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# *County of San Diego*

## **CITIZENS' LAW ENFORCEMENT REVIEW BOARD**

1600 PACIFIC HIGHWAY, STE. 251, SAN DIEGO, CA 92101  
TELEPHONE: (619) 238-6776  
FAX: 1 (619) 894-8310  
[www.sdcounty.ca.gov/clerb](http://www.sdcounty.ca.gov/clerb)

Date: April 8, 2025

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

### **LETTER OF CONCERN REGARDING BODY WORN CAMERA POLICY VIOLATIONS**

Dear Sheriff Martinez:

Since November 2024, CLERB has sustained twelve (12) instances of violating Body Work Camera (BWC) policy against San Diego Sheriff's Department Deputies for failing to turn on the cameras on or for improper muting of the audio. See findings for: 23-029 (1); 24-016 (1); 24-022 (2); 24-028 (1); 24-035 (2); 24-078 (1); 24-090 (1); 24-047 (1) and 24-055 (2). Even though CLERB has yet to find deputies' actions to be intentional, the failure to follow policy on BWC erodes the public's trust in transparency. Whether in public interactions or in the detention setting, BWC is the only direct view of arrests, searches, alleged peace officer misconduct, uses of forces or deputy-involved shootings. It is imperative for deputies to document the entirety of the interactions for evidentiary reasons. Additionally, the correct use of BWC serves to greatly enhance community relations, transparency, training, accountability and can protect law enforcement officers against false accusations.

CLERB thanks and commends the Sheriff's Office for promptly and fully complying with cooperation regulations in providing CLERB with BWC. BWC is an instrumental piece of evidence relied on heavily by CLERB staff in preparations for the individual investigations. And CLERB understands the specific exemptions for utilizing BWC and the multitude of security and privacy rights which need protections. However, it is important for the San Diego Sheriff's Office to take a strong stance against these violations by providing additional training and/or enhanced disciplinary processes.

CLERB supports the Sheriff's Department's careful and prompt review of our BWC concerns, and we look forward to your response.

Sincerely,

Brett Kalina, on behalf of MaryAnne Pintar, Chairperson  
MAP:ge  
cc: DIS Liaison



## SAN DIEGO COUNTY SHERIFF'S OFFICE

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*Kelly A. Martinez, Sheriff*

*Rich Williams, Undersheriff*

July 9, 2025

MaryAnne Pintar, Board Chairperson  
Citizens' Law Enforcement Review Board  
1600 Pacific Highway, Suite 251  
San Diego, CA 92101

**RE: CLERB LETTER OF CONCERN REGARDING BODY WORN CAMERA VIOLATIONS**

Dear Chairperson Pintar,

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

CLERB sent the Sheriff's Office a letter of concern on April 9, 2025, related to Body Worn Camera (BWC) violations from nine (9) cases from 2023 and 2024. As CLERB noted, none of these cases had information indicating that deputies intentionally committed any of the violations. As CLERB noted, some of the BWC violations included deputies forgetting to turn on their BWCs, not turning on their BWCs upon immediately arriving on scene, and muting their BWCs without documenting the reason in their report. The Sheriff's Office agrees with CLERB that deputies should utilize their BWC for the preservation of evidence, enhancement of community relations, transparency, training, accountability, and protecting themselves from false accusations.

In the letter, CLERB stated it was "important for the San Diego Sheriff's Office to take a strong stance against these violations by providing additional training and/or enhanced disciplinary processes." The Sheriff's Office has consistently provided training on BWC usage, including but not limited to, signage, training bulletins, and in-person reminders. However, due to the feedback provided by CLERB on these cases, we have developed two additional training items that were dispersed to deputies on July 8, 2025. The training items are a comprehensive refresher on BWC policy for deputies. I have included the items in a separate attachment.

Regarding "enhanced disciplinary processes", the Sheriff's Office will adhere to existing policy and procedure related to the discipline of sworn staff. If a sworn supervisor discovers that a deputy shows a trend of unintentionally not following BWC policy or is found to be intentionally violating BWC policy, formal discipline can be initiated. A supervisor may also elect to give the deputy a

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warning, a memorandum of discussion, or provide additional training.

