San Diego County Probation Department

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Tamika Nelson, Chief Probation Officer

September 18, 2026

Maryanne Pintar, Chair
Citizens' Law Enforcement Review Board
555 West Beech Street, Suite 505
San Diego, CA 92101-3819

SUBJECT: CLERB's Recommended Changes to the Probation Department's Use of Force Policy 514's Reporting Procedures; Body Worn Cameras

Chair Pintar,

The Probation Department supports the Citizens' Law Enforcement Review Board's (CLERB) independent review of our policies and has considered CLERB's June 8, 2026, recommendations that the Department (1) revise elements of Policy 514's procedures for reporting uses of force and (2) implement a body worn camera program for Probation officers.

Summary of Recommendations 1 through 4 and Responses

CLERB recommendations 1 through 4 all relate to report content and report timing requirements for reports from officers and staff appearing in Policy sections 514.9.1(a)-(e), 514.9.2(a)-(f), and 514.9.3(a)-(f).

Report content: CLERB recommends adding references to "totality of circumstances" in 514.9. The Department will add a reference to the term "totality of circumstances" in section 514.9.2 as more fully explained below.

Report timing: Existing policy requires that officers and staff verbally report to a supervisor as soon as practicable after the incident and that the officers must complete written reports by the end of their respective shifts. CLERB's recommended revisions would delete the requirement for a verbal report as soon as possible after the incident and require "immediate" preparation of a written report by staff to be completed by the end of the shift. For the logistical and operational reasons discussed below, the Department will retain its two-pronged verbal and written reporting requirements.

Summary of Recommendation 5 and Response

CLERB recommendation 5 is that the Department implement a body worn camera (BWC) program for "all Probation officers in the County of San Diego." Because Policy 514 is the Youth

Facilities policy, and not the Probation Services policy, the Department construes CLERB's reference to "all probation officers" to mean probation officers working in the Youth Facilities. For the reasons stated below, the Department will not at this time require BWCs for officers in the Youth Facilities.

CLERB RECOMMENDATIONS AND COUNTY RESPONSES

CLERB Recommendation 1: 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.

Probation Department Response:

CLERB's Recommendation 1 to extend report-writing responsibilities creates operational challenges beyond what is necessary for proper documentation of use of force incidents and exceeds our current capacity. Custodial incidents draw a rapid response from many officers, and their response leads to a temporary disruption of programming and potentially operational room time for uninvolved youths in other areas of the facility.

Current policy sections 514.9.1(a)-(b) require written reports from officers who used force during the response:

> 514.9.1(a): Every officer Use of Force is an incident that must be reported on the appropriate form (15 CCR 1362). 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. Any officer who used force must submit the appropriate documentation prior to going off-duty, unless directed otherwise by a supervisor.
>
> 514.9.1(b): (b) Supervisors will ensure that a written report of all use of force incidents is prepared and submitted to the Division Chief or designee by the end of the shift unless additional time is necessary and authorized by the Division Chief or their designee. (15 CCR 1362). The Supervisor will also notify the IS Quality Assurance Specialist of the incident via email. (Government Code§ 7286(b)(14))

Additionally, sections 514.9.3(a)-(b) address officers observing the use of force incident:

> 514.9.3(a) 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.
>
> 514.9.3(b) Officers must submit the appropriate documentation prior to going off-duty, unless additional time is necessary and authorized by the Division Chief or their designee.

While it would not be practical to require all officers who may have otherwise been present or arrived on scene during an incident to submit a written report, those officers may be directed to submit an addendum to the Incident Report if deemed appropriate and/or necessary by the officer's chain of command. Verbally debriefing with the other personnel who arrived but were not directly involved and recording the names of all responding officers as potential witnesses are appropriate practices that balance reporting with maintaining the critical functions of the institution for all other youths.

CLERB's specific content language recommendations for implementing its Recommendation 1 are discussed below.

CLERB RECOMMENDATION 2: Update portions of the language in policy 514.9.1 Reporting Process to reflect Recommendation 1, as follows:

> **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."

Probation Department Response:

CLERB's Recommendation 2's specific language appears to consist of proposed edits to section 514.9.1 that relate to **(1)** the timing and authorship of written reports and the use of verbal reporting; and **(2)** language relating to "totality of circumstances".

(1) ***Timing; Written and Verbal Reporting***

First, we assume that the deletion of the word "officer" from the recommended language is unintentional. Precise terms are important in the use of force context because only Penal Code § 830.5 officers are authorized to use force.

Second, for the reasons stated in our Response to Recommendation 1, we will not require written reports from staff.

