

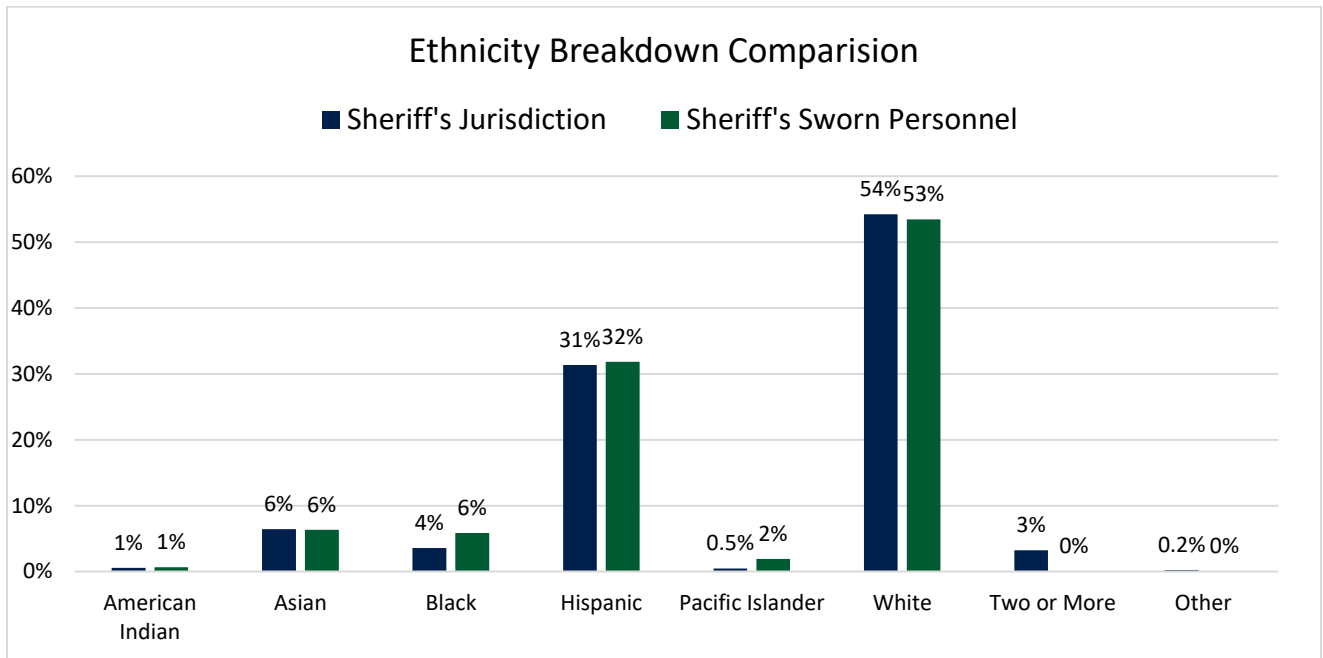


SAN DIEGO COUNTY SHERIFF'S DEPARTMENT Response to Community Concerns

The San Diego County Sheriff's Department is dedicated to building a culture of trust with our communities. The Department does not condone nor accept any racial profiling or acts of brutality. Below is an overview of standards in place by the Sheriff's Department. The Department is also proactive in the identification of possible opportunities for change in our policies, procedure, and training to affect consistent positive outcomes. We are committed to impartial and compassionate enforcement of the law.

This document should not be viewed as a final statement by the Department on all matters addressed. It is meant to serve as a basis of information so that constructive dialogue can take place on matters of concern.

Department Demographics*



*(2020 Data/Source: San Diego Association of Governments)

Policies and Procedures

The Sheriff's Department reviews its [policies and procedures](#) on a continual basis.

SB 1421

California Senate Bill 1421 (SB 1421), which became law on January 1, 2019, amends California Penal Code sections 832.7 and 832.8 relating to peace officer records. SB-1421 requires certain peace officer personnel records and records relating to specified incidents, complaints, and investigations involving peace officers to be made available for public inspection pursuant to the California Public Records Act. The San Diego County Sheriff's Department is fully committed to complying with the law and provides this information at the following [link](#).

