

# **San Diego County Sheriff's Department**



## **Division of Inspectional Services Manual**

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## Division of Inspectional Services

The Division of Inspectional Services (DIS) is assigned to the Office of the Sheriff. The DIS shall assess internal processes and review high-risk events in order to promote a more efficient, effective and economical operational environment throughout the Department.

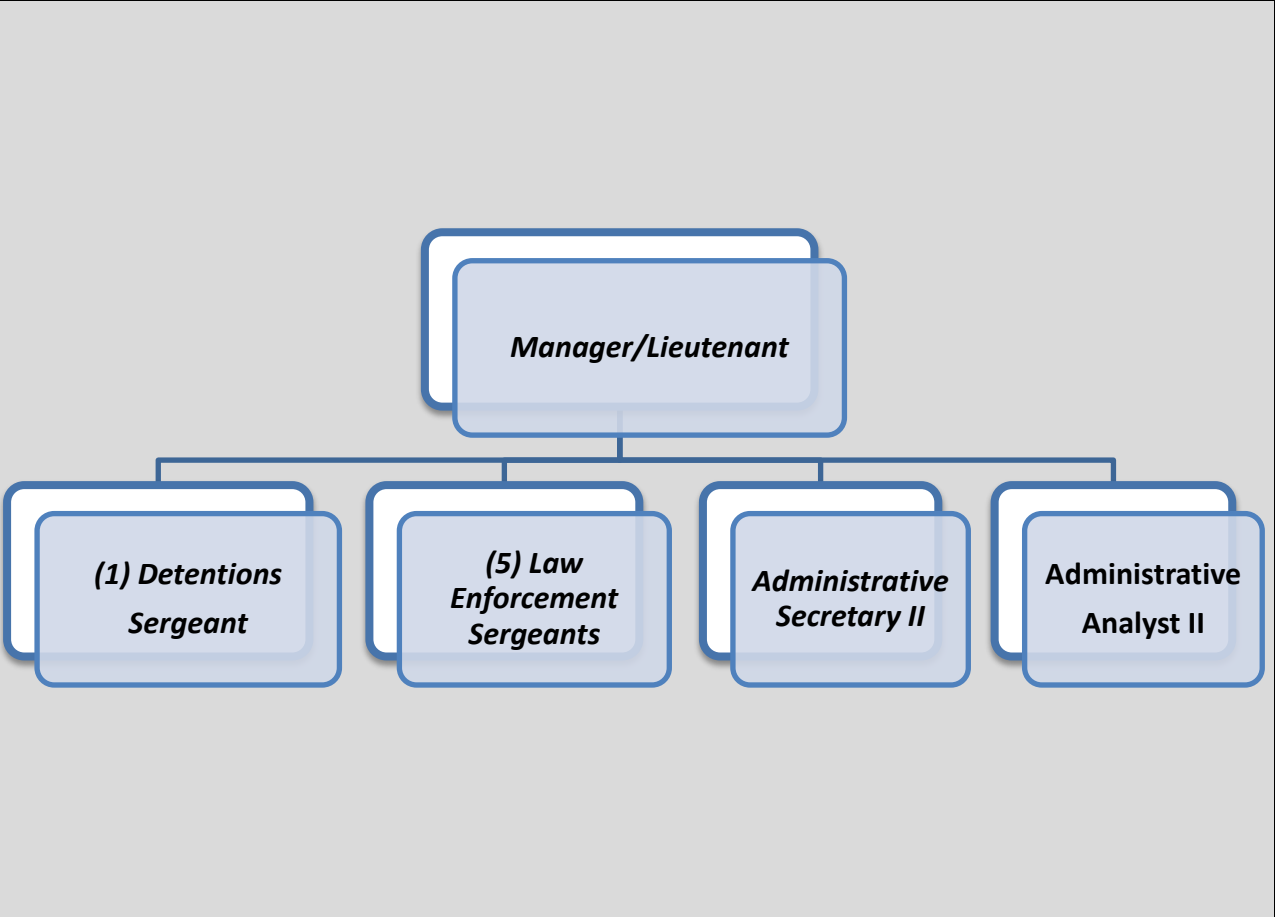
DIS will coordinate liability issues related to use of force, vehicle operations, application of law, jail conditions, and any action by staff that causes an injury. Additionally, they will liaison with the Citizens' Law Enforcement Review Board and County Counsel Claims Division. DIS will review and facilitate the update of the Department Policy and Procedure Manual.

It is the Department's philosophy that risk management activities shall take place at all levels of the Sheriff's Department. However, the Division of Inspectional Services shall manage the process whereby issues of liability in the workplace and actions that may cause injury and/or property damage are reviewed and reported to management.

