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14 Attorneys for Plaintiffs and the
Certified Class and Subclasses

16 UNITED STATES DISTRICT COURT
17 SOUTHERN DISTRICT OF CALIFORNIA

18 DARRYL DUNSMORE, ANDREE
ANDRADE, ERNEST ARCHULETA,
19 JAMES CLARK, ANTHONY EDWARDS,
REANNA LEVY, JOSUE LOPEZ,
20 CHRISTOPHER NORWOOD, JESSE
OLIVARES, GUSTAVO SEPULVEDA,
21 MICHAEL TAYLOR, and LAURA
ZOERNER, on behalf of themselves and all
22 others similarly situated,

23 Plaintiffs,

24 v.

24 SAN DIEGO COUNTY SHERIFF'S
DEPARTMENT, COUNTY OF SAN
25 DIEGO, SAN DIEGO COUNTY
PROBATION DEPARTMENT, and DOES
26 1 to 20, inclusive,
27 Defendants.

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Case No. 3:20-cv-00406-AJB-DDL

**PLAINTIFFS' RULE 26(a)(2)(A)
DISCLOSURE OF
NON-RETAINED EXPERT
PAUL PARKER**

Judge: Hon. Anthony J. Battaglia
Magistrate: Hon. David D. Leshner

Trial Date: None Set

1 1. Plaintiffs Darryl Dunsmore, Andree Andrade, Ernest Archuleta, James
2 Clark, Anthony Edwards, Reanna Levy, Josue Lopez, Christopher Norwood, Jesse
3 Olivares, Gustavo Sepulveda, Michael Taylor, and Laura Zoerner, on behalf of
4 themselves and the Certified Class and Subclasses, hereby disclose their non-
5 retained expert:

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9 2. Mr. Parker was formerly the Executive Officer of San Diego County’s
10 Citizen Law Enforcement Review Board (“CLERB”). CLERB independently
11 investigates citizen complaints against the San Diego County Sheriff’s Department
12 and the San Diego County Probation Department, as well as deaths that are related
13 to the actions of sworn Sheriff’s Department’s deputies and officers. *See Citizens’*
14 *Law Enforcement Review Board: About*, SanDiegoCounty.gov,
15 <https://www.sandiegocounty.gov/content/sdc/clerb/about/> (last visited Aug. 10,
16 2024). San Diego County voters established CLERB in 1990. *Id.* Review Board
17 members are volunteers appointed by the Board of Supervisors. *Id.* CLERB is also
18 supported by full-time County employees like Mr. Parker who conduct
19 investigations and manage its operations. *Id.*

20 3. As CLERB’s Executive Officer, Mr. Parker attempted to reform
21 Sheriff’s Department policies and practices which he believed were contributing to
22 the inordinately high mortality rate at the Sheriff’s Department’s detention facilities.
23 Prior to directing CLERB, Mr. Parker served for decades as a law enforcement
24 officer and death investigator. His training and professional experience inform his
25 opinions including his opinion that San Diego County fails to ensure meaningful,
26 independent oversight of the San Diego County Sheriff’s Department’s
27 administration of the San Diego County Jail system. Pursuant to Rule 26(a), Mr.
28 Parker expects to testify to the following facts and opinions:

1 **I. Mr. Parker Is a Career Law Enforcement Professional Who Spent**
2 **Several Years Attempting to Reform the San Diego County Jail.**

3 4. Mr. Parker began his law enforcement career in 1989 at the
4 Youngstown, Arizona Police Department, where he worked his way up the ranks
5 from police aide to officer to lieutenant over the course of ten years. *See* Mr.
6 Parker's Curriculum Vitae, attached hereto as **Exhibit A**, at 4. He spent the next
7 two decades overseeing thousands of death investigations at medical examiner's
8 offices across the Southwest. *Id.* at 1-4. From October 2015 to June 2017, he
9 served as the Assistant Coroner of Clark County, Nevada. From September 2018 to
10 October 2020, he served as the Chief Deputy Director of the Los Angeles County
11 Department of the Medical Examiner-Coroner. *Id.* at 1. In both roles, he was
12 responsible for drafting death investigation policies and supervising dozens of
13 employees. *Id.*

