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# *County of San Diego*

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

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November 14, 2025

Saving Lives In Custody California  
501 West Broadway, Suite 1480  
San Diego, CA 92101

**RE: SLICC Demand Letter to CLERB regarding preservation and documentation of video/body surveillance, dated August 6, 2025**

Dear Saving Lives In Custody California:

**SLICC Request 1:** CLERB SIs should determine the areas in which the deceased Incarcerated Person (IP) was housed at the jail, or where the incident occurred, and identify all video cameras in that area, including identifying all cameras in hallways leading to the incident area, and to request that the SDSO preserve all the above video locations for a 72-hour period and provide same to CLERB as part of the evidence that the SDSO is obligated to provide for CLERB's independent investigation.

**CLERB Response to Request 1:** Upon notification of an in-custody death, CLERB's Executive Officer or a designated Supervisory SI, or SI will respond to death scenes. CLERB's MOU with the SDSO regarding access to death scenes is attached to this memorandum. The MOU Policy, Sections 1 through 9, control CLERB Staff's access to information and the death scene. MOU Policy Section 5 states as follows:

Depending on the investigation, the Sheriff's Liaison may allow the CLERB investigator to view the death scene from a jail facility vestibule while the investigation is underway and may provide a walk-through later. In the case of an investigation being conducted by an outside agency, the Sheriff's Liaison, at the direction of the investigating agency, may require the CLERB investigator to stand outside the outer perimeter.

This provision may allow viewing of the scene from a jail vestibule or a walk-through and as such, the CLERB representative may be able to observe cameras in the area and note them, and if noted, would be required to be provided to the Homicide Lieutenant upon written request as required in MOU Policy Section 6. To the extent that such opportunities arise, which are completely in the sole discretion of the SDSO, the CLERB representative would make every effort to note the presence of cameras in the vicinity of the death scene and include a request for video and if available, audio evidence. If a CLERB representative is not allowed to visit a death scene, then there is no way for CLERB to independently observe the presence of video cameras in the area(s) or locations of the death scene and make specific requests for video and/or audio in the relevant area(s) or location(s).

After a death notification and regardless of whether a CLERB representative can attend a death scene, CLERB prepares a request for information which in relevant part includes "all jail surveillance/videos related to the incident." This request is broad and does not currently include a specific timeframe but is normally tied to the two (2) "hard counts" that deputies conduct each day, where they must confirm identity and proof of life through visual, verbal, or physical acknowledgement provided by the IP. Because of the evidence of the hard counts,

and the written records that CLERB receives from the SDSO confirming that they were done and any anomalies noted, CLERB currently reviews at most 24 hours and no less than 12 hours of video prior to an incident for potential legal or policy violations, unless there are discrepancies or absences in the records relevant to the incident.

CLERB is mindful of SLICC's request that it make a blanket request for 72 hours of video and/or audio surveillance of the area(s) and/or location(s) of the relevant event; however, in most circumstances, that amount of video surveillance is not necessary because later video/audio surveillance clearly shows that the IP was up and about and engaging in basic life activities such as moving, coming outside to eat, shower or congregate with others, going to appointments, etc., and such video is supported by the JIMS hard count records received as part of CLERB's investigation. Additionally, due to CLERB staff's caseload and limited resources, reviewing up to 72 hours of video and/or audio surveillance from many camera locations would be extremely burdensome relative to the benefits to the investigation.

**SLICC Request 2:** Include in CLERB's investigative reports any and all locations or areas where relevant events occurred, to enable families to immediately notify the SDSO to preserve critical evidence near that area or locations.

**CLERB Response to Request 2:** CLERB's investigative reports already include all available evidence concerning the area(s) and/or location(s) where relevant events occurred. While the public investigation reports available on every CLERB Board meeting agenda and website may not be as detailed, due to information derived from confidential investigatory evidence from the SDSO, CLERB strives to provide as much detailed information as legally possible to the public and stakeholders pursuant to applicable law and confidentiality provisions in the County's Administrative Code and CLERB's Rules & Regulations.