(SDSD Policy 1.12, 4.25, DIS Charter)



**Organizational Chart**



## Areas of Responsibility

DIS is assigned the following areas of responsibility:

- Performance reviews/audits
- CLERB liaison
- Critical Incident Review Board facilitation
- Use of Force Review
- Policy and Procedure Review
- Claims oversight
- Liaison to County Counsel
- DMV License monitoring program
- Board of State and Community Corrections Compliance Inspections and Reporting(BSCC)
- Prison Rape Elimination Act (PREA) Coordination and Reporting to the Bureau of Justice Statistics (BJS)
- Special tasks as assigned by the Office of the Sheriff
- Provide analysis and statistics regarding critical incidents to the Sheriff and the public.
- Submission of Use of Force data to the Department of Justice (DOJ) and the FBI National database.



## Staff Training

Sworn staff in DIS will be assigned training to encompass investigations, auditing, and other topics as deemed appropriate to fulfill the objectives of the unit. Special emphasis will be placed on Prison Rape Elimination Act, Law Enforcement Auditing, and Use of Force topics. Auditing standards referred to in the Generally Accepted Government Auditing Standards manual (GAGAS or the "yellow book") are referred to periodically in this manual and staff training materials as these are respected industry standards. DIS staff will train and voluntarily strive to achieve these standards as stated in the DIS charter.



## Reporting Cycles

The DIS Lieutenant or designee will attend the regularly scheduled Sheriff's staff briefing. This briefing is typically scheduled on Monday mornings at 0900 hours. The Divisional briefing is scheduled in January and July of each year. The statistics generated for this report are managed by the Administrative Analyst and will compare to the immediate prior year's statistics for the same time period.

In addition to reporting statistical summaries, projects of note, special reviews/projects or ongoing review issues may be included in the reporting process.



## Use of Force Review and Reporting

All use of force incident reports are reviewed by DIS for completeness and compliance with department policy. When available, body worn camera footage from a sampling of incidents is reviewed by the assigned sergeants. Issues with compliance are brought to the Sheriff's command staff and reported to the Office of the Sheriff. The Critical Incident Review Board may request a presentation from the affected command on a specific event if it is deemed necessary.

(SDSD P&P 4.23, Directive 1607-01)





## Compliance Monitoring

DIS reports to the State of California use of force statistics in compliance with AB 71. These statistics are reported annually. The information in the same format is reported to the Federal Bureau of Investigation monthly.

DIS sergeants and analyst will also inspect or "audit" areas within the department for compliance with applicable laws and Department policies and procedures. The process typically involves an entrance interview with the subject area/command to explain the audit/inspection process and conduct initial processes assessment. The test work is then performed and data compiled to prepare the report. The report is delivered to the command during an exit interview. At the time of the exit interview the command is offered an opportunity to represent pertinent facts that may address exceptions.

The written response from the area/command is developed and sent to the DIS manager. After the response is reviewed for completeness, clarity, and feedback it is endorsed with a cover or closing memo by the DIS manager, compiled with the original audit report and sent to the Office of the Sheriff via the division command and Sheriff's Legal for review and approval.

The following audits are performed on a regular basis and require a report cycle to include feedback from the commands:

Detective Performance Reviews-60 day response time to initial findings  
Property and Evidence Inspections-60 day response time to initial findings  
Board of State and Community Corrections Audits-30 day response to initial findings.

The above list does not include special request inspections/audits as the command deems necessary.



## Citizens Law Enforcement Review Board (CLERB)

DIS is the interface between the Sheriff's Department and CLERB. In accordance with the voter approved amendment to the County of San Diego Charter the CLERB was established to provide an advisory citizen oversight board. As established, the CLERB:

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. (Excerpted from CLERB brochure)

DIS staff receives and reviews complaints from CLERB and facilitate the information gathering process in support of the investigation of the complaint. Information requests can be in the form of supplemental employee requests for information ("SERF"), requests for copies of case reports, logs, video footage, etc. There are few limitations as to the information provided to CLERB investigators. CLERB has subpoena powers authorized by the County Charter. Sworn staff has the right to representation by outside legal support such as the Deputy Sheriff's Association. Requests for information relating to personnel files are reviewed to ensure compliance with the privacy protections afforded by Penal Code Section 832.7. On sustained cases the CLERB is able to request if the case was referred and an Internal Affairs complaint filed. No further information regarding IA cases will be shared with the CLERB unless authorized by law.



## Citizens Law Enforcement Review Board (CLERB)

Board members examine evidence and review the investigative reports prepared by CLERB investigators at regular meetings. Board members discuss the investigations in a closed meeting format 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 for confidential review and response.