SB 978

Effective January 1, 2020, Senate Bill 978 ("SB 978") required all local law enforcement agencies and the Commission on Peace Officer Standards and Training ("POST") to post on their websites all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available to the public through a California Public Records Act ("CPRA") request. Making this information available online and easily accessible to the public helps educate the public about law enforcement policies, practices, and procedures, increases communication and community trust, and enhances transparency while saving on costs and labor associated with responding to individual CPRA requests for this information.

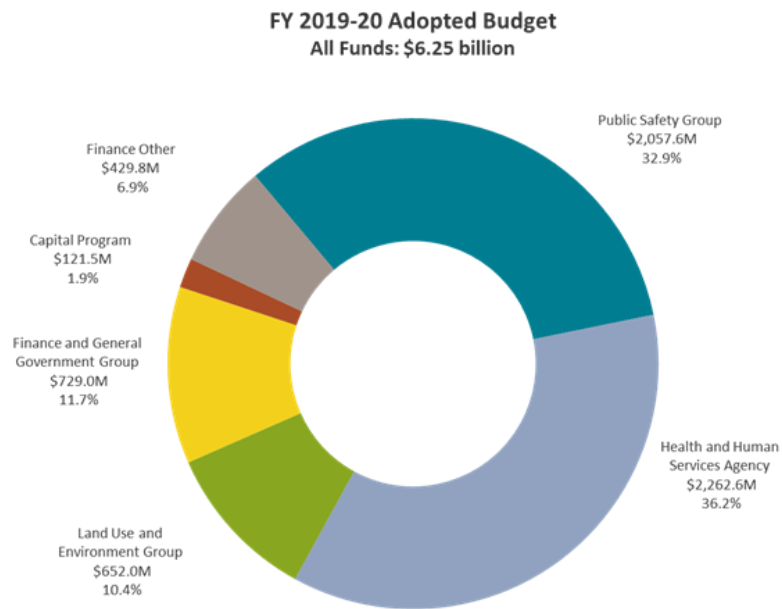
The Sheriff's Department has published our Policy and Procedure Manual on our public web site for years. For access to our department's Policy and Procedure Manual, operational manuals, and training, please visit the Sheriff's Public Documents page at <https://apps.sdsheriff.net/PublicDocs/SB978/>

Budget

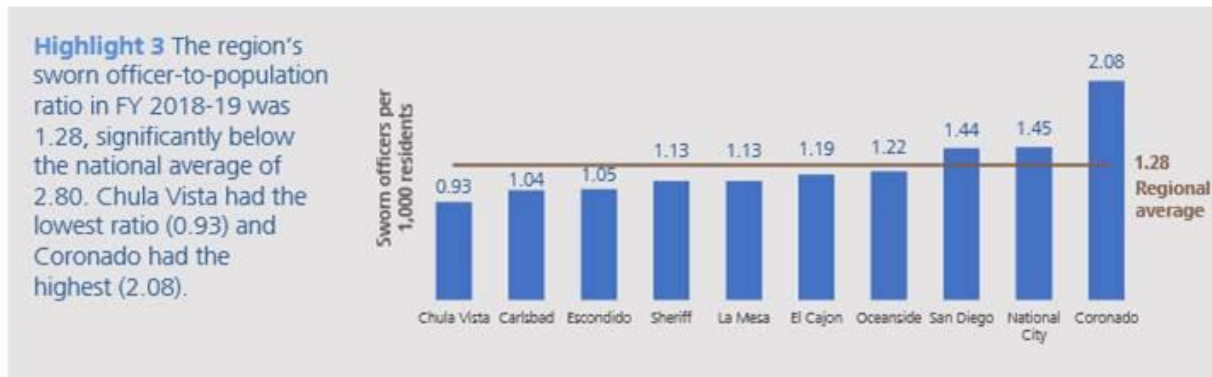
The Board of Supervisors adopts the County Budget annually. Public hearings on the Fiscal Year 2020-21 budget are scheduled for August 10th at 9 a.m. and August 12th at 5:30 p.m.

