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Sent via email

RE: Policy Recommendations

BACKGROUND

On 10-10-24, the Probation Department notified CLERB of multiple Great Bodily Injury (GBI) incidents that occurred on from January 2021 to December 2023. On 02-05-25, CLERB petitioned the Juvenile Court for records related to the incidents. On 08-01-25, a juvenile judge ordered Probation to produce records on fourteen of the incidents. The cases were presented to the CLERB Board on June 4, 2026. The records produced were redacted use of force reports and CCTV footage. In some cases, the only documentation was the use of force report.

California Penal Code 835a is the state statute that authorizes law enforcement to use force to affect an arrest, overcome resistance and prevent escape. The statute articulates the decision to use force should be evaluated "each situation in light of the particular circumstances of each case..." and "shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time...and the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force."

Written documentation of use-of-force (UOF) incidents, particularly those involving youth in detention centers, is critically important for transparency, youth safety, officer protection and credibility, judicial proceedings, and oversight. It is often the main, or only, record of the UOF incident because San Diego County Probation Officers do not have Body Worn Cameras (BWCs), CCTV lacks audio and does not cover all aspects of the facility.

USE OF FORCE REPORTING

The current language in San Diego County Probation Policies 514.9.1 Reporting Process and 514.9.2 Reporting the Use of Force-Report is limited in its expectation of written reports for UOF incidents. Policy 514.9.3 Reporting the Use of Force-Additional Requirements is also inadequate in its expectation of documenting UOF incidents. Requiring all officers and staff present during use-of-force events complete written reports allows investigators and supervisors to have more perspectives of the incident to ensure safety and policy adherence, and it supports the agency's posture on transparency and accountability.

Current San Diego County Probation policy only requires the officer using force to write a report. Per 514.9.3 Reporting the Use of Force-Additional Requirements, "Any officer directly observing the incident must make a verbal report to a supervisor as soon as practicable and include as much of the aforementioned information as

is known by the observing officer.” Verbal reporting of UOF incidents is grossly insufficient for oversight, evaluation, and department accountability. A verbal report is not in unison with the department's published “*guiding principles*” which include “...*conduct business with transparency and accountability...*” The verbalized report is summarized by the supervisor in an incident review. This is problematic because it is a summary of the supervisors’ understanding of the event and does not include detailed statements from the observing officers. Critical details that tell the broader perspective and totality of the circumstances are assuredly lost in the transcription.

Every officer present at a UOF incident has a unique and valuable perspective that should be considered during an objective evaluation of the incident. This is not possible for CLERB since CLERB investigators are not present for the verbal report. Verbal reporting inhibits CLERB (or any other oversight agency, prosecutorial agency or jury) from evaluating the entirety of the incident “from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances...” as required by 835a PC.

Additionally, the practice of verbal reporting includes group debriefs. Group debriefs for investigative purposes at the end of a UOF incident are problematic and inconsistent with law enforcement practices of witness testimony. It is common practice in law enforcement to interview witnesses separately to avoid conflated testimony. A UOF incident involving San Diego County probation officers should follow the same industry standard. The concern is that officers could be intimidated into omitting relevant information if they must verbalize it in front of their peers, or their memory could become contaminated by hearing other perspectives. A group debrief can lead to information being edited to avoid ostracism or discipline, and officer’s independent memories could unintentionally merge with others accounts. Additionally, probation officers should not attend a group debrief before they have had the opportunity to write their own account of what transpired in a detailed report.

CLERB recognizes the practice of verbal reporting is efficient in getting officers back on the line to complete the many legal requirements of youth programming, but it inhibits the department's ability to hold itself accountable.

Another concern about the lack of detailed written reports is Probation's role in the judicial outcome of criminal cases. The Probation Department website states they are responsible for providing “...judges with vital background information to help them issue appropriate sentences and interventions...” The current minimal reporting standards and expectations lessen the information available to judges who could have used it to make life-changing decisions for members of our community.

