



San Diego County Sheriff's Department

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Kelly A. Martinez, Sheriff

January 30, 2023

Eileen Delaney, Board Chairperson
Citizens' Law Enforcement Review Board
555 West Beech Street, Suite 505
San Diego, CA 92101-3819

CLERB CASE NUMBER: 21-055/FROST

Dear Chairperson Delaney,

The Sheriff's Department welcomes and supports the Citizens' Law Enforcement Review Board's (CLERB) independent review of in-custody deaths and complaints alleging improper actions by members of this organization. We continuously strive to uphold the highest standards of professionalism and concern for the citizens we serve, and the CLERB process provides invaluable input.

On October 2, 2022, CLERB recommended the following policy change related to San Diego County Sheriff's Department Patrol Procedure Manual Section 25 Prisoner Transportation.

1. It is recommended that the San Diego Sheriff's Department (SDSD) revise its Patrol Procedure Manual Policy 25 Prisoner transportation (and any other associated policies) as it pertains to subsection C, Deputies Responsibilities at Detention Facility, to mandate that an arrestee **shall** be taken to a facility that coincides with the arrestee's gender identity. As such, an arrestee who identifies as female shall be taken to Las Colinas Detention Facility or Vista Detention Facility, and an arrestee who identifies as male **shall** be taken to San Diego Central Jail, or Vista Detention Facility. If the arrestee is identified as non-binary, the arresting officer **shall** inquire as to whether the arrestee would prefer to be booked into a male or female facility and transported accordingly.

The San Diego Sheriff's Department Patrol Procedures Manual was renamed the Field Operations Manual in December 2019 because it contains several policies, procedures, and protocols that affect multiple units throughout the Sheriff's Department. Field Operations Manual Policy 25, subsection C addresses specific physical actions required of the arresting/transporting deputy to ensure a smooth and secure transfer through the booking process. Aside from particular references to pregnant arrestees, nothing in this section addresses gender.

For 2021 there were 48,284 "new" bookings into our detention facilities and an additional 2,558 rejected bookings. Sheriff's Department arrests account for about 25% of all new or initial bookings into one of our detention facilities for any given year, with 12,274 in 2021. This number includes field (Patrol, Investigations, etc.) arrests, warrant arrests related to existing cases, and persons remanded to our custody by the court. CLERB's recommended change would only impact Sheriff's Department arrestees. It would do nothing to redirect other agency arrestees, who account for about 75% of all bookings, effectively failing to ensure officers take arrestees to a booking facility that aligns with their gender identity.

Detention Services Bureau (DSB) Policy and Procedure Section R.13 "Transgender, Intersex, and Non-binary Incarcerated Persons" was specifically cited in CLERB's policy recommendation, and bears most directly on the issues related to appropriately booking and housing transgender arrestees. Section R.13 was updated on March 20, 2022, pre-dating and exceeding the CLERB recommendations.

DSB Policy and Procedure Section R.13 states the following:

"It is the policy of the San Diego County Sheriff's Department to receive, evaluate, house, and provide secure, safe, and humane custody of all persons, including transgender, intersex, and non-binary, which are committed or held for confinement by the Sheriff until their lawful and appropriate release or transfer to another authority. During intake, all individuals who identify as transgender, intersex or non-binary will be asked about their housing and search preferences. Staff shall record these preferences on a Voluntary Gender Identity Statement of Preference (J-350) form."

Briefing training and bulletins have been provided to all Sheriff's personnel and regional law enforcement agencies regarding arrestees when transporting them to one of our facilities. An arrestee should be taken to a facility that coincides with their gender identity. An arrestee who identifies as female should be taken to the Las Colinas Detention and Reentry Facility or the Vista Detention Facility. An arrestee who identifies as a male should be taken to the San Diego Central Jail or Vista Detention Facility. If the arrestee identifies as non-binary, the arresting officer should inquire whether the arrestee would prefer to be booked into a male or female facility and transported accordingly. Where an arrestee is uncooperative, an arresting officer may rely on other factors in determining the appropriate booking facility, including the arrestee's gender expression (such as appearance, dress, mannerisms, and speech) or gender listed on a government-issued ID.

Policy R.13 Subsection IIA further states:

"Upon identifying an individual as transgender, intersex, or non-binary, based on their response to the gender identity intake screening question, medical staff will immediately notify the Jail Population Management Unit (JPMU). JPMU will respond immediately to conduct an initial assessment with the individual prior to them continuing the intake process (see sections III and IV for details)."

Based on the language previously incorporated in DSB Policy and Procedure Section R.13 on March 20, 2022, the Department believes CLERB's desired outcome, properly booking and housing ALL transgender arrestees, has already been met; therefore, we will not be amending Field Operations Manual Policy 25 Prisoner Transportation.

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In closing, we appreciate the time and effort of the Citizen's Law Enforcement Review Board. Thank you for your service to the Citizens of San Diego County and the policy recommendations in furtherance of our mission to provide the highest quality public safety services to everyone in San Diego County.

Sincerely,

KELLY A. MARTINEZ, SHERIFF

A handwritten signature in blue ink, appearing to read "E.A. Greenawald".

Edward A. Greenawald, Lieutenant
Officer of the Sheriff

Division of Inspectional Services

KAM:EAG:mt