The County budget supports essential public safety services, including the Sheriff's Department and nine other public safety departments, which in total represents about one-third of the total budget. The County budget allocates resources to health and human services, including services addressing behavioral health and services to homeless individuals, land use and environment activities and other government functions.

Breakdown of current County of San Diego budget:



Funding for the San Diego County Sheriff's Department sustains the ability of law enforcement to respond to calls for assistance and maintain community safety. According to an annual report prepared by the San Diego Association of Governments, the ratio of sworn officers to residents in the areas where the Sheriff provides services is 1.13 deputies per 1,000 residents, which is one of the lower ratios in the region and well below the national average of 2.8 officers per 1,000 residents.



Please reference the following link for the County of San Diego's [Open Budget Portal](#).

Training

De-escalation Training

- De-escalation is a combination of tactical communication with a balanced use of force response to critical situations in order to achieve positive outcomes. This thought process has been taught for years to our sworn personnel, but never completely formalized in naming, policy, or training.
- In August 2018, the department created a working group to develop its own formal de-escalation training and the working group worked with Los Angeles Police Department to develop the course. San Diego County Sheriff's Department was the first law enforcement agency in San Diego County to provide formal de-escalation training.
- In 2019, the approved De-escalation Training Program was provided to 1,690 deputies through both the Continued Professional Training (CPT) and Standards and Training for Corrections (STC) training cycles. De-escalation Training was also incorporated into the academy's curriculum.
- The De-escalation Training Program also incorporates intervention scenarios to reinforce department expectations of conduct and standards.
 - a) [\(Reference Department Policy & Procedures Manual – Section 2.49 and Addendum F Pages 94 and 477\)](#)
 - b) De-escalation Training ([Link to Training Courses](#))
 - c) *The Sheriff's Department is memorializing this training in its Policy & Procedures Manual*

Psychiatric Emergency Response Team (PERT)

The Sheriff's Department is committed to providing a regional mobile response to the crisis needs of the mentally ill. The Sheriff's Department will participate in a multi-disciplinary partnership to provide regional crisis mobile response for the mentally ill. This partnership will be identified as the Psychiatric Emergency Response Team (PERT). The PERT teams provide the most humane and appropriate dispositions for mentally disordered persons who have come to the attention of law enforcement. PERT teams will respond to any patrol units request for assistance when the unit is handling the mentally ill or individuals in crisis. PERT personnel will assess the situation, evaluate the individual(s) in question, and as appropriate, make referral(s) to community-based resources or treatment facilities.

[\(Reference Department Policy & Procedures Manual - Section 6.113 Page 60\)](#)

Mental Health Calls for Service Training

- 24-hour PERT training to law enforcement personnel and dispatchers.
- 8-hour Crisis Response Training is available for law enforcement and is state mandated for field training officers.

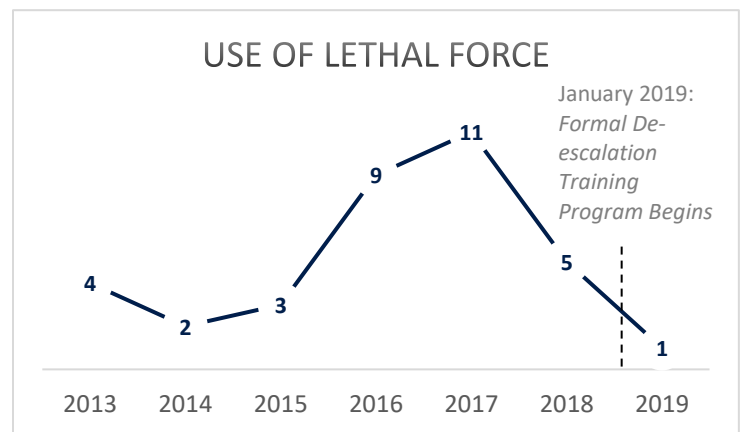
Body Worn Camera

The San Diego County Sheriff's Department authorizes the use of Body Worn Camera (BWC) technology, with the goal of providing an additional layer of documentation for events, actions, conditions and statements made during critical incidents and to improve reports, collection of evidence and testimony in court. The use of the BWC technology is meant to assist and compliment Deputy Sheriff's and Community Services Officers in the performance of their duties and is not meant to replace or relieve the Deputy or Community Services Officer of his/her responsibility of submitting any and all required written reports.

