



San Diego County Sheriff's Department

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Kelly A. Martinez, Sheriff

March 1, 2023

Eileen Delaney, Board Chairperson
Citizens' Law Enforcement Review Board
555 West Beech Street, Suite 220
San Diego, CA 92101-3819

CLERB CASE NUMBER: #21-114/Eshbach

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.

In late December of 2022, CLERB recommended the following five policy changes related to San Diego County Sheriff's Department Policy and Procedure sections:

1. Medical Services Division (MSD) N.1 Section 1A- Notification of Next of Kin/Legal Guardian
- 2&3. Detention Services Bureau (DSB) Policy and Procedure M.5 Section H and H(3)- Medical Emergencies
- 4&5. Additional language to Policy and Procedure M.5 Medical Emergencies- as deemed appropriate

As to recommendation 1, the request is to add the following bolded language to MSD N.1A:

"When a patient has sustained a serious injury, is gravely ill, or has any condition where the potential of maintaining life is questionable, the supervising nurse or designee of medical services shall, **while understanding the immediacy of notification and, when reasonably possible,** notify the detention facility's watch commander."

The Sheriff's Department agrees to add the language to this policy section **when reasonably possible**. The current policy does not state a timeframe for the notification to be made. This additional language will help clarify for medical staff that notification shall be made to proper individuals when reasonably possible.

Regarding recommendations 2 and 3, the request is to add bolded language to DSB P&P M.5 Section H and section H3 to conform with the verbiage utilized in P&P MSD.N.1 above.

"When a person is admitted to a hospital for treatment of **a serious injury, is gravely ill, or has any condition where the potential of maintaining life is questionable**, the watch commander shall:."

Subsection 3:

"If desired by the person, notify the emergency contact person of the person's **serious injury, grave illness, or the condition where the potential of maintaining life is questionable**."

The Sheriff's Department has no concerns with adding this language to current policy. As a clarification, **serious injury** will be determined/defined by medical personnel, not the incarcerated person or family member.

Regarding recommendation 4, the request is to add bolded language to DSB P&P M5.

When an incarcerated person is admitted to a hospital for treatment of **serious injury, a grave illness, or a condition where the potential of maintaining life is questionable, the watch commander shall notify, or attempt to notify, the next of kin, emergency contact, or legal guardian within 12 hours.**

The Sheriff's Department agrees a time frame should be included in this policy section for clarification. To conform with previous verbiage in MSD N1A, the change will read as:

When an incarcerated person is admitted to a hospital for treatment of **serious injury, a grave illness, or a condition where the potential of maintaining life is questionable, the watch commander shall notify, or attempt to notify, the next of kin, emergency contact, or legal guardian when reasonably possible, with consideration given to the severity of the injury/illness.**

Each medical emergency is unique and, in some cases, involves prolonged medical care or treatment. In all cases, the Sheriff's Department may not have a prognosis within twelve hours. Additionally, the security of the incarcerated person, hospital staff, and Sheriff personnel must be considered when determining when to make family notifications.

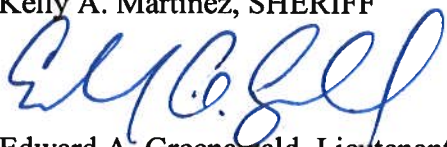
Regarding recommendation 5, the request is to add bolded language to DSB P&P M5.

All attempts to and successful notifications of **the next of kin, emergency contact, or legal guardian will be documented.**

The Sheriff's Department currently documents all attempts to notify next of kin, successful or not. However, this language will be added to the current policy.

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



Edward A. Greenawald, Lieutenant
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