



SAN DIEGO COUNTY SHERIFF'S OFFICE

Kelly A. Martinez, Sheriff

Rich Williams, Undersheriff

August 28, 2026

The Honorable Michael S. Groch
Presiding Judge of the Superior Court
San Diego Central Courthouse
1100 Union Street
Tenth Floor
San Diego, CA 92101

**San Diego Sheriff's Office response to the 2025-26 San Diego County Civil Grand Jury:
Investigation of Adult and Juvenile Detention Facilities**

Dear Presiding Judge Groch,

Pursuant to California Penal Code section 933(c), the San Diego County Sheriff's Office respectfully submits the following responses to the findings and recommendations contained in the 2025-26 San Diego County Grand Jury report.

Finding 1: The current MOU requires that in custody deaths in San Diego County detention facilities, except those resulting from the use of force, be investigated separately by the Sheriff's Office, which determines legal responsibility. The Medical Examiner identifies medicolegal cause of manner of death.

Response: AGREES.

Finding 2: The best chance of an overall successful recovery of an unresponsive Incarcerated Persons[sic] depends on both medical responders and facility medical personnel being equipped with the most appropriate medical equipment for all critical situations.

Response: PARTIALLY DISAGREES.

The San Diego County Sheriff's Office agrees that emergency medical service providers responding through the 9-1-1 system possess advanced life-support equipment and medications beyond those maintained within Sheriff's detention facilities. As identified by the Grand Jury, this may include automated chest-compression devices, cardiac monitors/defibrillators, advanced airway equipment, IV/IO access equipment, Advanced Cardiovascular Life Support medications, paralytics, and vasopressors.

This distinction is intentional and reflects the different roles and capabilities of correctional healthcare personnel and emergency medical service providers. The Sheriff's Office maintains immediate first aid and emergency-response capabilities throughout its detention facilities. Detention Services

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Bureau Policy M.3 requires first-aid kits to be available in designated areas, requires applicable personnel to maintain current First Aid training, and requires the kits to be positioned so they are immediately accessible to staff responding to an incarcerated person experiencing a medical emergency. The contents of these kits are reviewed annually by the Chief Medical Officer and inspected monthly.

For serious or life-threatening emergencies requiring advanced life support, the Sheriff's Office protocol is to immediately activate 9-1-1, initiate appropriate lifesaving measures within the training and scope of available personnel, and facilitate expedited transportation to an emergency department when clinically indicated. This model is designed to move critically ill patients as quickly as possible to personnel and facilities specifically trained, staffed, and equipped to provide advanced and definitive emergency care.

The Sheriff's Office agrees that timely recognition of a medical emergency, immediate lifesaving intervention, appropriate equipment, and rapid access to advanced medical care are critical to a successful outcome. The Sheriff's Office respectfully disagrees, however, with the implication that achieving the best medical outcome requires detention facilities to duplicate the advanced-life-support equipment and medications routinely carried by 9-1-1 emergency medical providers.

Many of the items identified by the Grand Jury are not simply pieces of equipment that can be placed in a medical ward and safely utilized by any available employee. Certain equipment and medications require specialized education, licensure or certification, continuing competency, medical oversight, and personnel specifically trained in their operation or administration. The Grand Jury itself recognizes, for example, that Advanced Cardiovascular Life Support medications may only be administered by appropriately trained and certified healthcare professionals.

Maintaining this advanced equipment within every detention facility would therefore not, by itself, ensure that a qualified individual would be immediately available at the precise location and time of a medical emergency. Attempting to establish an additional level of advanced treatment within a detention facility could also introduce unnecessary complexity and, under some circumstances, delay transportation to the emergency department where definitive care can be provided.

The Sheriff's Office has an established emergency-response model emphasizing:

1. Early identification and recognition of a medical emergency;
2. Immediate activation of 9-1-1;
3. Immediate first aid and appropriate resuscitative measures by available trained personnel;
4. Rapid response by paramedic-level advanced-life-support providers; and

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5. Expedited transportation to an emergency department when clinically warranted.

This approach supplements, rather than replaces, the emergency capability already maintained within Sheriff's detention facilities.

Importantly, recent in-custody death data demonstrate a significant reduction in deaths during the period in which detention operations have increasingly emphasized immediate 9-1-1 activation, prompt emergency response, and expedited hospital transportation. While the Sheriff's Office does not attribute this improvement to any single operational change, the results support the continued use of an emergency-response model focused on rapidly moving critically ill patients to the level of care best equipped to treat them.

The Grand Jury's report itself reflects this improvement. The report identifies 59 in-custody deaths between 2021 and 2024 approximately 15 per year compared with 10 reported deaths in 2025.

It should also be noted that the 10 in-custody deaths reported in 2025 did not all involve sudden or potentially preventable medical emergencies. Some involved incarcerated persons receiving hospice or end-of-life care in a hospital setting who could not be compassionately released from custody because of the nature of their criminal charges or convictions. Accordingly, the raw number of in-custody deaths should not, standing alone, be interpreted as a measurement of the effectiveness of emergency medical response within the detention system.

Recommendation 1

Related to Finding 2

Grand Jury Recommendation: Equip the medical wards of the San Diego County Sheriff's Office detention facilities with more capable life-saving equipment and medications like those used by 9-1-1 first responders to improve response to critical emergencies.

Response: THE RECOMMENDATION WILL NOT BE IMPLEMENTED BECAUSE IT IS NOT WARRANTED OR REASONABLE.