REPORT WRITING AND REVIEW

CLERB is currently reliant on redacted written reports to discern the totality of the circumstances from a reasonable officer's perspective (per California Penal Code 835a) and to identify policy violations. In several instances, CLERB found deficiencies in the report’s details. How a use-of-force (UOF) incident is documented relies heavily on the seriousness of the event, including injuries, an officer’s report writing skills, an officer’s experience and knowledge of law and policy, as well as the time allotted to complete a comprehensive report of the incident.

Of the cases reviewed, some officers that used force did not write a report or wrote only a few sentences; there was no documentation of the youth’s statement, and officers who directly witnessed the totality of the event were not required to write a report. Critical details of the event were missing, including the factors that led to the decision to use force. All the CLERB-reviewed written reports were deficient in detail, however previously deemed sufficient by Probation supervisory staff.

Written reports should detail the officers' compliance with legal requirements and procedural guidelines and provide a clear understanding of the officers' interactions with the youth. Written reports should include the totality of the circumstances, the standard by which officers will be legally evaluated and procedurally judged.

This is problematic not only for analyzing the UOF for safety and policy adherence, but also from a judicial standpoint: criminal prosecution and civil litigation can take years. If officers do not memorialize the event in a detailed report while it is fresh in their minds, they likely will not remember the crucial, smaller details that tell the broader story, years later in criminal or civil court.

Additionally, detailed reporting allows for detailed analysis. This analysis could identify repeated safety or force concerns and trends. The information could also be used to create additional policy, change current policy, or trigger the consideration of additional safety tools or force options.

In 2008, The California Association of Probation Institution Administrators (CAPIA) made recommendations for UOF reviews within local juvenile detention and correctional facilities. The CAPIA recommended, "Officers should be responsible for preparing any required incident reports for each UOF in which they used force or witnessed the UOF on a minor."

In August 2025, the San Diego County Board of Supervisors initiated juvenile justice reform in part to "...*strengthen accountability...*" Without BWC's or CCTVs with audio, the only means of evaluating accountability is written reports. Incorporating and enforcing stricter reporting standards supports the county's efforts to ensure accountability and transparency. This creates a safer environment for youth and staff and provides valuable information for governing bodies to make meaningful decisions.

A review of several California Probation Departments and their departmental policies found mixed results; many agencies do not require written reports from witnessing officers. Three of the largest Probation Departments in California (Los Angeles, Orange County and San Francisco), have policies that require all officers involved in, witnessing or assigned a task during a use of force incident complete a written report and provide a verbal report to a supervisor.

OTHER CALIFORNIA LAW ENFORCEMENT AGENCY REPORTING POLICY LANGUAGE:

Los Angeles County Probation Detentions Services Bureau (Effective 07-25-23) DSB-1000:

K. Mandatory Reporting Requirements

All staff members who are involved in, witness to, or are given an assignment wherein a crisis is resolved using force shall, at the conclusion of the incident, immediately notify the Duty Supervisor and complete either a Physical Intervention Report (PIR) or Supplemental Physical Intervention Report (SUP-PIR) via PCMS. Officers shall clearly document all de-escalation/intervention efforts initiated prior to and during the use of force. Officers shall clearly document in their PIR or Supplemental Physical Intervention Report (SUP PIR)...

Note: Officers shall be aware, in so far as possible, and document their pre-incident knowledge of medical and mental health of youth and justify why it was necessary and unavoidable to utilize physical intervention.

Orange County Probation Department Use of Force- Facilities (12-17-20)

IX DJCO Responsibilities

Any DJCO involved in or a witness to a use of force (including physical force, defense techniques, mechanical restraints, or chemical), or as directed by an SJCO/DO or administrator shall write and submit a Special Incident Report (SIR)...

