

## San Diego County Sheriff's Department



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Thomas J. Cooke, Undersheriff

March 14, 2011

Patrick Hunter, Executive Officer Citizens' Law Enforcement Review Board 1168 Union Street Suite 400 San Diego, CA 92101-3819

## POLICY RECOMMENDATION FOR DEATH NOTIFICATIONS

Dear Mr. Hunter:

The Sheriff's Department welcomes and supports the Citizens' Law Enforcement Review Board's independent review of Sheriff's Department policies and procedures. We strive to respond with professionalism and a spirit of cooperation to recommendations for improvement to these policies and procedures. CLERB has significantly contributed to the enhancement these important documents and we appreciate the Board's insight.

CLERB recommended the "Sheriff's Department Policies and Procedures be modified to include CLERB in all death notification processes." The recommendation included modifications to the Department, Detentions and Court Services Bureau's Policies and Procedures Manuals

After due consideration, Sheriff Gore respectfully declines to modify the policies and procedures as suggested by CLERB. However, the Sheriff has directed the CLERB Processor in the Division of Inspectional Services to notify CLERB of all in-custody deaths. Department protocols are already in place to ensure the Division of Inspectional Services is notified of all such deaths.

The Sheriff's Department appreciates the CLERB review process and will continue to give due regard to all Review Board advisory recommendations.

Thank you for your service to the citizens of the County of San Diego.

Sincerely,

John Madigan, Executive Manager

fM:sa

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March 9, 2011

TO:

John Madigan

Manager, Division of Inspectional Services, Sheriff's Department

FROM:

Patrick A. Hunter

**Executive Officer** 

## POLICY RECOMMENDATION FOR DEATH NOTIFICATIONS

It has come to my attention that the Citizens' Law Enforcement Review Board (CLERB) is absent from Department notification procedures involving Sheriff's personnel where death has occurred.

County Administrative Code, Section 340, states CLERB "... is also established to receive and investigate specified citizen complaints and investigate deaths arising out of or in connection with activities of peace officers and custodial officers employed by the County in the Sheriff's Department or the Probation Department." County Administrative Code 340.9(b) further states that CLERB "Review and investigate the death of any individual arising out of or in connection with actions of peace officers or custodial officers employed by the County in the Sheriff's Department or the Probation Department, regardless of whether a citizen complaint regarding such death has been filed with the Review Board. The Review Board shall have jurisdiction in respect to all deaths of individuals coming within the provisions of this subdivision occurring on or after November 7, 1990; ..."

It is requested that the following San Diego Sheriff's Department Policies and Procedures be modified to include CLERB in all death notification processes:

San Diego County Sheriff's Department Policies and Procedures Manual

- 4.25 Division of Inspectional Services
- 6.5 Unusual Incident, Death and Serious Injury Notification

San Diego County Sheriff's Detention Facility Services Manual of Policies and Procedures

• M.7 – Inmate Deaths

San Diego County Sheriff's Department Court Services Bureau Policies and Procedures Manual

- F.1 Adult Inmate Deaths
- F.2 Juvenile Inmate Attempted Suicides, Deaths and Serious Illnesses or Injuries

CLERB does not require immediate notification. Notification can be made the following work day morning.

I hope we can reach a satisfactory conclusion on this recommendation. Please call me at (619) 238-6766 if you feel a meeting would facilitate resolution of this matter.

Sincerely,

PATRICK A. HUNTER