(Reference Department Policy & Procedures Manual - Section 6.131 Pages 63 and 410)

Use of Force

- Enforcement of the law and the performance of law enforcement duties may require the use of physical force and/or physical restraint. The preservation of order and the observance of the law are best achieved through voluntary compliance and the use of force is considered secondary.
- For organizational accountability, the department's Division of Inspectional Services (DIS) reviews all Use of Force reports. For organizational transparency, DIS prepares an annual Use of Force Report and publishes the information on our website www.sdsheriff.net. The department was one of the agencies who participated in the national pilot program for the automating Use of Force Reporting to the Federal Bureau of Investigation (FBI).
- The following is the breakdown of the department's law enforcement field activity which includes Calls for Service (CFS) and Deputy Initiated Activity (DIA) as well as use of force statistics:



Law Enforcement

| | 2018 | 2019 | 2020 (YTD to 4/30/20) |
|---------------------------------------|-------------|-------------|------------------------------|
| Total Activity (CFS & DIA) | 446,221 | 428,589 | 131,292 |
| Use of Force | 2,651 | 2,649 | 813 |

- Drilling down into the department's use of force activity:
 - There was an 80% reduction in the use of Lethal Force; from 5 instances in 2018 down to 1 instance in 2019.
 - There was a 20% reduction in Less Lethal Deployed; from 458 in 2018 down to 368 in 2019.

(Reference Department Policy & Procedures Manual – Section 2.49 and Addendum F Pages 94 and 477)

Mobile Field Force Training

- The San Diego County Sheriff's Mobile Field Force (MFF) team responds to natural disasters and man-made events to maintain and restore public order using disciplined personnel comprised of a broad base of Sheriff's personnel.
- The San Diego County Sheriff's Mobile Field Force team is available to assist any agency in San Diego County and California State Region VI, which includes Riverside, Imperial, San Bernardino, Inyo, and Mono.
- MFF Training is conducted throughout the year and was provided 26 times 2019.

Military Equipment/No-Knock Warrants

The Sheriff's Department discontinued participation in the DRMO/1003 Military Equipment Disposition Program and destroyed all DRMO/1003 firearms that existed in our inventory. All equipment and vehicles received from this government program were decommissioned 5-years ago.

No-Knock warrants are very uncommon. They require judicial authorization in the terms of the warrant. These types of warrants are issued by judges on a case by case basis in limited circumstances where law enforcement has sufficient cause to believe that knocking and announcing their presence would be dangerous or inhibit the investigation of the crime.

Oversight

The Sheriff's Department takes immediate action on complaints and conduct comprehensive investigations. Not only are there accessible means for individuals to make complaints or notify the Department of concerns about any possible mistreatment, but the Sheriff's leadership team reviews all critical incidents to ensure proper and just responses were administered. We are also proactive in the identification of possible opportunities for change in our policies, procedure, and training to affect consistent positive outcomes.

Critical Incident Review Board (CIRB)

- The Critical Incident Review Board (CIRB) consists of the Chief Legal Advisor and 4 commanders (one from each bureau).
- The focus of the CIRB is to assess the department's civil exposure as a result of a given incident and to improve service delivery.
- Incidents reviewed by CIRB include but are not limited to in-custody deaths (other than natural), use of deadly force by departmental employee, and pursuits resulting in injury requiring hospital admittance or major property damage.
- The CIRB carefully reviews the incidents from multiple perspectives-including training, tactics, policies, and procedures-with the goal of identifying problem areas and recommending remedial actions so that the potential liability can be avoided in the future.

