



## SAN DIEGO COUNTY SHERIFF'S OFFICE

*Kelly A. Martinez, Sheriff*

*Rich Williams, Undersheriff*

September 16, 2025

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

### **CLERB POLICY RECOMMENDATION: 23-086**

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 following recommendations, reference CLERB Case #23-086:

- 1. It is recommended that the Sheriff's Department disclose how its records may be disclosed to an attorney, upon request, unless there are privacy and/or public safety exemptions which would prevent doing so.**

Thank you for your recommendation regarding this issue. Below is the response to your respective policy recommendation:

As CLERB noted in its investigation for CLERB Case #23-086, there are many different scenarios where official law enforcement records can be released to an individual (including attorneys). Although some records may be releasable under the California Public Records Act (CPRA), other records may only be available pursuant to a lawfully issued subpoena, through the criminal discovery process governed by California Penal Code section 1054, through civil litigation discovery mechanisms and/or only by way of motion to the court. Other factors that might affect the releasability of records includes the requestor's status as a victim, suspect, insured, insurance company, or being an uninvolved party. Yet another factor are laws enacted to protect privacy rights, victim rights and juvenile records.

While Sheriff's employees can provide guidance with the process for requesting records under the California Public Records Act, and do so on a regular basis, the availability of records through other mechanisms requires a detailed, case specific legal analysis. Unlike attorneys, Sheriff's employees

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are not trained on the nuances of civil and criminal law, a skill which is necessary to determine the most effective or appropriate mechanism to obtain records depending on the type and facts of any particular case, beyond those available under the California Public Records Act. Accordingly, Sheriff's employees are not authorized to provide legal advice.

If an attorney, or any member of the public, wishes to obtain specific records, they may submit a California Public Records Act request in writing or through the Sheriff's website at <https://www.sdsheriff.gov/resources/open-data>. Each CPRA request is carefully reviewed and assessed by full-time Sheriff's professional staff who specialize in records management. The requestor will receive a determination that the request is granted, denied, partially granted or partially denied, along with the legal basis for the determination, in accordance with the CPRA. Individuals with specific records related questions may call the Sheriff's Records Division at (858) 974-2110.

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 for the recommendation. 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 'JJ' or 'Jarjura', is written over the printed name of Joseph Jarjura.

Joseph Jarjura, Lieutenant  
Division of Inspectional Services  
KAM: JJ