14 5. Mr. Parker has spent much of his law enforcement career serving the
15 San Diego community. He worked for the San Diego Medical Examiner in 1999
16 and served as Chief Investigator from 2006 to 2010. *Id.* at 4. He first worked for
17 CLERB as an investigator from November 2000 to June 2002 and then as Executive
18 Officer from 2017-2018. *Id.* at 1, 4. Most recently, he served again as CLERB's
19 Executive Officer from 2020 to 2024. *Id.* at 1. In these roles, he became intimately
20 familiar with problems that plague the San Diego County Jail, such as a lack of
21 quality medical services, lack of medical staff independence from sworn staff, lack
22 of adequate safety checks, and a culture of dehumanizing incarcerated people and
23 ignoring even their most urgent needs.

24 6. During his tenure as CLERB's Executive Officer, Mr. Parker tried to
25 implement a variety of reforms to enhance CLERB's oversight of the Sheriff's
26 Department. He kept and regularly updated a spreadsheet with each of CLERB's
27 recommendations since 2020, tracking the recommendations that had been
28 implemented, the recommendations that were not implemented, and the

1 recommendations for which CLERB had not yet received a response. Despite some
2 successes, such as increasing the resources available to CLERB, Mr. Parker
3 ultimately resigned because the County failed to provide CLERB with adequate
4 resources and authority to conduct investigations and implement deeper changes
5 which could prevent unnecessary death and suffering at the San Diego Jail. *See* Jeff
6 McDonald, *What’s Next for Oversight of San Diego Sheriff? As He Steps Away,*
7 *Departing Watchdog Says “There’s Still No Transparency,”* San Diego Tribune
8 (Mar. 24, 2024, 5:00 PM),
9 [https://www.sandiegouniontribune.com/2024/03/24/whats-next-for-oversight-of-](https://www.sandiegouniontribune.com/2024/03/24/whats-next-for-oversight-of-san-diego-sheriff-as-he-steps-away-departing-watchdog-says-theres-still-no-transparency/)
10 [san-diego-sheriff-as-he-steps-away-departing-watchdog-says-theres-still-no-](https://www.sandiegouniontribune.com/2024/03/24/whats-next-for-oversight-of-san-diego-sheriff-as-he-steps-away-departing-watchdog-says-theres-still-no-transparency/)
11 [transparency/](https://www.sandiegouniontribune.com/2024/03/24/whats-next-for-oversight-of-san-diego-sheriff-as-he-steps-away-departing-watchdog-says-theres-still-no-transparency/) [hereafter, *What’s Next?*].

12 7. Mr. Parker is now the head of the Commission on Police Practices, an
13 independent community oversight body of the San Diego Police Department. *See*
14 *Commission on Police Practices*, City of San Diego,
15 <https://www.sandiego.gov/cpp/about> (last visited Aug. 8, 2024).

16 **II. As CLERB’s Director, Mr. Parker Became Aware of Serious Problems**
17 **with the San Diego Sheriff’s Department’s Practices Relating to the**
18 **Provision of Care and Safety to Incarcerated People.**

19 8. When Mr. Parker resumed his leadership of CLERB in 2020,
20 incarcerated people were dying in-custody at an alarming rate. Under Sheriff Bill
21 Gore, 12 people died in custody in 2020 and 18 people died in 2021. SD_174811.
22 The high death rate at the Jail prompted state lawmakers to call for a formal audit of
23 jail operations. SD_174794. In February 2022, the California State Auditor issued
24 a scathing report finding that for years, “the Sheriff’s Department has failed to
25 adequately prevent and respond to the deaths of individuals in its custody.” *Id.* The
26 State Auditor also critiqued CLERB’s at times ineffective investigation of these
27 deaths. *Id.*

28 9. Mr. Parker and CLERB investigated numerous in-custody deaths and
made numerous policy recommendations to try and reduce deaths at the Jail. They