- One recommendation and subsequent change in policy and technical application was related to the duration of activation when using tasers. In 2018, we retrofitted our tasers so that the electric current could only flow for five seconds.

[\(Reference Department Policy & Procedures Manual - Section 6 Review Page 403\)](#)

Division of Inspectional Services

The Division of Inspectional Services (DIS) assesses internal processes and reviews high-risk events in order to promote a more efficient, effective, and economical operational environment throughout the Department.

DIS coordinates liability issues related to use of force, vehicle operations, application of law, jail conditions, and any action by staff that causes an injury. Additionally, they will liaison with the Citizens' Law Enforcement Review Board and County Counsel Claims Division. DIS will work with department-wide subject matter experts to review and facilitate updates to Department Policy and Procedure. It is the Department's philosophy that risk management activities shall take place at all levels of the Sheriff's Department. However, DIS primarily handles issues of liability in the workplace and actions that may cause injury and/or property damage.

[\(Reference Department Policy & Procedures Manual - Section 4.25 Page 39\)](#)

Internal Affairs

The Department's Internal Affairs (IA) is the central controlling point for filing, logging, assigning, and investigating complaints of alleged employee misconduct. All complaint investigations are conducted in a fair, thorough, and impartial manner.

In 2019, 4 out of the 94 IA investigations initiated by a department supervisor were use of force in nature; this is a 50% reduction from 2018, where 8 out of the 95 IA investigations were use of force in nature.

[\(Reference Department Policy & Procedures Manual – Sections 3.2, 3.3 Pages 98 and 100\)](#)

Citizens' Law Enforcement Review Board

San Diego County voters established the Citizens' Law Enforcement Review Board (CLERB) in November 1990 to independently receive and investigate citizen complaints against deputies and probation officers. CLERB is composed of eleven volunteer community members who are not affiliated with the Sheriff's Department or Probation Department.

CLERB's mission is to increase public confidence in and accountability of peace officers employed by the Sheriff's Department or the Probation Department by conducting independent, thorough, timely, and impartial reviews of Complaints of misconduct and deaths arising out of or in connection with actions of peace officers.

CLERB has the authority to receive, review, investigate, and report on Complaints filed against peace officers or custodial officers employed by the County in the Sheriff's Department or the Probation Department that allege: (a) Use of excessive force; (b) Discrimination or sexual harassment in respect to

members of the public; (c) The improper discharge of firearms; (d) Illegal search or seizure; (e) False arrest; (f) False reporting; (g) Criminal conduct; and/or (h) Misconduct

CLERB, pursuant to the Charter of the County of San Diego, Section 606, subd. (d), has the power to subpoena, independently investigate, and require the attendance of witnesses and the production of documents and papers pertinent to its investigations; and has the power to administer oaths. As result of the complaints investigated, in fiscal year 2019-2020, eight policy recommendations were submitted to the Sheriff and Probation Departments.

For more information please visit <https://www.sandiegocounty.gov/clerb/>

The San Diego County District Attorney's Office is responsible for prosecuting felony crimes committed in the county. It also prosecutes misdemeanor offenses that occur outside of the City of San Diego.

Police Accountability Campaigns (**bold sections reference SDCSD's approach and [Policy & Procedures](#)*)

Campaign Zero's [#8cantwait](#)

- 1) Ban Chokeholds & strangleholds: Allowing officers to choke or strangle civilians, in many cases where less lethal force could be used instead, results in the unnecessary death or serious injury of civilians
 - a) **The Sheriff's Department has never approved the use of chokeholds or strangleholds where the air intake of the arrestee is compromised in any way.**
 - b) **The carotid restraint was banned on June 3, 2020, in response to community concerns.**
 - i) ***The Sheriff's Department is memorializing this action in its Policy & Procedures Manual***

