



San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



Kelly A. Martinez, Sheriff

May 15, 2023

Eileen Delany, Board Chairperson
Citizens' Law Enforcement Review Board
555 West Beech Street, Suite 220
San Diego, CA 92101-3819

CLERB CASE NUMBER: #21-096/CERNILIA

Dear Chairperson Delany,

The Sheriff's Department welcomes and supports the Citizens' Law Enforcement Review Board's (CLERB) independent review of complaints alleging improper actions by members of this organization and in-custody deaths. We continuously strive to respond with professionalism and concern to the citizens we serve, and the CLERB process provides invaluable input.

On October 2, 2022, CLERB recommended the following policy change related to San Diego County Sheriff's Department Policy and Procedure 6.131 BWC.

1. It is recommended that the San Diego Sheriff's Department (SDSD) expand Policy and Procedures Section 6.131 entitled, "Body Worn Camera (BWC)" to incorporate the use of BWC to record all law enforcement-related contacts/interactions (i.e., telephonic calls for service, deputy call-backs, etc.), not just those contacts arising out of in-person scene responses or in-person deputy-initiated contacts.

As of June 03, 2021, SDSD P&P 6.131 was updated, which states in part:

PROCEDURE:

Law Enforcement-Related Contacts

When responding to a call for service, a deputy/CSO shall activate their BWC in record mode prior to arriving on scene or upon arrival and prior to exiting their patrol vehicle. In situations where activation was not accomplished prior to arriving on scene, those reasons shall be articulated in writing via case-related report, or if no report, in CAD. Deputies/CSOs should also begin recording prior to initiating any law enforcement-related contacts. Deputies/CSOs shall activate the BWC to record all law enforcement-related contacts. While away from department facilities, deputies shall keep their BWC powered on and in standby mode, anticipating law enforcement-related contacts. If, for confidential or personal reasons, deputies/CSOs feel the need to power off their BWC momentarily (i.e. phone call, email, or

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bathroom break) while away from department facilities, they need to remember to power-on and reactivate their BWC after their reasoning for powering off has concluded.

The record mode of the camera should be activated prior to actual contact with a citizen (victim/witness/suspect) or as soon as safely possible, and continue recording until the contact is completed. Deputies shall begin recording prior to arriving at an incident if the call has the potential to involve immediate enforcement action upon arrival

Expanding the policy to say (SHALL) record all contacts, including phone calls, call back, etc., is not always feasible. Report writing areas in all of our stations are open and have multiple deputies typing and making phone calls at any given time. Putting the phone on speaker and recording the conversation would be impractical and unprofessional if others were talking in the background. Implementing BWC during phone calls is discretionary and already done from time to time. We believe our current policy gives a clear direction to deputies on their duties when and how to use their issued BWC.

In closing, we appreciate the time and effort of the Citizen's Law Enforcement Review Board. Thank you for your service to the Citizens of San Diego County and the policy recommendations. Our goal is to provide the highest quality public safety services to everyone in San Diego County.

Sincerely,

KELLY A. MARTINEZ, SHERIFF

A handwritten signature in blue ink, appearing to read "D. Perkins", is written over the typed name of David Perkins.

David Perkins, Lieutenant
Office of the Sheriff
Division of Inspectional Services
KAM:DWP/mt