1 also commissioned a study by Analytica Consulting to better understand the nature
2 and scope of the in-custody deaths in San Diego as compared to other California
3 counties. County Law Enforcement Review Board, *2022 Semi-Annual Report 6*
4 (2022), [https://www.sandiegocounty.gov/content/dam/sdc/clerb/annual-](https://www.sandiegocounty.gov/content/dam/sdc/clerb/annual-reports/2022%20Semi-Annual%20Report)
5 [reports/2022%20Semi-Annual%20Report](https://www.sandiegocounty.gov/content/dam/sdc/clerb/annual-reports/2022%20Semi-Annual%20Report) [hereafter, CLERB_2022 Semi-Annual
6 Report]. After comparing San Diego to eleven other California counties, Analytica
7 Consulting confirmed that “San Diego jails have the highest number of unexpected
8 deaths.” *Id.* at 6. Analytica Consulting also found that “San Diego County inmates
9 have the highest overdose/accidental death rates” and that “[a]n inmate in San Diego
10 is two times more likely to die in this manner than what is expected based on county
11 mortality rates.” *Id.*

12 10. In April 2023, Mr. Parker testified to the California Legislature in
13 support of SB 519, a bill sponsored by Tori Atkins, President pro tempore of the
14 California State Senate, to reduce the number of in-custody deaths in San Diego and
15 statewide. *See* <https://www.youtube.com/watch?v=Jf-lP1pYQ4M>. Unfortunately,
16 SB 519 has had no positive effect on reform. To Mr. Parker’s knowledge, the
17 position it created, an official at the California Board of State and Community
18 Corrections who would monitor deaths in jails across the state, has not been filled.

19 **III. Mr. Parker Will Testify That the County Fails to Provide Sufficient**
20 **Oversight Over the Sheriff’s Department and Probation Department.**

21 11. Mr. Parker will testify that the County fails to provide adequate
22 oversight over the Sheriff’s Department and Probation Department, and that this
23 lack of accountability contributes to the County’s excessively high death rates for
24 people incarcerated in Jail as well as those on probation. Many of his suggested
25 reforms were rejected or ignored. As Mr. Parker told the San Diego Union Tribune
26 after resigning from CLERB: “I feel like I’m banging my head against the wall, and
27 the county doesn’t seem to want to do anything to have true oversight.” *See What’s*
28 *Next?, supra.*

1 **A. The County Provides Insufficient Resources for CLERB.**

2 12. Mr. Parker will testify that the County provides inadequate resources
3 for CLERB to perform its oversight functions. An expert who conducted an
4 evaluation of CLERB in 2021 described CLERB as “significantly underfunded” in
5 comparison to peer police oversight agencies. Sharon R. Fairley, *San Diego County*
6 *Citizens’ Law Enforcement Review Board: Assessment of Strengths and*
7 *Opportunities 25-26 (2021)*. While cities like San Francisco and Seattle fund their
8 respective oversight agencies at more than 1% of the budgets of the law
9 enforcement agencies they monitored, CLERB’s budget is a mere 0.15% of the
10 Sheriff’s Department’s budget. *Id.*

11 13. Mr. Parker will testify that the County fails to timely fill CLERB
12 positions. During his tenure at CLERB, the agency had longstanding vacancies on
13 its board, which on at least one occasion led to a cancellation of its monthly meeting
14 due to lack of a quorum. *See* Jeff McDonald, “Oversight Board Chief Stretches
15 Boundaries, and Authority, in Monitoring Sherriff’s and Probation Departments,”
16 *San Diego Tribune* (Oct. 29, 2023 5:00 AM),
17 [https://www.sandiegouniontribune.com/2023/10/29/oversight-board-chief-stretches-](https://www.sandiegouniontribune.com/2023/10/29/oversight-board-chief-stretches-boundaries-and-authority-in-monitoring-sheriffs-and-probation-departments/)
18 [boundaries-and-authority-in-monitoring-sheriffs-and-probation-departments/](https://www.sandiegouniontribune.com/2023/10/29/oversight-board-chief-stretches-boundaries-and-authority-in-monitoring-sheriffs-and-probation-departments/).