- 2) Require de-escalation: Require officers to de-escalate situations, where possible, by communication with subjects, maintaining distance, and otherwise eliminating the need to use force
 - a) **Addendum F: Force Options**
 - i) **(Reference Department Policy & Procedures Manual – Section 2.49 and Addendum F Pages 94 and 477)**
 - ii) **De-escalation Training ([Link to Training Courses](#))**
 - iii) ***The Sheriff's Department is memorializing this training in its Policy & Procedures Manual***

- 3) Require warning before shooting: Require officers to give a verbal warning, when possible, before shooting at a civilian.
 - a) **Addendum F: Force Options: Warnings. In situations where any force used is capable of causing serious injury or death, there is a requirement that, whenever feasible, the deputy must first warn the suspect that force will be used if there is not compliance**
 - i) **(Reference Department Policy & Procedures Manual – Section 2.49 and Addendum F Page 480)**

- 4) Exhaust all other means before shooting: Require Officers to exhaust all other reasonable means before resorting to deadly force.
 - a) **Addendum F: Force Options**
 - i) **(Reference Department Policy & Procedures Manual – Section 2.49 and Addendum F Pages 94 and 477)**

- 5) Duty to Intervene: Require officers to intervene and stop excessive force used by other officers and report these incidents immediately to a supervisor
 - a) **Deputies are trained throughout their careers to intervene when they observe another deputy using excessive force or demonstrating misconduct.**
 - i) **POST Training ([Reference POST Training : Learning Domain 20: Use of Force/De-escalation](#))**
 - b) **De-escalation training addresses intervention when deputies are acting improperly**
 - i) **De-escalation Training ([Link to Training Courses](#))**
 - c) **Addendum F: Reporting Use of Force**

- i) ([Reference Department Policy & Procedures Manual – Section 2.49 and Addendum F Pages 94 and 477](#))
 - d) *The Sheriff's Department is memorializing this training in its Policy & Procedures Manual*
- 6) Ban Shooting at Moving Vehicles: Restrict officers from shooting at moving vehicles, which is regarded as a particularly dangerous and ineffective tactic.
 - a) **Sections 6 & 8: Shooting at a motor vehicle for the purpose of disabling that vehicle is prohibited. Shooting at or from a moving vehicle is prohibited, except when immediately necessary to protect persons from death or serious bodily injury. Shooting at or from moving vehicles is ineffective and extremely hazardous. Deputies must consider not only their own safety but the safety of fellow deputies and the public. Tactical considerations and decisions for real and/or potential threat of the vehicle should be assessed.**
 - i) ([Reference Department Policy & Procedures Manual – Section 6 Page 295](#))
 - b) **Section 8 Firearms Moving Vehicles**
 - i) ([Reference Department Policy & Procedures Manual – Section 6 Page 442](#))
- 7) Require use of force continuum: Develop a Force Continuum that limits the types of force and/or weapons that can be used to respond to specific types of resistance.
 - a) **Addendum F: Force Options**
 - i) ([Reference Department Policy & Procedures Manual – Section 2.49 and Addendum F Pages 94 and 480](#))
- 8) Require Comprehensive Reporting: Require officers to report each time they use force or threaten to use force against civilians
 - a) **Addendum F: Reporting Use of Force**
 - i) ([Reference Department Policy & Procedures Manual – Section 2.49 and Addendum F Pages 94 and 480](#))
 - b) **It should be noted that our longstanding policy is that anytime a weapon is pointed at anyone, a comprehensive report must be submitted.**

ACLU's Police Accountability Now Policy Package

- 1) Passing PROTECT, a policy that seeks to limit the use of discretionary stops and searches by police
 - a) **2.55 Non-Biased Based Policing**
 - i) ([Reference Department Policy & Procedures Manual – Section 2.55 Page 27](#))
 - b) **Section 2 Rules of Conduct**
 - i) ([Reference Department Policy & Procedures Manual – Section 2 Page 85](#))
- 2) Ending the enforcement of low-level offenses and investing in non-law enforcement alternatives to respond to crises by divesting money from police budgets
 - a) **Reference budget section above**
 - b) **[Link to County of San Diego Adopted Budget 2019-2021](#)**