San Francisco County Juvenile Probation Policy 10.16 Use of Force (12-18-2020)

F. Follow up to a Use of Force Incident II Documentation

Any Juvenile Hall staff who observes or uses reasonable and necessary force on a youth shall immediately report the use of reasonable and necessary force to a Senior Counselor and/or Officer of the Day and submit an incident report prior to going off duty. Juvenile Hall staff shall write the incident report utilizing their own memory and the accounts of the event. Juvenile Hall staff shall not collaborate with other Juvenile Hall staff in the preparation of incident reports...

BODY WORN CAMERAS

"CLERB's mission is to increase public confidence in and accountability of any peace officer, custodial officer, employee...working under the direction of the...Probation Department by conducting independent, thorough, timely, and impartial reviews of complaints of misconduct and deaths.

The County's Charter Section 606 charges the Review Board with receiving, reviewing, and investigating complaints about the conduct of peace officers performing their duties while employed by... the Probation Department.”

The San Diego County Probation Department does not utilize Body Worn Camera (BWC). There is no digital video record of probation officer conduct in the Field Services division. The only digital record of an event in a juvenile detention facility is Closed-Circuit Television (CCTV). Closed-Circuit Television video is limited, resulting in missed opportunities for comprehensive analysis of use of force incidents or complaints of misconduct.

CCTV imitations include:

- Does not capture audio.
- Limited view: CCTV does not capture every aspect of every room/location.
- Does not capture audio or video inside individual housing cells.
- Poor image quality.
- Interaction with youth, particularly UOF events, is often fluid resulting in actions flowing in and out of camera view.

The absence of video containing audio lessens the ability to objectively and critically analyze Use of Force incidents (UOF) and officer actions regarding misconduct complaints. Instead, CLERB is reliant on written reports to discern the totality of the circumstances from a reasonable officer perspective (the legal threshold for determining the validity of the force used per California Penal Code 835a) and for identifying policy violations.

Due in part to the mandate of 625.6 W&I (Miranda requirements for youth 17 and under), UOF reports from incidents in a juvenile detention facility typically do not contain statements from the youth involved, limiting CLERB's ability to understand the totality of the event, which includes the youth's perspective. CLERB also does not have the ability to interview the youth involved or other youth who may have witnessed the event to gain additional information because they are under the juvenile court's jurisdiction. The only perspective CLERB has is from the officers involved. Body Worn Camera would provide an independent record of the event, as it is occurring, for investigators to consider. Using BWC footage, CLERB investigators would potentially have information to discern totality factors such as what led to the use of force, language used by the officer and youth before and during the incident, body language, identifying other witnesses, and the order the actions occurred. Body Worn Cameras provide transparency to help CLERB's mission of providing an impartial investigation.

CLERB must rely on the ability of Probation Officers to articulate all relevant facts in writing. CLERB investigators have noted that several of the Use of Force reports reviewed recently have lacked sufficient detail to ascertain all factors leading to the decision to use force. There are many factors that impact an officer's ability to write in such detail including seriousness of the incident, injuries to the officer, and the amount of time allotted to prepare the written report.

CLERB receives and investigates specified incidents reported by the Probation Department. It could be 12-20+ months after the incident that CLERB investigators request a response from a Probation Officer regarding the incident. In cases of specified incidents, CLERB investigators are receiving the records several years after the incident. In 2025, CLERB received records of specified incidents that occurred in 2021. When a significant amount of time has passed, or the complaint involves a “minor” violation of policy (not involving force), a Probation officer may have poor recall of the event when CLERB investigators submit questions for the officer.

The reliance on written reports as the main source of information inhibits the ability of CLERB investigators, and other stakeholders, to adequately analyze a Use of Force incident or complaint of misconduct. Written reports are an essential component of the investigation; however, there should be multiple means available to scrutinize the actions of Probation officers for policy adherence and legal compliance. Ideally, written reports would support the information seen on video and heard on audio, in lieu of being the sole or main record of the event. Allowing the Probation Department to utilize BWC's would increase the ability of CLERB investigators to impartially examine use of force incidents and complaints of officer misconduct. This equates to an increase in community trust due to transparency and accountability.