19 **B. CLERB Lacks Adequate Authority to Investigate In-Custody**
20 **Deaths and Complaints About the Sheriff’s Department.**

21 14. Mr. Parker will testify that the County deprives CLERB of sufficient
22 power to investigate all Jail personnel who may have information about an in-
23 custody death or improper use of force. For example, the County’s Charter and
24 CLERB’s Rules and Regulations do not give CLERB jurisdiction over the medical
25 staff and civilians who work at the Jail (e.g., correctional counselors). CLERB
26 asked the Board of Supervisors four times to give it power to investigate Jail
27 medical staff and contractors. *See What’s Next?, supra*. Without jurisdiction over
28 key individuals who work in the Jail, Mr. Parker found that CLERB could not

1 adequately investigate the vast majority of in-custody deaths.

2 15. To date, the Board of Supervisors has yet to act on CLERB's
3 recommendation to expand its jurisdiction. *Id.* What this means is there is no
4 accountability for county medical staff or contractors like NaphCare as these
5 individuals and companies cannot be investigated by CLERB. This is particularly
6 troublesome given that the State Auditor found that medical staff are seldom
7 investigated by the Sherriff Department's Internal Affairs Unit, even when there is
8 reason to think that their actions and/or omissions contributed to a death. *See*
9 *SD_174835.*

10 16. Although CLERB is authorized to investigate complaints against the
11 San Diego County Probation Department, it does not have authority to investigate
12 the deaths of people on probation (nor does any agency conduct such investigations
13 unless the death is ruled a homicide). Mr. Parker will testify that CLERB's lack of
14 jurisdiction over these deaths results in an absence of oversight over probation
15 officers who are responsible for monitoring the welfare of people on probation.

16 17. CLERB's investigatory power is further limited by the fact that it must
17 plan and announce Jail inspections in advance, rather than showing up unannounced
18 promptly after critical events. CLERB investigators are dependent on the Sheriff's
19 Department for access to their facilities and records. Surveillance footage quality is
20 so poor at many Jail facilities that CLERB investigators are at times forced to rely
21 on deputies' own accounts of events. Mr. Parker believes that the lack of quality
22 video footage has made it difficult to sustain use of force complaints and investigate
23 serious allegations including failures to properly conduct safety checks.

24 18. CLERB also lacks the power to investigate anonymous complaints,
25 which Mr. Parker believes further hampers its ability to learn of potential
26 misconduct or conditions which threaten the lives and welfare of incarcerated
27 people.

28 ///

1 **C. CLERB Is Currently Unable to Ensure that Necessary Reforms**
2 **Are Implemented.**

3 19. In connection with its investigations of in-custody deaths, CLERB
4 regularly makes recommendations for reform of the Sheriff’s Department’s policies
5 and practices. For example, CLERB has recommended that the Sheriff’s
6 Department change its contraband interdiction policies to: (1) ensure that body
7 scanners are use on all incarcerated persons who transferred between facilities, and
8 (2) ensure that employees with special expertise and background in image reading
9 review and interpret body scans at Jail facilities. CLERB has repeatedly
10 recommended that the Sheriff’s Department use the body scanner to scan all people
11 entering the Jail—including staff—for illicit substances to help reduce in-custody
12 overdoses. However, none of these recommendations have been implemented
13 because CLERB has no authority to ensure that these or any other recommendations
14 become official policy.¹ Often, the Sheriff’s Department merely acknowledges the
15 recommendation without promising any change. Similarly, when CLERB finds that
16 a specific Sheriff’s Department employee has violated policy (*e.g.*, a custody officer
17 who failed to conduct adequate safety checks), the Sheriff’s Department often
18 responds that it will investigate to see if disciplinary action is warranted or not.
19 There is no mandate to hold these employees accountable. CLERB is not informed
20 of the outcome of these investigations.

21 20. Mr. Parker will also testify that efforts to make the Sheriff’s
22 Department’s actions more transparent and accountable to the residents of San
23 Diego have been unsuccessful. For example, Sheriff Martinez has still not made the
24 Sheriff Department’s Critical Incident Review Board (CIRB) reports on deaths
25

26 _____
27 ¹ In July 2024, the Sheriff’s Department announced that it would begin randomly
28 “screening” Sheriff’s personnel, contractors, volunteers, and professional visitors;
however, this new policy does not provide that the people being screened will
receive a body scan.