Once case information is received pursuant to subpoena after notification of an in-custody death, which can often take more than one and up to two years to obtain, CLERB SIs review all available video, audio and BWC footage to determine if relevant footage is missing. This is often due to CLERB not receiving evidence and information until criminal homicide charges have been cleared by the San Diego District Attorney's Office, which takes precedence over CLERB investigations, and SDSO Homicide and Internal Affairs Investigations which also must be completed prior to CLERB's receipt of evidence for its investigations. Not only does this mean that CLERB is sometimes last in line to obtain evidence to conduct its investigations, but that lawsuits brought by an IP's estate or family may be in a position to obtain evidence or "discovery" more quickly and cast a wider net than CLERB does in its capacity as a civilian oversight board with limited authority. It should be noted that under the SDSO's Policies and Procedures, F.1 Records Maintained, all facility incident videos are retained for two years. This gives CLERB, if video is provided within two years, the ability to review and request additional video if not included in the SDSO's original response.

CLERB's sole function is to serve as a conduit for San Diego County civilian residents to provide oversight to certain functions of the SDSO and the San Diego County Probation Department. CLERB's mission and vision are not the same as families seeking justice via legal recourse and is in fact much more constrained by the local laws that implement and regulate CLERB's functions. The CLERB Board's findings are advisory only, and while a sustained finding of a policy or legal violation entitles a deputy or probation officer to a right of appeal to the County's Civil Service Commission, as a sustained finding by CLERB is considered a "punitive action" for purposes of the Peace Officers Bill of Rights (POBR), there is no way to determine, due to police officer confidentiality laws, whether a CLERB sustained finding resulted in any corrective action considered or taken by the SDSO.

**SLICC Request 3:** Request all evidence of intercom calls made from jail cells which would include all documents and notes indicating when deputies receive calls requesting assistance if the SDSO does not record intercom calls from jail cells.

**CLERB Response to Request 3:** CLERB routinely receives a copy of the Jail Information Management System (JIMS) records that document when an intercom is silenced or muted pursuant to SDSO Detentions Policy & Procedure I.1.B – attached, which includes or should include why the jail cell intercom was silenced or

muted. Further, SDSO Detentions Policy & Procedure I. states that jail cell intercoms “should be primarily used as a means of relaying and or summoning emergency assistance.”

Regarding SDSO’s recording of intercom calls, it is CLERB’s understanding that the SDSO does not record or keep an audio record of calls made through jail cell intercoms. CLERB recently learned that logs of intercom communications may be obtained at Las Colinas Detention and Rehabilitation Facility (LCDRF), George Bailey Detention Facility (GBDF), and Rocky Mountain Detention Facility (RMDF), but that the process for obtaining such records is still under review by the SDSO. CLERB Staff will continue to update the Board and the public on their efforts to timely obtain this evidence for use in its investigations, subject to the limitations that jail cell intercoms be used primarily as a source of relaying and or summoning emergency assistance, per SDSO policy.

**SLICC Request 4:** CLERB SIs should identify and request production of all body-worn cameral (BWC) video of all deputies involved, in addition to the primary [or subject] deputies, so that CLERB has all the BWC video from different angles captured by deputies that are or may be percipient witnesses to the event.

**CLERB Response to Request 4:** The use of BWC footage is critical to CLERB’s investigations and is requested immediately by CLERB SIs to identify subject deputies or officers in each investigation, and aids in identification of witnesses including both deputies and officers, as well as civilians. The police reports prepared also assist in identifying other deputies or officers involved in an incident and any BWC footage not already provided will be immediately requested and obtained for use in a CLERB investigation. While CLERB is legally prohibited from sharing such BWC footage, considerable time is spent with such evidence with not only the SIs conducting their investigations, but also by Board members prior to and during Closed Session deliberations regarding every CLERB case.

CLERB is appreciative of Saving Lives In Custody California for providing this opportunity to discuss investigative procedures and processes, along with educating the public, County Officials and CLERB Board Members. CLERB supports all public input and recommendations which help the San Diego Sheriff’s Department and the Probation Department provided the safest detention facilities as possible.

Sincerely,



Brett Kalina, Executive Officer

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