The use of BWC is supported by many law enforcement agencies and oversight organizations. In 2021, The Council on Criminal Justice (CCJ) Task Force on Policing, released a policy assessment regarding the use of BWC's. The CCJ stated, *"Body-worn cameras can be effective in reducing public complaints, and potentially curbing police use of force, if the police agency has a strong accountability infrastructure in place (training, supervision, appropriate policies, oversight, etc.). Body camera video footage has also been documented as a useful tool to support investigations, prosecutions, and public defense cases. The most consistent research finding regarding BWCs is that they reduce community member complaints... New analyses suggest that the taxpayer and overall societal benefits of BWCs could outweigh the costs of purchasing and maintaining them. Benefits may include reduced investigation time, fewer complaint settlements, and lower administrative and oversight expenses, which would reflect the injuries and fatalities prevented by BWCs..."*

In 2022, The City of Miami's Civilian Investigative Panel (CIP), an oversight body, published a report regarding the use of BWC's. Maithe Gonzalez, the Chair stated, *"...BWCs have significantly increased the probability that a complaint will be closed on the merits, i.e., that the Panel can make a clear determination of fact. This is true for both sustained allegations and exonerated allegations. BWC footage represents some of the most defining evidence in cases in which misconduct occurred and in cases in which the officer's actions were within the boundaries of the law and MPD departmental orders."*

Support for the use of BWC's for California Probation Officers has been expressed by the courts. On May 15, 2024, The Superior Court of California, County of Sacramento ruled in favor of the County of Sacramento allowing the implementation of BWC's for Probation Officers (Superior Court of California, County of Sacramento, court case number 24-2021-00307163).

In February 2026, California State Assembly Bill AB 2419 was introduced by Assembly Member Sharon Quirk-Silva. AB 2419 would require BWC for Probation officers in the County of Los Angeles, including inside juvenile detention facilities, by January 1, 2028.

AB 2419 received unanimous support during an Assembly Standing Committee meeting on Public Safety on April 14, 2026. Assembly member Quirk-Silva testified before the committee about the benefits of using BWC's at Juvenile Detention Facilities citing *"youth safety, officer protection, fiscal responsibility, and public trust..."*, *"...reduce investigative time and internal review costs..."*, *"...lowers litigation risk..."*, and as *"a risk management tool."* Quirk-Silva described another benefit of BWC's in Juvenile Detention Facilities as *"helping to address serious cases including juvenile abuse more efficiently."*

In attendance at the Public Safety meeting was Katheryn Bey, the President of the Professional Managers Association AFSCME Local 1967, the organization that represents managers and leaders in the Los Angeles County Probation Department. Bey testified in *"strong support"* of AB 2419 citing *"accountability, safety, and restoring public trust."* Bey stated, *"Body Worn Cameras provide that truth. They protect youth by ensuring transparency and dignity in every interaction. They protect staff by documenting the reality of the difficult decisions they must make in real time. And they protect the public by strengthening accountability across the system."* Bey added that BWC's, *"...can resolve complaints or allegations quickly and significantly reduce the risk of costly legal action."*

Shane Lavigne with The Fraternal Order of Police, also testified in *"strong support"* of AB 2419. *"These tools serve as an objective arbiter of the truth. They show in real time what actually occurs between officers and the public...The effectiveness is no longer in dispute. We have seen improvements in officer behavior and significant decline in complaints..."*

Matthew Siverling, Los Angeles Probation Officers Association Local AFSCME Local 685 contributed the comment of, *"support if amended."*