The findings and policy recommendations are submitted to DIS for review. The assigned DIS sergeant disseminates the findings and policy recommendations to the appropriate Assistant Sheriff. Response to the CLERB should involve review and consultation with Sheriff's Legal and the affected Bureau to the Commander level (minimum). All policy recommendations shall be reviewed by the area of responsibility. The final response to CLERB correspondence will be on a signed Sheriff's letterhead, to the Chair of CLERB from the DIS manager, after the bureau level review is complete. All written responses to CLERB should be considered public information unless otherwise documented as confidential.

All sustained findings, policy recommendations or potential issues shall be discussed with the Office of the Sheriff as soon as identified and no later than the publication of the response to CLERB.  
(SDSD Policy and Procedure 6.107)



## Claims

Any person wanting to file a claim against the Sheriff's Department shall be referred to the Clerk of the Board of Supervisors. If a person is trying to locate property which may be in the custody of the Sheriff's Department, employees should make every attempt to assist in retrieving said property. If a person is also claiming physical abuse and/or injury by a member of this Department, they should also be referred to Internal Affairs. DIS staff may initiate Department originated complaints.

All claims made against the Sheriff's Department will be forwarded to the Division of Inspectional Services by the County Counsel-Claims Division for review. DIS will:

- Log and track every claim.
- Contact Internal Affairs (IA) to determine if the incident is already the subject of an Internal Affairs investigation. If the claim is the subject of an open investigation, County Claims will be advised of a potential delay.

If the claim is not the subject of an open IA investigation, the DIS Lieutenant will assign county claims to the appropriate command for the collection of all reports, including the evidence checklists. These will be forwarded via the chain of command, to the bureau commander for review. If a claim is deemed a sheriff's claim-i.e.; less than \$1,500.00, it will be investigated and documented completely to include a recommendation, prior to submission to the chain of command for approval.

Upon review of the claim file, the bureau commander will forward all compiled and approved/disapproved claims packages to the DIS Lieutenant for review and submission to County Counsel-Claims. A claims management log and file will be maintained in Division of Inspectional Services. (P&P 6.54)

There are instructions on the DIS website on how to put a department claim or county claim folder together. DIS is available to assist with any questions, guidance, suggestions, and will liaison with County Counsel for the station.



## Board of State and Community Corrections (BSCC)

The California Board of State and community Corrections (BSCC) is an independent statutory agency that provides leadership to the juvenile criminal justice system, expertise on public safety realignment and technical assistance on community correction issues. The BSCC is governed by a board of 13 members to include a judge, chief of police, local county Sheriff, chairperson, community member and chief probation officer... Each member is appointed by the State Governor and confirmed by the Senate. BSCC is comprised of various groups that promulgate regulations for detention facilities, develop standards for selection and training of detention deputies, and administer significant public safety-related grant funding.

Within BSCC, field representatives are assigned to every local detention facilities, court house and patrol station within the state. The field representatives will conduct an independent audit and or inspection of these areas, on an annual or biennial basis, for Title15 and Title 24 compliance. The DIS Detention Sergeant will be responsible for coordinating and facilitating all of the audits/inspections conducted by the BSCC field representative. With additional support as needed, the Detentions Sergeant will schedule, attend and follow-up with needs and requests of the BSCC field representative. All follow-up items will be tracked and reported the appropriate bureau within the department.



## Critical Incident Review Board (CIRB) Facilitation

The purpose of this board is to consult with Department legal counsel when an incident occurs which may give rise to litigation. The focus of the CIRB will be to assess the department's civil exposure as a result of a given incident, determine if an Internal Affairs investigation is warranted or if policy should be changed or implemented. The CIRB will carefully review those incidents from multiple perspectives, including training, tactics, policies, and procedures with the ultimate goal of identifying problem areas and recommending remedial actions so that potential liability can be avoided in the future.

Incidents that are deemed critical incidents and shall be reviewed by the CIRB including: In custody deaths, (other than natural causes), use of deadly force by a department employee, pursuits resulting in any injury requiring hospital admittance or major property damage, death or serious injury resulting from action of a member of this Department, law enforcement related injuries requiring hospital admittance, discharge of a firearm by sworn personnel, any other incident involving the discharge of a firearm, major property damage or major vehicle damage by a member of this Department or other critical incident which, in the judgement of the Sheriff, Undersheriff, Assistant Sheriff, or board member warrants review.

A DIS Sergeant is assigned to each CIRB as the facilitator with the presenter from the station in which the incident occurred. The DIS Sergeant will provide assistance and work with the presenter as they prepare their power point presentation. See the DIS website under: *Critical Incident Review Board* under *Critical Incident Review Board Presentation Process*.

