

**CITIZENS' LAW ENFORCEMENT REVIEW BOARD
POLICY RECOMMENDATION**

DOCUMENT SEARCHES OF TRANSPORTATION VEHICLES

BACKGROUND:

From 2006 through 2020, 185 people died in San Diego County's jails. The rate of deaths in San Diego County's jails raised concerns about underlying systemic issues within the San Diego Sheriff's Department's (SDSD) policies, procedures, and practices.

The California State Auditor (CSA) conducted an audit of the SDSD to determine the reasons for in-custody deaths; concluded that the SDSD failed to adequately prevent and respond to deaths of individuals in its custody; and made several recommendations pertaining to intake screenings, medical and mental health care, safety checks, and responses to medical emergencies.

A CLERB-commissioned study by Analytica Consulting in which overdose/accidental death rates of San Diego County Adult Detention Facilities inmates were compared to those from 11 other California counties revealed that San Diego County inmates have the highest overdose/accidental death rates. An inmate in San Diego is two times more likely to die in this manner than what is expected based on county mortality rates. San Diego County was the only county with a statistically significant excess number of overdose/accidental deaths. A review of drug-related causes of death for inmates over the past two years indicated that fentanyl, a synthetic opioid, contributed to most of those deaths.

It is undisputed that illicit and prescription drugs are being smuggled into the SDSD-operated detention facilities, presumably via several different means. SDSD Executive Management has identified incarcerated persons (I/Ps) as one of the top two methods by which illicit substances are smuggled into SDSD-operated detention facilities.

On 04-19-22, CLERB recommended that SDSD require the completion of body scans of all I/Ps transferred between facilities. SDSD did not implement the recommendation and cited operational delays as the reason for non-implementation.

On 08-23-22, CLERB recommended that SDSD physically search or body scan all persons entering a SDSD-operated detention facility, to include all SDSD employees, County employees, contractors, and those persons conducting county-related business. "All persons" also includes social and professional visitors and incarcerated persons (I/Ps) upon booking and transferring between facilities or re-entering a facility after having departed it for court, medical treatment, etc. SDSD is currently reviewing the recommendation and has yet to, in whole or in part, implement or reject it.

Subsection I.A. of SDSD Detentions Services Bureau (DSB) Policy and Procedure Section I.57 entitled, "Transportation of Incarcerated Persons" is as follows (**emphasis added**):

Deputies transporting incarcerated persons must be cognizant of the potential security risk of all persons in their custody. After accepting custody of incarcerated persons from a facility, the transporting deputy assumes the responsibility for the safety, welfare and security of the individuals under their supervision. **The transporting deputy will ensure a search of the incarcerated person(s) and the transportation vehicle is conducted before and after every transport.**

Subsection I.D. of SDSD Prisoner Transportation Green Sheet I.57.T.1 states, in part:

It will be the Driver's Responsibility to open and clear each compartment of the vehicle after each transportation and/or movement of inmates. The Driver will be Responsible for verifying their vehicle is cleared of any Inmates and/or Contraband.

There is no requirement to document the above-mandated searches/clearances and the Green Sheet does not mandate that the driver open and clear each compartment of the vehicle before each transportation and/or movement of I/Ps.



If the below policy recommendations are implemented, they would ensure that there is documented proof that searches of transportation vehicles occurred and result in a pre-use opening and clearance of each vehicle compartment.

CLERB believes that all efforts to reduce the likelihood of in-custody deaths must be taken, to include those that would appear fiscally cost prohibitive or delay facility operations. CLERB believes the value of human life outweighs any cost and is greater than any resulting operational delays.

POLICY RECOMMENDATIONS:

Pursuant to Section 340.9(g) of the San Diego County Administrative Code, the Citizens' Law Enforcement Review Board (CLERB) shall have the authority to review and make recommendations on policies and procedures of the San Diego County Sheriff's Department and San Diego County Probation Department. As such, CLERB makes the following policy recommendation to the SDSD:

1. Revise SDSD DSB P&P I.57 to mandate the documentation of a transportation vehicle search before and after every transport.
2. Revise SDSD Green Sheet I.57.T.1 to mandate that the driver open and clear each compartment of the transportation vehicle before, not just after, each transportation and/or movement of I/Ps and document the pre- and post-I/P transportation and movement.

Submitted by: 	Date: 10-11-22	Reviewed by: 	Date: 10-11-22
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