- 3) Establishing an independent community oversight board with investigatory and subpoena powers
 - a) *Reference CLERB section above*
- 4) Adopting a robust de-escalation policy
 - a) **Addendum F: Force Options**
 - i) (Reference Department Policy & Procedures Manual – Section 2.49 and Addendum F Pages 94 and 477)
 - ii) **De-escalation Training (Link to Training Courses)**
 - b) *The Sheriff's Department is memorializing this training in its Policy & Procedures Manual*
- 5) Banning the use of chokeholds and carotid restraints
 - a) **The Sheriff's Department has never approved the use of chokeholds or strangleholds where the air intake of the arrestee is compromised in any way.**
 - b) **The carotid restraint was banned on June 3, 2020, in response to community concerns.**
 - i) *The Sheriff's Department is memorializing this action in its Policy & Procedures Manual*

NAACP 10 Demands for All Police Departments

- 1) Create a Citizens Review Board, Police Trial Board, or Accountability Review Board for the public to have permanent presence/seats and have subpoena power.
 - a) *Reference CLERB section above*
- 2) Release all body camera, citizens, and business camera footage; and 911 call audio to public.
 - a) **The San Diego County Sheriff's Department publicly releases and posts California 832.7(b) records on the public website: <https://www.sdsheriff.net/publicrecords.html> California Penal Code section 832.7(b) applies to records relating to: the discharge of a firearm at a person by a deputy; the use of force by a deputy against a person resulting in death or great bodily injury; an incident in which an agency made a sustained finding that a deputy engaged in sexual assault involving a member of the public; and an incident in which an agency made a sustained finding that a deputy engaged in dishonesty directly relating to the reporting, investigation, or prosecution of a crime, or the reporting of, or investigation of misconduct by, another deputy. California Penal Code section 832.7(b) mandates the redaction of certain information, including the removal of personal data or information, confidential information, and information necessary to preserve the anonymity of civilian witnesses and complainants. The released records include all audio and video related to responsive incidents.**
 - b) **There are many reasons that the Sheriff's Department does not and cannot release all body worn camera footage, citizen camera footage, business camera footage and 911 call audio from all cases to the public.**
 - c) **Many of the body worn camera videos and 9-1-1 audio contain confidential information that the Sheriff's Department is legally prohibited from releasing. There are laws that prohibit release of certain types of cases/information, including criminal history information, child**

abuse or elder abuse with mandatory reporter, juvenile suspect records, and peace officer personnel records.

- i) **Criminal history information:** State law prohibits the release of an individual's local summary criminal history, and any information derived therefrom. Cal. Pen. Code section 13300 et seq. The release and receipt of such information, except where allowed by statute, is punishable as a misdemeanor.
 - ii) **Juvenile suspect:** The Sheriff's Department is unable to release records relating to the criminal investigation of a minor. This information is exempt from disclosure pursuant to California Government Code section 6254(k), incorporating Welfare and Institutions Code section 827. See *Wescott v. County of Yuba*, 104 Cal. App. 103, 106 (1980). (Confidentiality provisions of Welfare and Institutions Code section 827 are "controlling over the Public Records Act to the extent of any conflict.")
 - iii) **Child abuse with mandatory reporter -** California Penal Code section 11167.5 prohibits the release of these records, except pursuant to the terms specified in the statute. Any violation of this confidentiality is a misdemeanor. (Penal Code section 11167.5(a)).
 - iv) **Elder abuse with mandatory reporter -** Welfare and Institutions Code section 15630 prohibits the release of these records, except pursuant to the terms specified in the statute. Any violation of this confidentiality is a misdemeanor. (Welfare and Institutions Code section 15633).
 - v) **Peace Officer Personnel Records:** Peace officer personnel records are exempt from disclosure pursuant to California Penal Code sections 832.5, 832.7(a), and 832.8. This includes "[p]ersonal data, including marital status, family members, educational and employment history, home addresses, or similar information; employee advancement, appraisal, or discipline; complaints, or investigations of complaints, concerning an event or transaction in which he or she participated, or which he or she perceived, and pertaining to the manner in which he or she performed his or her duties;... [and] [a]ny other information the disclosure of which would constitute an unwarranted invasion of personal privacy." Pen. Code §832.8(a).
- d) **Additionally, there are categories of crimes in which the victim is entitled to confidentiality. Further, the requested records contain personal identifying information and other confidential information relating to the involved parties.**
 - e) **The release of active case files inhibits the Department's ability to investigate and the District Attorney's ability to prosecute a criminal case. Files related to active investigations are covered by the Official Information Privilege, Evidence Code section 1040.**
 - f) **Further, the release of citizen and business videos calls into question the release of property that does not belong to the Sheriff's Department and was only provided for the limited purpose of the investigation.**
 - g) **The CPRA allows law enforcement agencies to exempt records related to an investigation.**
 - h) **Records relating to an investigation conducted by a police agency, or any investigatory or security files compiled by a police agency, are exempt from disclosure. Cal. Gov. Code § 6254(f); *Haynie v. Superior Court*, 26 Cal. 4th 1061, 1071-72 (2001).**

