

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, MARCH 15, 2022**

MINUTE ORDER NO. 15

SUBJECT: ADDRESSING DEATHS IN SAN DIEGO COUNTY JAILS: RECEIVING THE CALIFORNIA STATE AUDITOR REPORT REGARDING THE SAN DIEGO SHERIFF'S DEPARTMENT, DIRECTING STATE LEGISLATIVE SUPPORT, AND DIRECTING THE CAO TO WORK WITH STAFF FOR REVISION OF THE POLICIES AND PROCEDURES OF THE CITIZENS' LAW ENFORCEMENT REVIEW BOARD (DISTRICTS: ALL)

OVERVIEW

Over the past 15 years, there have been more deaths in San Diego County jails than almost any other county in California, and in 2021, San Diego County had more in-custody deaths than it has in any other year in the past 15 years.

At the direction of the California State Joint Legislative Audit Committee, the Auditor of the State of California ("State Auditor") has conducted an audit of the San Diego County Sheriff's Department ("Sheriff's Department") to determine the reasons for the high number of in-custody deaths. The State Auditor has issued a report that raises concerns about systemic issues with the Sheriff's Department's policies and practices related to its provision of medical and mental health care and its performance of visual checks to ensure the safety and health of individuals in its custody. Additionally, the State Auditor also found that the Sheriff's Department's and the Citizens' Law Enforcement Review Board's ("CLERB") reviews of in-custody deaths have been insufficient.

Based on its findings, the State Auditor has made specific recommendations to address the risks to inmate safety. This Board Letter recommends that CLERB implement the State Auditor's suggested changes to its policies, procedures, and operations. The California Constitution and state law provide that county sheriffs are elected county officials with independent functions and duties. California Constitution, Article XI, Section 1(b); Cal. Gov. Code §§ 26600, et seq. The Sheriff has specific statutory authority through state law in the areas of policing and detention, including the operation of the jails. The County Board of Supervisors ("Board") has authority over the Sheriff's Department through the Board's budgetary powers. While the Board can add powers to CLERB to affect CLERB's policies and procedures, it cannot directly change the policies and procedures of the Sheriff's Department. However, the lack of such authority over the Sheriff's Department cannot impede the County's responsibility to take action and to provide for the care and protection of all its residents, including those who are in the custody of the Sheriff's Department. For that reason, this Board Letter directs the County to support state legislative action to ensure that the Sheriff's Department implements changes in accordance with the State Auditor's recommendations. This Board letter also directs the Chief Administrative Officer to work with CLERB to implement the State Auditor's recommendations and bring items back to the Board.

RECOMMENDATION(S)

CHAIR NATHAN FLETCHER AND VICE-CHAIR NORA VARGAS

1. Direct the Chief Administrative Officer to receive the California State Auditor Report 2021-109, "San Diego County Sheriff's Department, It Has Failed to Adequately Prevent and Respond to the Deaths of Individuals in Its Custody," February 2022.

2. Direct the Chief Administrative Officer to add a legislative proposal to the County's Legislative Program Sponsorship Proposals section, consistent with Board Policy M-1, that would seek a change in the law to address the reported deficiencies in the Sheriff's Department's policies and practices related to intake screenings, medical and mental health care, safety checks, responses to emergencies, and in-custody death investigations and oversight, in accordance with the recommendations of the California State Auditor set forth in the California State Auditor Report 2021-109, "San Diego County Sheriff's Department, It Has Failed to Adequately Prevent and Respond to the Deaths of Individuals in Its Custody," February 2022.
3. Direct the Chief Administrative Officer to work with the Citizens' Law Enforcement Review Board to integrate and implement the California State Auditor's recommendations pertaining to the policies, procedures, and operations of the Citizens' Law Enforcement Review Board as set forth in the California State Auditor Report 2021-109, "San Diego County Sheriff's Department, It Has Failed to Adequately Prevent and Respond to the Deaths of Individuals in Its Custody," February 2022, and report back to the Board on progress within 180 days, or for necessary action.

EQUITY IMPACT STATEMENT

Based on data provided by the Sheriff, the State Auditor found that in the most recent three years-2018 through 2020-the percentage of deaths of Black individuals in the Sheriff's Department's custody was disproportionately higher than their overall composition of the jail population. *See* Appendix A, California State Auditor Report 2021-109, "San Diego County Sheriff's Department, It Has Failed to Adequately Prevent and Respond to the Deaths of Individuals in Its Custody," February 2022 ("Audit Report"), Attachment A, at 17. The State Auditor found that in 2006, 2008, and 2015, the percentage of deaths among Latinos in jail exceeded their jail population percentage. *See* Audit Report at 17. Although racial bias was not the focus of State Auditor's report, the State Auditor found deficiencies in the Sheriff's Department's policies and practices for ensuring the health and safety of individuals of all races and ages in its care.

FISCAL IMPACT

There is no fiscal impact associated with today's recommended actions though they may result in future fiscal impacts. Staff will return to the Board for consideration and approval of any such impacts.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter

MARCH 15, 2022