Third, the first paragraph of CLERB's recommended language does not appear to substantively change the *written* report timing requirements. Current sections 514.9.1(a) and (b) require officers writing a report that must be ready for submission to the Division Chief by the end of the shift. CLERB's recommendation is that "staff" (read "officers") immediately notify the supervisor and submit a written report by the end of the shift.

Fourth, to the extent CLERB is recommending elimination of the current requirement for a verbal report to the supervisor as soon as practicable after the incident, and that officers and staff must "immediately" begin preparing written reports, the Department respectfully disagrees with that recommendation for the reasons stated in our Response to Recommendation 1.

(2) *"Totality of Circumstances"*

While Recommendation 2 appears to be directed at section 514.9.1, the Department will incorporate the term "totality of circumstances" into section 514.9.2's introductory paragraphs as shown here (*new content in italics and underlined*):

514.9.2 REPORTING THE USE OF FORCE – REPORT FORM

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.

Bearing in mind that the use of force will be evaluated based on the "totality of circumstances" (section 514.4) that may include, but not be limited to, the factors listed in section 514.4.5, the report should include (15 CCR 1357(a)(5)):…

(514.9.2(a)-(f) follow.)

We believe this will achieve CLERB's goal with respect to "totality of circumstances" as explained below.

First, CLERB's recommended language defines "totality of circumstances" as

"…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."

Second, there is support in the law for all the elements listed in CLERB's definition except "post incident actions". *See* Pen. Code, § 835a(e)(3); *Graham v Connor*, 490 US 386 (1989) and such cases as *Hayes v County of San Diego*, 57 Cal.4th 622 (2013), *Koussaya v. City of Stockton*, 54 Cal. App. 5th 909, 934, (2020); *Murchison v County of Tehama*, 69 Cal.App.5th 867 (2021) and *A.B. v. County of San Diego*, 112 Cal. App. 5th 404, 422 (2025). When "assess(ing) whether an officer acted reasonably in using force, a court must consider all the relevant circumstances, including facts and events leading up to the climactic moment" (*Barnes v. Felix*, 605 U.S. 73, 76 (2025)). Under California's more expansive construct, facts about the actual incident may be considered (*Murchison*, *supra*). But we are unaware of cases expressly including after-the-fact, post-incident activity in the "totality of circumstances."

Nevertheless, the Department will consider whether to include post-incident activity as information that should be included in the written report to the extent such inclusion is practicable within the time constraints on report submission.

Third, the "totality of circumstances" elements listed by CLERB are noted in various sections of Policy 514:

- "Use of alternative tactics and/or de-escalation" – 514.4.5(k), 514.9.2(a), 514.9.2(d)

- "Reason(s) for immediate action and/or a calculated/planned use of force" – 514.9.2(c), 514.4.5(a)-(g), (i), (l), (n)-(q), (s)
- "Description of the youth's behavior" – 514.4.5(b), (e), (f), (g), (j), (o), (r); 514.9.2(a)
- "Prior knowledge of youth behaviors" – 514.4.5(s), (t); 514.9.2(c)
- "Witnesses present" – 514.9.2(a), (b)
- "Injuries or lack thereof" – 514.9.2(e)

Thus, the edits we will make to 514.9.2's introductory paragraphs, as detailed above, will incorporate all of CLERB's totality of circumstances elements except post-incident activity – which we will consider including outside the totality of circumstances framework.

3. 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, with the following language:

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 <u>the totality of the circumstances as experienced by the reporting officer</u>.

Probation Department Response:

Please see the Response to Recommendation 2 immediately above.

4. 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, with the following language:

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. <u>The verbal report is not a substitute for a written report</u>.

Probation Department Response:

Please see the Response to Recommendation 1.

5. Implement a Body Worn Camera program for all Probation Officers in the County of San Diego.

To enhance transparency and strengthen operational accountability, over the past several years, the Probation Department has made significant upgrades to our facilities, including the installation of comprehensive fixed-camera systems and improvements to expand coverage and

eliminate blind spots. These efforts are reflective of the Department's ongoing commitment to continuous improvement and expanding upon current operational strengths, and we agree exploring the use of body worn cameras and whether they would potentially complement these upgrades could be beneficial.

While the Probation Department will not presently implement the recommendations regarding body worn cameras, we are aware of one jurisdiction in California that is currently piloting their use in a juvenile detention facility. As we monitor this pilot, we have begun internal discussions about body worn cameras, conducting a feasibility study, and evaluating operational impacts. This work is ongoing, and our approach is focused on implementing body worn cameras responsibly and effectively should we move in that direction.

Thank you for your service to the residents of San Diego County.

Sincerely,

IRENE COUNTRYMAN
Interim Assistant Chief Probation Officer