



San Diego County Sheriff's Department



William D. Gore, Sheriff

Kelly A. Martinez
Undersheriff

November 23, 2021

Susan N. Youngflesh, Board Chairperson
Citizens' Law Enforcement Review Board
555 West Beech Street, Suite 505
San Diego, CA 92101-3819

CLERB POLICY RECOMMENDATION: DISCONTINUE ROUTINE SEALING OF IN-CUSTODY DEATH CASES

Dear Chairperson Youngflesh,

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 to that end.

On October 18, 2021, CLERB recommended the following policy changes related to San Diego County Sheriff's Homicide Manual and sealing autopsies.

1. Revise the Homicide Unit Policy and Procedures to discontinue the 'standard procedure' for "sealing" of in-custody death cases in which there are no indications or suspicions of foul play, and the prospect of criminal law enforcement proceedings is not concrete and definite.

In April 2021, Undersheriff Martinez directed the Sheriff's Homicide Unit to cease the procedure to seal autopsies of in-custody deaths, unless other extenuating circumstances exist. It has been the Sheriff's Homicide Unit's procedure not to seal autopsies since that directive was given. The Homicide Manual recently has been updated and approved to reflect this change.

The 2021 Homicide Manual, Section 3.9.2 C now memorializes the Undersheriff's direction in part:

*... "The Homicide Unit's standard procedure for any investigation will be to seal autopsies on homicides, suspicious deaths, officer involved shootings, use of force deaths, or other investigations where the investigation may be compromised by the public disclosure of autopsy results. **Death investigations of persons in-custody will not be sealed unless the circumstances additionally meet***

CLERB Discontinue Routine Sealing Autopsies Policy Response

Page 2

November 23, 2021

the criteria above. Any in-custody death investigations will be unsealed utilizing the respective circumstances they were sealed under."

The Homicide Manual can be found on the San Diego Sheriff's public website.

In closing, we value the time and effort of the Citizen's Law Enforcement Review Board. I would like to thank you for your dedicated service to the Citizens of San Diego County and for this policy recommendation. We continuously strive for improvement in all aspects of our department to allow us to serve to the best of our abilities. It is our goal to provide the highest quality public safety services to everyone in San Diego County.

Sincerely,

WILLIAM D. GORE, SHERIFF



Michelle Craig, Lieutenant
Officer of the Sheriff
Division of Inspectional Services
WDG:MC/kb