

◆ **IS FILING A COMPLAINT WITH CLERB THE SAME AS FILING AN INTERNAL AFFAIRS COMPLAINT, CRIMINAL COMPLAINT, GRAND JURY COMPLAINT, COUNTY CLAIM, OR CIVIL LAWSUIT?**

NO. CLERB conducts independent investigations of complaints. The following are entirely separate from, are not a part of, and do not preclude filing a CLERB complaint: an internal affairs complaint with the Sheriff's or Probation departments, a criminal investigation or prosecution, a Grand Jury complaint or investigation, County claim, or a civil lawsuit .



◆ **HOW CAN I GET INVOLVED?**

Apply to serve your community as a board member. Board members must be registered to vote in San Diego County and have a demonstrated interest in public affairs and service. Candidates undergo background checks, are nominated by the County's Chief Administrative Officer, and are appointed by the Board of Supervisors. County employees and persons employed as peace officers are ineligible to serve. Members serve a three-year term for up to two consecutive terms. In addition to reviewing investigative reports and participating in regular meetings, members complete training by the Sheriff's and Probation departments and County Counsel, ride-a-longs, and jail tours. Members must file annual statements of economic interest. Members also periodically attend community meetings to talk about CLERB.

Applications may be downloaded from CLERB's website, www.sdcounty.ca.gov/clerb, or are available by mail upon request.

OFFICE LOCATION

**1168 UNION STREET, SUITE 400
SAN DIEGO, CA 92101-3819**

(at the southwest corner of Union and B streets, two blocks north of Broadway, in downtown San Diego)

**Phone: 619-238-6776
Fax: 619-238-6775**

Email: clerbcomplaints@sdcounty.ca.gov

INTERNET WEBSITE

www.sdcounty.ca.gov/clerb

ADDITIONAL COUNTY PHONE NUMBERS

| | |
|-----------------------------------|--------------|
| Emergency Police, Fire, Ambulance | 911 |
| Non-Emergency Sheriff | 858.565.5200 |
| Probation Dept. | 858.514.3148 |
| District Attorney | 619.531.4040 |
| Public Defender | 619.338.4700 |
| Child Support Services | 619.236.7600 |
| County Claims Division | 619.531.4899 |

COUNTY OF SAN DIEGO

CITIZENS' LAW ENFORCEMENT REVIEW BOARD



"SERVING THE COMMUNITY AND THE JUSTICE SYSTEM"

COUNTY OF SAN DIEGO

CITIZENS' LAW ENFORCEMENT REVIEW BOARD

MISSION STATEMENT

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

◆ WHO ARE WE?

San Diego County voters established the Citizens' Law Enforcement Review Board (CLERB) in November 1990 to independently receive and investigate citizen complaints against deputies and probation officers. CLERB is composed of eleven volunteer community members who are not affiliated with the Sheriff's Department or Probation Department. CLERB is supported by four County employees, including two full-time investigators.

◆ WHAT DO WE DO?

CLERB receives and investigates complaints about the conduct of peace officers employed by the San Diego County Sheriff's Department and Probation Department. CLERB investigates deaths that arise out of, or in connection with, the actions of deputies and probation officers, regardless of whether a complaint is filed. CLERB also makes recommendations for complaint-related policy and procedure changes. CLERB publishes meeting minutes and agendas with case summaries, workload reports, findings, an annual report, and "early warning" reports to the Sheriff and Chief Probation Officer.



◆ WHAT DO WE INVESTIGATE?

CLERB has jurisdiction to investigate allegations of :

- ⇒ Use of excessive force
- ⇒ Discrimination
- ⇒ Improper discharge of firearms
- ⇒ Illegal search or seizure
- ⇒ False arrest
- ⇒ False reporting
- ⇒ Criminal conduct
- ⇒ Misconduct
- ⇒ Death that arises out of, or in connection with, the actions of a deputy or probation officer.

◆ WHAT IS MISCONDUCT?

"Misconduct" is any alleged improper or illegal act, omission or decision, directly affecting the person or property of a specific citizen by reason of an alleged violation of Sheriff's Department or Probation Department orders or guidelines; an alleged violation of state or federal law; or any otherwise improper or unbecoming conduct by a peace officer employed by the Sheriff's Department or the Probation Department. CLERB does not have jurisdiction over complaints involving civilian employees of these departments or off-duty conduct of peace officers.

◆ WHO MAY FILE A COMPLAINT?

Anyone may file a complaint, regardless of age, citizenship, residence, disability, criminal record, or incarceration.

◆ HOW CAN I FILE A COMPLAINT?

By phone, fax, in person, U.S. mail, or the Internet at CLERB's website.

CONTACT CLERB AT:

1168 Union Street, Suite 400

San Diego, CA 92101-3819

619.238-6776

Fax: 619.238.6775

Email: clerbcomplaints@sdcounty.ca.gov

www.sdcounty.ca.gov/clerb

◆ HOW DO WE INVESTIGATE?

When a complaint is received, a CLERB investigator puts the complaint in writing and returns it to the complainant to review. In order for CLERB to open an investigation, the complainant must sign the complaint under penalty of perjury and return it promptly. A copy of the signed complaint is sent to the Sheriff or Chief Probation Officer and involved peace officer, and the investigation begins. The complainant, any witnesses, and the involved peace officer may be interviewed. The investigator gathers and reviews evidence, such as reports and video, and may subpoena records as needed. The investigator analyzes the evidence according to current laws and the policies and procedures of the Sheriff's Department or Probation Department. A report to the Review Board is prepared with an analysis and recommended finding for each allegation.

◆ WHAT HAPPENS AFTER THE INVESTIGATION?

Board members examine evidence and review the investigative reports prepared by CLERB staff at regular meetings. Because of California court decisions, discussions about misconduct investigations concerning peace officers are closed to the public, including complainants, and investigative reports are confidential. Board members discuss the investigations and decide by majority vote, based on preponderance of evidence, whether an allegation is sustained, not sustained, unfounded, or the action taken was justified. CLERB's findings, and any recommendations for policy or procedure change, are advisory and non-binding. CLERB may not impose discipline on a sustained finding, or compel a change in policy or procedure. Findings and recommendations are sent to the Sheriff and the Chief Probation Officer for their confidential review and response. The complainant and the involved peace officer are notified by mail of staff's recommendation and when the Review Board will consider the complaint, may briefly address the Review Board in open session, and are notified of the Review Board's finding by mail. Findings also are posted on CLERB's website.

IS THERE A TIME LIMIT FOR FILING A COMPLAINT?

YES. A signed complaint must be received within one year of the event that caused the complaint. Incarceration or incapacity tolls the one-year period.