In closing, we appreciate the time and effort of the Citizens' 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 service to everyone in San Diego County.

Sincerely,

KELLY A. MARTINEZ, SHERIFF

A handwritten signature in black ink, appearing to read 'J. Jarjura', with a long horizontal stroke extending to the right.

Joseph Jarjura, Lieutenant  
Division of Inspectional Services  
KAM:JJ



**San Diego County Sheriff**  
**Training Bulletin**  
**Kelly A. Martinez, Sheriff**



**July 2025**

## **Body Worn Camera Activation and Recording**

It is the intent of the Sheriff's Office to record all law enforcement related contacts, and other contacts deemed appropriate. In keeping with this mission, all deputies/CSO's are responsible for knowing and complying with all office wide procedures and applicable bureau specific procedures as they relate to the activation of the BWC.

### **Law Enforcement Bureau**

- 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.
- If the call has the potential to involve immediate enforcement action upon arrival, deputies shall begin recording prior to arriving at an incident.
- Deputies/CSO's should also begin recording prior to initiating any law enforcement related contact. These contacts include, but are not limited to, consensual contacts, detentions, arrests, traffic stops, investigative interviews, searches, and contacts during MFF incidents.
- In situations where activation was not accomplished prior to arriving on scene, those reasons shall be articulated in writing via a case related report, or if no report, in CAD.
- While away from Office facilities, deputies shall keep their BWC powered on and in stand-by mode, anticipating law enforcement related contacts.
- If for confidential or personal reasons, deputies/CSO's feel the need to power-off their BWC momentarily (i.e., phone call, email or bathroom break) while away from Office facilities, they need to remember to power-on and reactivate their BWC after their reasoning for powering-off has concluded.

For further information and specifics about BWC activation requirements, information can be found in Sheriff's Office Policy and Procedure Section 6.131.

### **Policy and Procedure- Body Worn Camera- 6.131**

## **Detentions Services Bureau**

Deputies shall keep their BWCs in stand-by mode while on duty, unless they are in a confidential setting as identified by this policy, SDSO Policy and Procedure 6.131 or directed otherwise by a supervisor. Deputies shall activate their BWCs in accordance with San Diego Sheriff's Office Body Worn Camera Policy and Procedure 6.131, as well as whenever possible, prior to engaging in and for the entire duration of the performance of the following duties:

1. Any movements or escorts of incarcerated persons from one area to another (cell movements, between housing modules, holding cells, visitation, courts, from intake or to final release, etc.)
2. Entering a cell, dormitory housing, or holding area occupied by an incarcerated person. These situations include, but are not limited to:
  - Conducting a count
  - Serving meals
  - 11-53 Safety Checks
  - Enhanced Observation Housing, Safety Cell or Sobering Cell Checks
  - Contacting an incarcerated person who is inside of their cell, including conversations through a window, door, or food flap.
  - Contacting an incarcerated person who is inside of a dayroom or recreation yard area, whether inside of the dayroom or through a module/recreation yard door (see the next section for exceptions related to direct supervision modules, or contacts made with an incarcerated person from inside of a deputy/control station).
  - Medical emergencies
3. During the intake/booking process.
4. Searches of any housing areas, cells, dorms, etc.
5. While supervising any incarcerated workers.
6. While placing or removing an incarcerated person into or from a transport vehicle for any purpose including but not limited to movement between facilities, courts, or to the hospital. This includes incarcerated person transports performed by the Prisoner Transportation Unit if so equipped with BWCs.

Deputies assigned to work in a position where "direct supervision" is employed, are not required to leave their BWC recording while at the deputy station. BWC activation is not required for incidental contact with incarcerated persons in the immediate area of the deputy station. Upon leaving the deputy station, the BWC should be activated in accordance with the rest of this training bulletin. Further information about BWC activation requirements information can be found in DSB Body Worn Camera Policy I.20.

### **DSB- Body Worn Camera Policy- I.20**

## **Court Services Bureau**

Recording within a courthouse is at the discretion of the Presiding Judge. Sheriff's Office personnel shall follow the guidelines within the California Rules of Court, Rule 1.150.