The DIS Sergeant will attend the CIRB with the presenter and ensure the presentation is complete. The DIS Lieutenant will ensure that a copy of all related reports is forwarded to each member of the Critical Incident Review Board, for each critical incident to be reviewed by the review board, within 30 days of the completion of the investigation, and no later than seven (7) days prior to the date of the CIRB convening. The DIS Lieutenant shall relay the Board findings and after action items to the DIS Sergeant for follow-up. The DIS Sergeant is responsible for preparing the CIRB report. The CIRB findings shall be reported in writing addressed to the Sheriff's Chief Legal Advisor via the affected chain of command within 45 days of the Board hearing.

(SDSD P&P 4.23, 4.25)



## DMV License Notification

DIS staff assigned to the County of San Diego DMV license pull notification program will respond to notices of suspended or expired licenses for employees of the Sheriff's Department. All employees are to remain licensed in compliance with County policy. The DIS notice to the employee and supervisor shall indicate the suspension or expiration and require that the employee not be allowed to drive a county vehicle until the driver's license is current. The DIS sergeant coordinates with the employee's supervisor and DHR to resolve the issue.



## Call-Outs

DIS requires notification from the Communications Center for the following incidents:

- All on-duty or off-duty officer involved shootings regardless of jurisdiction or whether or not there were any injuries.
- All on-duty or off-duty unintended discharges of firearms.
- Shooting animals in self-defense or defense of others (dispatching animals for humanitarian reasons not included).
- Use of force incidents resulting in media attention, serious injury, or death.
- All PREA allegations where a detainee or inmate was sexually assaulted in Sheriff's custody.
- All canine contacts.
- Traffic pursuits resulting in a traffic collision with moderate to serious property damage, any injuries, or death.
- Any forcible stops involving Sheriff's vehicles.
- All Department related traffic collisions resulting in moderate to serious property damage, injury, or death.
- All in-custody deaths department-wide, regardless of whether Sheriff's Homicide responds or not.
- Work-related illness or injury of Sheriff's personnel that results in professional medical treatment (U.S. HealthWorks), hospitalization or death. This includes bio-hazardous exposures (i.e. needle punctures, bodily fluids, etc.)





## Call-Outs (continued)

- All escapes and attempt escapes.
- All erroneous releases.
- All serious in-custody injuries regardless of cause.

The Division of Inspectional Services (DIS) responds to high-risk incidents. There are several reasons for this response, but the following are the most common:

1. To evaluate the procedural training, equipment and policy issues, and their respective effects or cause on the incident.
2. To make sure any department employee needs are taken care of in incidents of injury, counseling, or other needs associated with any type of incident.
3. To serve as a resource for new Supervisors on the department regarding paperwork required, P&P questions, and any other needed issues.
4. To coordinate the facilitation of the Critical Incident Review Board (CIRB). CIRB's are reviews of the incident (usually) by the assigned investigator, or the Sergeant. Although CIRB's are confidential, occasionally, tasks or action items are assigned for overall improvement of the department or employee. DIS ensures these tasks are completed and handles all associated paperwork with the items. The reports are attorney/client privileged.

(SDSD P&P 4.23)



## Analysis and Statistics

The Division of Inspectional Services (DIS) is responsible for the following:

1. Create, maintain, and update all record keeping spreadsheets for data gathering, to include:
  - a. Use of Force (UOF)
  - b. CIRB
  - c. CLERB
  - d. Call Outs
  - e. Claims
  - f. Officer Involved Shootings
  - g. Traffic Collisions\*
  - h. Vehicle Pursuits\*

\*Developed with the Traffic Coordinator's Office
2. Create monthly and annual reports, graphs and analysis regarding all the incidents listed above.
3. Monitor the complete approval process of SO-120's (UOF) reports. Contact the respective commands as needed to ensure 100% completion of the SO-120 approval process. An annual report with detailed information regarding use of force data is released to the public every February.
4. Collect and analyze data regarding UOF.
5. Report incidents through the use of force incident reporting database (URSUS) provided by the California Department of Justice as required by Government Code 12525.2.
6. Create an annual public report with PREA incidents, as mandated by the BSCC.
7. Obtain data from the Internal Affairs Unit in a yearly basis. Create a report for public release that contains Internal Affairs annual totals.

(Reference materials in DIS Admin Analyst desk reference handbook.)



## Appendix

### Sheriff's Policy and Procedure

1.12 Policy and Procedure Preparation

4.25 Division of Inspectional Services (SOPC October 218)

6.107 Citizens Law Enforcement Review Board (Legal 2018)

1607-01 Directive- Use of Force Reporting Requirements

Division of Inspectional Services Charter

Use of Force Review Guide

Property and Evidence Inspection Guide

Detective Performance Review Guide

Area Detective Audit Plan Schedule

CIRB Presentation Guide

Revised 06/04/2019

