-YEAR ADOPTED OPERATIONAL BUDGET

LINE ITEM CATEGORY	2008-09	2009-10
Salaries & Fringe Benefits	\$455,890	\$391,577
Services & Supplies	\$123,137	\$107,450
Total Expense	\$579,027	\$499,027
General Revenue	\$579,027	\$499,027
Employee positions	4	4

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 Summary Hearings. Summary Hearings are conducted in accordance with the California's Public Meeting statutes.

**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)