Recording of day-to-day proceedings shall not be done, but specific events that are of interest to the office, consistent with the goals of our BWC program, may be recorded.

1. Court-assigned personnel should activate their BWC device only when:
  - Acts of aggression begin on the part of a member of the public, an incarcerated person, or a defendant.
  - A deputy observes a violation of court rule(s) that may result in expulsion from the courtroom; or
  - Taking any enforcement action anywhere in the courthouse.
2. The Presiding Judge shall be informed of BWC activations inside the courthouse as soon as practical by a supervisor.
3. In the event a BWC is activated in a courtroom, the judge assigned to that courtroom shall be notified as soon as practical by the bailiff.
4. Court-assigned personnel shall not activate their BWC device to record:
  - Attorney/Client communications; or
  - Witnesses, jurors, or minors who are acting lawfully; or
  - Jury selection, in-chambers proceedings, *Pitchess* Motion proceedings, *Marsden* or closed hearings, or court staff meetings.

## **California Rules of Court, Rule 1.150**

### **Deputy Safety**

In all incidents, deputy/officer safety takes precedence over recording events. Deputy/officer safety shall be the primary consideration when contacting citizens or conducting law enforcement related contacts, not the ability to record an event. The safety of deputies and members of the public is the highest priority. The Sheriff's Office acknowledges there may be situations in which operation of the BWC is impractical or may be an impediment to deputy and public safety. Additionally, the Sheriff's Office recognizes human performance limitations during particularly stressful and critical situations.

## **Body Worn Camera- Policy 45**

There are multiple situations when activating a BWC is needed. This training bulletin is not intended to describe every possible circumstance. Please review the appropriate BWC Policy and Procedures for further information about proper BWC activation and reporting procedures.

This training bulletin was prepared and edited for distribution by the L.E. In-Service Training Unit with assistance of the San Diego County Sheriff's Office Communications Center. If you have any information or expertise in a specific area and would like to write a training bulletin, please contact [REDACTED] at the L.E. In-Service Training Unit via e-mail at [REDACTED] or call [REDACTED]



**San Diego County Sheriff**  
**Training Bulletin**  
**Kelly A. Martinez, Sheriff**



**July 2025**

## **Body Worn Camera Muting**

It is the intent of the Sheriff's Office to record all law enforcement related contacts, and other contacts deemed appropriate. In keeping with this mission, **muting is generally discouraged**. However, there are situations in which muting may be beneficial. **BWC's may be muted for a specific articulable reason and only for the amount of time necessary to complete the privileged conversation**. Once the privileged conversation has concluded, the camera shall be returned to full function. **In all instances of muted audio, the deputy will document the reason for muting.** Before muting the recorder, the deputy shall consider verbally explaining the reason for muting. Here are some considerations for muting:

### **Tactical Considerations:**

- When specific law enforcement tactics are being discussed, which if released could result in the compromise of future law enforcement operations or jeopardize officer safety.

### **Confidential Information / Informant Considerations:**

- Due to the confidential nature of some investigations, any personnel utilizing a BWC device must be aware of any potential issues which may result in the compromise of an investigation or could potentially lead to a cooperating individual being harmed.
- If a subject offers to provide information to a deputy or detective during any contact, the deputy or detective will immediately cease all BWC recording prior to questioning the subject further. The intentional recording of confidential informants and undercover deputies is prohibited, unless authorized by a supervisor.

### **Reporting of Muting Incidents:**

- In all cases where BWC video is muted, it shall be documented in writing. How it is documented will be situationally dependent. The reason for muting the camera(s) will be briefly noted in the body of a report (arrest, crime, miscellaneous incident). If no report for an event is otherwise needed, documentation shall be in CAD notes for each deputy that muted their camera. In the case of confidential information, a separate supplemental report shall be written.

There are many situations where muting a BWC may be appropriate. This training bulletin is not intended to describe every possible circumstance. Please review BWC Policy and Procedure section 6.131 for further information about BWC muting and proper documentation.

## **Policy and Procedure- Body Worn Camera- 6.131**

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