



San Diego County Sheriff's Department

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Anthony C. Ray, Sheriff

*Kelly A. Martinez
Undersheriff*

December 28, 2022

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

CLERB POLICY RECOMMENDATION: SEARCH OR SCAN ALL PERSONS ENTERING DETENTION FACILITIES

Dear Chairperson Delaney,

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

On April 19, 2022, CLERB recommended the following policy change related to San Diego County Sheriff's Department operations:

1. Physically search or body scan all persons entering a SDSO-operated detention facility to include all SDSO employees, County employees, contractors, and those persons conducting county-related business.
 - a. "All persons" also includes social and professional visitors and incarcerated persons (I/Ps) upon booking and transferring between facilities or re-entering facilities after having departed it for court, medical treatment, etc.

Facility security is vitally important to the San Diego Sheriff's Department employees. Countless measures are taken to keep contraband, weapons, and illegal substances out of our facilities. To that end, body scanners were introduced into jails several years ago. Detention Policy and Procedure I.50 establishes guidelines for the use of imaging technology (body scanners).

The Department's policy is that all persons, except *those suspected or confirmed to be pregnant*, will be subject to a body scan during the intake process. Section C of I.50 states:

As a proactive measure to reduce contraband from entering detention facilities, body scan use should be considered for the following:

- 1. Incarcerated persons who are returning to the facility from the court, clinic runs, temporary out-of-custody, work assignments, or any other event that caused them to be removed from the secure area of the facility,*
- 2. Incarcerated persons returning from social or professional contact visits,*
- 3. Incarcerated workers returning to their housing unit after performing their assigned duties,*
- 4. Any incarcerated person based on the recommendation of the Detention Investigations Unit or a canine handler and concurrence of the watch commander or designee.*

As to CLERB's recommendation 1a, current policy and procedure identify when incarcerated persons may be subject to body scans. SDS staff will decide to body scan IPs considering investigative needs, staffing levels, and facility security. Additionally, staff shall *keep documentation containing information on how much radiation an individual is exposed to on the body scan machine. This documentation shall also include the number of maximum body scans an individual can have conducted on them annually (DSB P&P I.50 section II F).* In short, staff must balance facility security with the repeated exposure of the incarcerated population to safe radiation levels. Repeated body scans for IPs who have continued moving in and out of facilities may be exposed to harmful radiation levels. As such, it is not feasible to mandate body scans for all IP movement between facilities. Deputies will continue to physically search and/or conduct pat-down searches as per DSB P&P I.52, which states in part:

IV. PAT DOWN SEARCHES

A. Deputies will pat down incarcerated persons under the following conditions:

- 1. Prior to them being transported out of the facility and upon returning to the facility.*
- 2. Prior to and following a professional or social contact visit.*
- 3. Prior to leaving from and returning to a housing area.*

B. All incarcerated persons are subject to pat down searches and examinations of their clothing at any time.

As to the first part of CLERB's recommendation, P&P I.50 states:

"The body scanner is primarily for use to scan persons being booked into a detention facility or in-custody individuals. The body scanner shall not be utilized to scan any other person without prior approval from the facility commander or designee. Authorization for scanning a person not being booked or in custody shall be made only in circumstances where there is an immediate threat to public safety or facility security (e.g., person is suspected of concealing a weapon within their body)."

All persons are subject to search when entering our detention facilities. All facilities have signage to this effect. Additionally, non-employees who enter detention facilities for social or professional

visits should pass through a metal detector, and their belongings are subject to a physical search by deputies.

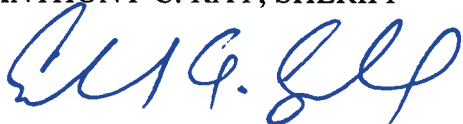
These same conditions are not in place for Sheriff's employees, who have already undergone an extensive pre-employment background clearance. If there is any indication that an employee or any other person was bringing contraband into facilities. In that case, a thorough investigation is conducted, and preemptive action is taken, which could include a physical search of the individual. Contracted workers are screened before entering our facilities and undergo annual checks afterward. There is no evidence or data to show Department employees or contractors are bringing contraband into our facilities. Implementing this recommendation would require us to presume staff (who have undergone a comprehensive background investigation and are subject to policies, procedures, and the law) are actively engaged in bringing contraband into our facilities. This action would represent a breach of the trust we have placed in them and result in grave consequences for morale and employee retention.

As noted above, subjecting employees, visitors, and contractors to repeated body scans is not feasible due to health risks. Physically searching this same group would require more staffing, take considerable time, and cause unnecessary delays in shift changes for all staff.

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. Our goal is to provide the "Highest quality public safety services" to everyone in San Diego County.

Sincerely,

ANTHONY C. RAY, SHERIFF



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