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CITIZENS' LAW ENFORCEMENT REVIEW BOARD

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June 5, 2026

Sheriff Kelly A. Martinez, County of San Diego
Attn: Lieutenant Joseph Jarjura, Division of Inspectional Services
9621 Ridgehaven Court
San Diego, CA 92123

RE: POLICY RECOMMENDATIONS REGARDING INTERCOMS

Dear Sheriff Martinez:

BACKGROUND:

The Citizen's Law Enforcement Review Board (CLERB) has investigated multiple cases involving allegations of deputies failing to respond to intercom activations by incarcerated person(s) (IPs). The San Diego Sheriff's Department (SDSO) currently relies on Detentions policy I.2 to outline deputy responsibilities with regard to intercom activations by IP's. Two recent In Custody Death cases investigated by CLERB highlighted the need for this policy to be refined.

During its investigation of IP Kenneth Bach's death, CLERB reviewed statements from his cellmates who each alleged Bach, a type 2 diabetic, repeatedly pressed the intercom button to get insulin he needed. When questioned regarding intercom activations from the cell, the control deputy indicated they did not receive any notifications from Bach's cell requesting insulin or claiming there was an emergency. Further, the deputy could not recall if they interacted at all with Bach's cell via intercom during their shift. There was no way for investigators to independently determine the veracity of either statement.

During its investigation of IP Andrew Yates death, CLERB reviewed statements from an IP housed in the cell above Yates who indicated he activated his intercom after hearing what sounded like, "*someone getting their ass beat*" and told deputies something was going below him. Additionally, Yates' cellmate, who is accused of his murder, stated that Yates activated their intercom and told deputies the cellmate was going to kill him and asked for help. The cellmate further relayed that he himself pressed the intercom button. A deputy acknowledged the intercom was activated but did not recall what was said nor did they document or act regarding the activation. Likely, the deputy did not believe the intercom activation was an emergent situation, however the lack of response and independent documentation factored against the deputy during the investigation.

Current SDSO Detentions Services Bureau (DSB) policy I.2 requires that each facility maintains an inmate intercom system that is accessible by incarcerated person(s) with the primary purpose of relaying or

summoning emergency assistance. The policy prohibits the routine muting or silencing of the system and requires deputies to ensure the intercom has not been silenced or muted. The policy further requires deputies to “*answer all intercom calls in an expeditious manner and follow-up on the nature of the call.*”

SDSO Department of Inspectional Services (DIS) recently provided clarification to CLERB board members regarding the intercom systems used by SDSO. SDSO uses two different systems, each from different manufacturers. The intercoms cannot be turned off in individual cells. Neither of the systems are designed to be silenced or muted but the volume can be controlled. Though the system is not designed to be muted, it is presumed the volume control can potentially act as a muting feature. When an intercom is activated, each system has both visual and audio cues designed to alert a deputy of an intercom activation. The systems at LCDRF, GBDF, and RMDF are the only ones capable of recording times and durations of intercom activations by cell and user.

CLERB reviewed all 58 California counties to determine whether any standard exists regarding the use of intercom systems in custody settings. Title 15 does not address intercoms, and while Title 24 of the California Building Code requires audio monitoring systems, it only mandates that the system alert staff when an immediate response is needed. Ten counties were found to have systems and policies similar to San Diego, that allow direct communication between incarcerated individuals and staff. Among those, San Diego’s policy is one of the most comprehensive. The review also identified two counties—San Bernardino and Sutter—with language that could strengthen SDSO’s existing policy.

CLERB has identified several gaps in the current SDSO DSB policy I.2. The policy prohibits routine silencing or muting of the system. The language, however, is vague and subject to interpretation at the line level. This ambiguity allows individual deputies to determine when muting or silencing the system is appropriate, which can potentially lead to inconsistent application. The policy does not require verification that the intercom system is operational at the beginning of each shift, only that it is not muted. This can lead to confusion amongst deputies when asked how they knew the system was operating during an incident. When intercom systems that do not track activations are used, there is no system-generated record of activations or interactions. The lack of independent verification prevents objective review of alleged misconduct. As a result, complaints may rely solely on conflicting accounts without supporting documentation. There is no specified prohibition of incarcerated person(s) misusing the intercom system. CLERB has received anecdotal information from deputies, that IP’s in the past have misused the system by repeatedly activating the intercom in non-emergency situations potentially leading to intercom activations being silenced and/or not responded to. If intercom activations are truly limited to emergency situations, the response to those activations is expected to improve significantly, creating a safer environment for incarcerated persons and providing deputies with clear, consistent procedures to follow.

POLICY RECOMMENDATIONS:

1. It is recommended that the SDSO add policy language and corresponding procedure addressing staff responsibility when an intercom is activated. For example, San Bernadino county policy includes the language “*If an inmate is having an emergency, staff shall determine what the emergency is and take appropriate action...Staff shall immediately look up the inmates medical information located in JIMSnet’s medical alert screen and provide information to Health Services staff.*”
2. It is recommended that the SDSO establish a policy and corresponding procedure for documenting activations of intercom systems that lack automated logging. This would provide independent verification of both activations and non-activations.
3. It is recommended that the SDSO adopt a policy requiring the retrieval of all intercom records from the

24 hours preceding any in-custody death in facilities equipped with systems capable of recording activations.

4. It is recommended that SDO include explicit policy language addressing “*abuse of the intercom system*” within the Inmate Rules and Regulations to deter misuse. For example, the counties of Inyo and Sutter, classify intercom misuse as a minor rules violation, with repeated violations escalating to a major violation. Their policies require staff to advise inmates when misuse occurs and to initiate written discipline for repeated offenses, emphasizing consistent enforcement rather than ignoring improper activations. SDO should similarly define intercom use as intended for emergencies, provide clear examples of appropriate activation, and highlight that misuse may result in discipline.

CLERB supports the Sheriff’s Department’s careful and prompt review of our proposed policy recommendation, and we look forward to your response.

Sincerely,

Brett Kalina, on behalf of MaryAnne Pintar, Chairperson

MAP:bk

cc: DIS Liaison

DRAFT