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CITIZENS' LAW ENFORCEMENT REVIEW BOARD

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February 13, 2024

Sheriff Kelly Martinez, County of San Diego
Attn: Lieutenant David Perkins, Division of Inspectional Services
9621 Ridgehaven Court
San Diego, CA 92123

LETTER OF CONCERN - EXCESSIVE NUMBER OF ROUNDS FIRED BY DEPUTIES DURING USES OF DEADLY FORCE

Dear Sheriff Martinez:

On November 28, 2023, the Citizens' Law Enforcement Review Board (CLERB) reviewed CLERB Case No. 22-012 regarding the on-duty non-fatal discharge of firearms at Erik Talavera by Deputies David Lovejoy and Jonathan Young.

During its review of the case, CLERB noted a similarity to a prior unrelated non-fatal discharge of firearms case in which an on-duty deputy discharged a firearm at a subject 17 times while the two other deputies present fired once and three times, respectively. CLERB was concerned with the number of rounds fired by Deputy Lovejoy, especially the first ten rounds and, in hindsight the number of rounds fired by the other deputy in the other non-fatal discharge of firearm case. While CLERB did not sustain a finding of excessive force in either case, CLERB has the following concerns and questions and requested they be forwarded to you via this letter:

1. Under what circumstances are deputies trained to discharge their firearms?
2. Are deputies trained to "stop the threat?"
 - a. If so, how is that defined?
3. Are deputies trained to "double tap," assess, and re-engage, if necessary?
 - a. If not, were they ever?
 - b. If so, when and why did that practice change?
4. Are deputies trained to fire as many rounds as possible in quick succession, all the while assessing the threat?
 - a. If so, when did that training become effective?
5. What training do deputies receive, as it pertains to the number of rounds fired after deciding that use of deadly force via firearm is necessary?
 - a. How long have deputies been trained in this fashion?
6. Is there any information the Sheriff's Department can provide that would allay CLERB's concern with the number of rounds fired by deputies in these situations and to ensure the public it is doing all it can to minimize the risk to innocent bystanders?

CLERB supports the Sheriff's Department's careful and prompt review of these questions / concerns and we look forward to your response.

Sincerely,

EILEEN DELANEY, Chair
Citizens' Law Enforcement Review Board (CLERB)

"SERVING THE COMMUNITY AND THE JUSTICE SYSTEM"

ED:prp
cc: Sergeant Stanley Bracy