



# San Diego County Sheriff's Department

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*Kelly A. Martinez, Sheriff*

July 21, 2023

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

## **CLERB POLICY RECOMMENDATION: PROACTIVE REVIEW OF SOCIAL MEDIA**

Dear Chairperson Delaney,

The San Diego County Sheriff's Department welcomes and supports the Citizens' Law Enforcement Review Board's (CLERB) independent review of complaints alleging improper actions by members of the Department. The San Diego County Sheriff's Department continuously strives to respond with professionalism and concern to the citizens we serve, and the CLERB process provides invaluable input to that end.

On November 17, 2022, CLERB recommended the following policy change related to San Diego County Sheriff's Department's Policy and Procedure.

1. CLERB recommends the SDSD add to Policy and Procedures (P&P) Section 7.14 "Social Media," which reads:

Management will routinely review employees' publicly available social media posts and department-issued cellphones and computers to ensure there is no biased content or other activity that would tend to indicate discriminatory conduct, as such conduct undermines the credibility and legitimacy of SDSD and creates doubt that all communities will be served equitably.

Thank you for your recommendations regarding SDSD P&P Section 7.14 – Social Media. P&P section 7.14 reads as follows:

This policy defines the proper use and responsibilities of employees who may have the occasion to use social media sites under any of the following conditions:

- Official department presence on social media
- Use of social media for research or investigative purposes

- Personal use of social media while on and off duty

Employees are instructed to ensure that their use of social media complies with all laws and other policies, particularly those relating to disseminating confidential information.

Procedure Section 7.14, "Social Media," reads as follows:

### III. PERSONAL USE OF SOCIAL MEDIA

Employees are reminded that comments, photos, and other postings on social media reflecting their nexus to the Department may diminish the public's trust and confidence in it. Accordingly, such postings may violate the Sheriff's Rules of Conduct.

Employee's personal use of social media should not be attributable to the County or the Sheriff's Department or the employee's job function with the Department. Employees shall conduct their social media use in such a manner that a reasonable reader would not think that the employee is speaking for or on behalf of the County or Department unless designated as such.

Personal use of social media must conform with all laws, and relevant department policies, including those relating to harassment, discriminatory conduct, and dissemination of information.

The San Diego Sheriff's Department has several other policies and procedures that can be used when addressing Bias content and discriminatory conduct. These are as follows:

P&P Section 2.53, "Discrimination," reads as follows:

Employees shall not express any prejudice or harassment concerning race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, gender, age, political beliefs, sexual orientation, sexual or gender identity, lifestyle, or similar personal characteristics. Examples of discriminatory acts that will not be tolerated include verbal derogatory comments, slurs, jokes, derogatory pictures, cartoons or posters, and actions resulting in a person being treated unequally.

#### P&P 2.4 Unbecoming Conduct

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on this Department. Unbecoming conduct shall include that which tends to bring this Department into disrepute or reflects discredit upon the employee as a member of this Department or that which tends to impair the operation and efficiency of this Department or employee.

### P&P 2.5 Immoral Conduct

Employees shall maintain a level of moral conduct in their personal and business affairs, keeping with the highest standard of the law enforcement profession. Employees shall not participate in any incident involving moral turpitude which tends to impair their ability to perform their duties or causes this Department to be brought into disrepute.

SDSD holds deputies to the highest standards in morals and character, specifically addressed in policy sections 2.4 – Unbecoming Conduct and 2.5 – Immoral Conduct.

However, we do believe adding "*social media postings*" to the examples listed in P&P Section 2.53, i.e. "Examples of discriminatory acts that will not be tolerated include verbal derogatory comments, slurs, jokes, derogatory pictures, cartoons or posters, *social media postings*, and actions resulting in a person being treated unequally.", is a good idea and aligns with the CLERB recommendation.

The CLERB recommendation as it relates to routinely monitoring employee's publicly available social media posts for biased content is complex.

Currently, the Department does not possess the ability to locate and monitor the social media of approximately 2500 sworn personnel or routinely perform automated searches for content in violation of policy on department-issued computers and cell phones. At this time, routine reviews would have to be done manually. Reviews of this magnitude would be labor-intensive and would require staff and resources we do not currently possess. The Department is currently unable to proactively monitor all sworn employees' social media, department-issued computers, and cell phones. However, the Department takes seriously, and thoroughly investigates, any allegations or identified content that could violate policy or the law. Sustained findings of policy or law violations result in disciplinary action or criminal charging. An example is a recent incident where sworn and non-sworn employees reported inappropriate, biased content sent to them via a cell phone text message. An investigation was completed, and the employee was found to be in violation of multiple policies and was terminated.

In closing, we appreciate the time and effort of the Citizens' Law Enforcement Review Board. The Department will continue to be transparent in our actions and thoroughly investigate any allegations of biased content or other activity that would indicate discriminatory conduct by department employees. We know that technology is continually advancing and there may be future opportunities to conduct such searches using applications that are not currently available.

RESPONSE TO POLICY RECOMMENDATION  
PROACTIVE REVIEW OF EMPLOYEE SOCIAL MEDIA  
July 21, 2023  
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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". The signature is fluid and cursive, with the first name "D" being particularly large and stylized.

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