Just last week the San Diego County Civil Grand Jury published a report on an *"INVESTIGATION OF ADULT AND JUVENILE DETENTION FACILITIES."* The report stated: *"The benefits of using Closed-Circuit Television (CCTV) in San Diego County Probation Juvenile Detention facilities are clear and vital. However, depending on*

the camera angle, it might not capture the full or best view of the interaction between a San Diego County Probation Officer and a youth inmate because the view could be blocked. This is particularly true during close-up interactions. The use of body-worn cameras has helped fill in missing footage and enhanced accountability for law enforcement agencies using this technology. The San Diego County Probation Department has guidelines outlining which uniform items, equipment, and control devices Probation Officers may use in juvenile detention facilities, as described in its policies on uniforms, radio equipment, and control devices.³⁰ Probation Officers have not been provided with this technology.” The recommendation from the Grand Jury is “Equip all San Diego County Probation Officers, especially those in juvenile detention facilities, with body-worn cameras and create policies and procedures for their use.”

Body Worn Camera can improve community relations with the Probation department. Body Worn Camera will provide investigators, including CLERB, with more information about the totality of the circumstances in real time. This allows for a more comprehensive, independent, non-biased oversight analysis of the force used in an incident and complaints of Officer misconduct.

POLICY RECOMMENDATIONS:

1. It is recommended the San Diego Probation Department adopt policy language that requires written reports from all staff members involved in, or witnessing, or assigned a task during a use of force incident.
2. It is recommended the San Diego Probation Department update portions of the language in policy 514.9.1 Reporting Process to reflect Recommendation 1.

Current Language: “...Any officer who uses force and any staff member who directly observed the incident must make a verbal report to a supervisor as soon as practicable and must submit the appropriate documentation prior to going off-duty, unless directed otherwise by a supervisor...”

Recommended Language: “... All staff members who use force or are involved in and/or witness to an incident involving use of force, shall, at the conclusion of the incident, immediately notify the supervisor and complete a written report. Staff must submit the written report by end of shift unless a time extension is granted by supervisor in writing. A verbal report is not a substitute for a written report.

Officers shall clearly document the totality of the circumstances including (but not limited to) use of alternative tactics and/or de-escalation, reason for immediate action and/or a calculated/planned use of force, description of the youth’s behavior, prior knowledge of youth behaviors, witnesses present, injuries or lack thereof and post incident actions.”

“Officers should write reports utilizing their own memory and account of events and should not collaborate with other staff in the preparation of reports.”

3. It is recommended the San Diego Probation Department clarify the language in policy 514.9.2 Reporting the Use of Force-Report Form, to reflect Recommendation 1 and be consistent with Recommendation 2.

Current Language: “Every officer Use of Force is an incident that must be reported in the Probation Case Management System (PCMS). (15 CCR 1362). The documentation on the form will reflect the actions and responses of each officer participating in the incident, as witnessed by the reporting officer.”

Recommended Language: Every officer Use of Force is an incident that must be reported in the Probation Case Management System (PCMS). (15 CCR 1362). The documentation on the form will reflect the totality of the circumstances as experienced by the reporting officer.

4. It is recommended the San Diego Probation Department update portions of the language in policy 514.9.3 Reporting the Use of Force-Additional Requirements, to reflect Recommendation 1 and be consistent with Recommendations 2 and 3.

Current Language: “Any officer directly observing the incident must make a verbal report to a supervisor as soon as practicable and include as much of the aforementioned information as is known by the observing officer.”

Recommended Language: Any officer directly observing the incident must make a verbal report to a supervisor as soon as practicable and include as much of the aforementioned information as is known by the observing officer. The verbal report is not a substitute for a written report.

5. It is recommended the Probation Department implement a Body Worn Camera program for all Probation Officers in the County of San Diego.
6. It is recommended the Probation Department develop a comprehensive policy for the use of Body Worn Camera that mirrors best practices of Law Enforcement agencies in California and the County of San Diego.

CLERB supports the Probation Department’s careful and prompt review of our recommendations, and we look forward to your response.

Best Regards,



Brett Kalina
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cc: MAP