1 available to the public. Instead of publishing full CIRB reports, as the Sheriff
2 promised when running for office, the Sheriff’s Department merely publishes
3 limited synopses. *See Homicide, In-Custody Deaths, Officer Involved Shootings,*
4 *San Diego County Sheriff’s Department,*
5 www.sdsheriff.gov/resources/transparency-reports (last visited August 10, 2024).
6 Even the limited synopses published by the Sheriff’s Department are incomplete:
7 they often include only preliminary information with no updates on follow-up
8 conducted by CLERB, and there are no synopses for any deaths that occurred in the
9 calendar year 2024.

10 **D. The Quality of CLERB In-Custody Death Investigations Has**
11 **Fallen Since Mr. Parker’s Departure**

12 21. Mr. Parker will opine that since his departure from CLERB, the in-
13 custody death investigations have apparently become less thorough and that more
14 guidance, particularly from leadership with death review experience, is needed for
15 investigators to perform their work. This is evidenced in part by the numerous
16 redlines that appear in recent CLERB findings and recommendations—suggesting
17 that the CLERB board disagrees with the finding write-ups by the investigators and
18 that the CLERB board seeks stronger recommendations than the ones initially
19 drafted by the investigators.

20 **E. CLERB Board Members Should Be Independently Appointed.**

21 22. Mr. Parker will testify that CLERB’s board is filled with political
22 appointees and therefore lacks independence from the County’s Board of
23 Supervisors. The County’s Chief Administrative Officer is given discretion to
24 nominate candidates to the Board of Supervisors; thereafter, each Supervisor gets to
25 appoint two CLERB board members. The CLERB board would benefit from
26 independence and increased diversity, including as to age, to better match the
27 custodial population. Further, the Board of Supervisors often does not respond to
28 CLERB’s letters and recommendations and generally does not reach out to CLERB

1 or show interest in its work.

2 **F. San Diego Needs an Office of Inspector General.**

3 23. Mr. Parker will testify that to ensure adequate oversight and
4 accountability, the County should create and fund an Office of Inspector General
5 (“OIG”) to provide independent and comprehensive oversight, monitoring of, and
6 reporting about the San Diego County Sheriff’s Department and the San Diego
7 County Probation Department. An OIG is necessary to promote the fair and
8 impartial administration of justice, and to facilitate the Board of Supervisors’
9 responsibility with respect to oversight of the people who are under the County’s
10 supervision.

11 **G. The Sheriff’s Department Should Strengthen the Family Liaison
12 Program**

13 24. In August 2019, the Sheriff’s Department instituted a Family Liaison
14 program and detailed its responsibilities in Policies and Procedures Section (“P&P”)
15 6.0134 entitled, “Family Liaison Protocol.” In April 2022, CLERB sought to update
16 P&P Section 6.0134, including to mandate that the Family Liaison meet with the
17 family at the conclusion of the investigation into a shooting, use of force resulting in
18 significant force or death, or an in-custody death. Mr. Parker will testify that the
19 Family Liaison program still needs to be improved, including to ensure that the
20 Family Liaison keeps family members apprised of investigation status and
21 developments as well as to ensure that the Family Liaison meets with family
22 members at the conclusion of the investigation. This ensures that family members
23 have a complete understanding of relevant facts and events, and are therefore less
24 inclined to fill-in missing details with incorrect information.

25 **H. Analytica’s Report on In-Custody Deaths Is Accurate**

26 25. Mr. Parker will testify that he regularly met with Analytica Consulting
27 staff in connection with the preparation of their report. Mr. Parker agrees with
28 Analytica Consulting’s findings and conclusions, including that White people are

1 more likely to be incarcerated in the Jail, but Black people are more likely to die in
2 jail and that public oversight of in-custody deaths lacks key information. *See*
3 CLERB_2022 Semi-Annual Report at 6.

4 **IV. Conclusion**

5 26. In sum, Mr. Parker will testify about CLERB’s limitations as well as
6 the need for more resources and robust accountability mechanisms to stem the tide
7 of deaths and misconduct at San Diego’s detention facilities and while individuals
8 are supervised on probation.

9

10 DATED: August 21, 2024

Respectfully submitted,

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ROSEN BIEN GALVAN & GRUNFELD LLP

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By: /s/ Gay Crosthwait Grunfeld

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Gay Crosthwait Grunfeld

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Attorneys for Plaintiffs and the Certified Class
and Subclasses

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