- 3) Immediately release the names of all officers, supervisors involved in all shootings.
 - a) **The Sheriff's Department releases the names of deputies involved in officer involved shootings within one week. The only exception is when the Department has a specific, articulable, and particularized reason to believe that disclosure of the name would pose a significant danger to the physical safety of the peace officer. [Penal Code 832.7\(b\)\(6\)](#). This exception has never been used.**

- 4) Release and/or create Standard Operating Procedures (SOP)s:
 - To de-escalate conflict with person with weapon present and/or drawn
 - To clarify the "Shoot to Kill" or "Shoot to Injure" decisions
 - To remove corrupt officers
 - To de-escalate conflict of excessive force situations
 - To provide medical attention for shot or injured suspects
 - To test officers in shooting for alcohol and chemical substance
 - a) **Addendum F: Force Options**
 - i) **[\(Reference Department Policy & Procedures Manual – Section 2.49 and Addendum F Pages 94 and 480\)](#)**
 - b) **Section 2: Rules of Conduct**
 - i) **[\(Reference Department Policy & Procedures Manual – Section 2 Page 85\)](#)**
 - c) **Section 8: Firearms**
 - i) **[\(Reference Department Policy & Procedures Manual – Section 8.1 Page 69\)](#)**
 - d) **De-escalation Training ([Link to Training Courses](#))**
 - i) ***The Sheriff's Department is memorializing this training in its Policy & Procedures Manual***

- 5) Every minority shooting requires an elevated level of investigation within the city, county, state, national law enforcement.
 - a) **All individuals are entitled to equal applications of laws. Every officer involved shooting is thoroughly reviewed by the law enforcement agency and justice partners without regard to ethnicity, gender, or race. This review includes officials from the United States Department of Justice.**

- 6) Increase the use of special prosecutors when potential hate crimes are present.
 - a) **Every hate crime report is taken seriously by SDSD. Investigations may involve not only the Department but state, local, and federal justice partners.**

- 7) Implement implicit bias training for interacting with persons of color to include racial sensitivity, diversity training, and de-escalation strategies.
 - a) **Trainings such as implicit bias, diversity, and de-escalation take place throughout the law enforcement Academy as well as during a deputy's career. We acknowledge more could be done in this area and we look forward to engaging with community partners to find appropriate content.**

- 8) Enhance the collection of data on fatalities involving police officers.
 - a) **Use of Force Report**

- 9) Discourage so called “citizen’s arrest” or escalating or confronting acts within the community.
 - a) **Penal Code section 837 authorizes citizens to make arrests in certain circumstances.**

- 10) Interact and team up with the NAACP and other organizations that promote public safety and good citizenship of the public.
 - a) **Yes**