As discussed in the Sheriff's Office response to Finding 2, the Sheriff's Office appreciates the Grand Jury's concern regarding the availability of lifesaving medical resources during critical emergencies and shares the Grand Jury's goal of providing the strongest possible response when an incarcerated person experiences a life-threatening medical event.

After reviewing the recommendation, however, the Sheriff's Office does not believe duplicating the advanced-life-support equipment and medication inventory carried by 9-1-1 first responders within

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detention facility medical wards represents the most effective, clinically appropriate, or sustainable approach.

As recognized in the Grand Jury's report, a Level One emergency results in the dispatch of both a fire engine with a paramedic and a paramedic ambulance, each equipped to provide advanced life support. Those responders bring specialized equipment and medications specifically intended for advanced emergency intervention and are trained, certified, and routinely evaluated in their use.

The Sheriff's Office, in comparison, maintains immediately available first-aid resources, trained personnel, medical staff, and established emergency protocols within its detention facilities. These resources provide immediate intervention and serve as the bridge to the regional emergency medical system when a patient requires advanced life support.

The Sheriff's Office believes its existing continuum of care, immediate recognition, immediate 9-1-1 activation, immediate lifesaving intervention, rapid paramedic response, and expedited transportation to an emergency department provides a more reliable and sustainable response than purchasing advanced equipment and medications whose safe and effective use depends upon the immediate availability of personnel with specialized training, certification, and continuing competency.

This position should not be interpreted as a reluctance to invest in lifesaving resources. The Sheriff's Office continues to invest in medical staffing, training, first-aid resources, medical oversight, emergency-response protocols, and other improvements intended to protect the health and safety of incarcerated persons. Rather, the Sheriff's Office has determined that the most effective use of available resources is to ensure that critically ill patients obtain rapid access to personnel and facilities specifically designed and equipped to provide advanced emergency medical care.

The Sheriff's Office will continue to evaluate emergency medical response practices, available technology, clinical outcomes, and in-custody death data to identify opportunities for further improvement. Based upon the effectiveness of the current model, the Sheriff's Office does not believe duplicating the advanced-life-support capability of the regional 9-1-1 emergency medical system within its detention facilities is warranted at this time.

Recommendation 2

Related to Finding 1

Grand Jury Recommendation: Identify and evaluate strategies, including a review of the existing March 7, 2022, San Diego County Law Enforcement Memorandum of Understanding, to implement

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required independent investigations by outside agencies into in-custody deaths that occur within detention facilities.

Response: THE RECOMMENDATION REQUIRES FURTHER ANALYSIS.

As discussed in the Sheriff's Office response to Finding 1, the San Diego County Sheriff's Office supports transparency, accountability, and meaningful independent review of in-custody deaths. Consistent with the Grand Jury's recommendation, the Sheriff's Office reviewed the existing March 7, 2022, Memorandum of Understanding (MOU) Countywide Protocol for the Investigation and Review of Officer-Involved Shootings and Other Deadly Force Incidents as part of its consideration of whether additional independent investigative strategies are warranted.

The existing MOU, however, was developed by the signatory agencies for a substantially different investigative purpose. Its purpose is to provide independent criminal investigations and consistency in inter-agency investigations involving officer-involved firearm discharges and other deadly-force incidents resulting in serious bodily injury or death.

Significantly, the MOU expressly recognizes that it is not intended to transfer investigative responsibility for all deaths occurring in a custodial setting. A death occurring within a County custodial facility falls within the MOU when the death is apparently the result of a use of force by an officer, deputy, or custodial staff member. The MOU's definition of a qualifying incident specifically excludes the death of a person incarcerated in a County or City detention facility unless the death stems from a use of force.

Accordingly, expanding the MOU to require an outside law enforcement agency to conduct a criminal investigation of every in-custody death would represent a significant departure from the purpose and scope agreed upon by the participating law enforcement agencies.

It is also important to recognize that an established independent oversight mechanism for in-custody deaths already exists. The Citizens' Law Enforcement Review Board (CLERB) currently reviews all in-custody deaths occurring within Sheriff's detention facilities. CLERB's jurisdiction has additionally been expanded to include professional staff, including medical and behavioral health personnel involved in providing care within the detention system.

As a result, CLERB's independent review is not limited to the actions of sworn personnel. It provides the ability to independently examine circumstances involving medical care, behavioral health care, and other professional services associated with an in-custody death. CLERB also has the ability to report or refer its findings to the District Attorney when circumstances warrant further review or potential criminal investigation.

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Additionally, the State of California has established a new independent layer of oversight through the Board of State and Community Corrections (BSCC). Senate Bill 519 created the BSCC In-Custody Death Review Division, effective July 1, 2024, pursuant to Penal Code section 6034. The Division is authorized to review investigations of deaths occurring in local detention facilities, examine the circumstances and contributing factors associated with those deaths, and issue facility-specific recommendations intended to improve policies, practices, training, and conditions of confinement. This statewide review process provides an additional independent mechanism for evaluating in-custody deaths beyond the investigative and oversight processes already conducted by the Sheriff's Office, Medical Examiner, District Attorney, and CLERB.

These existing safeguards are significant when considering whether requiring an additional outside law enforcement agency to conduct a separate investigation of every in-custody death would provide a meaningful additional layer of accountability or instead unnecessarily duplicate investigative and oversight processes already in place.

Not every in-custody death presents evidence or circumstances suggesting criminal conduct, employee misconduct, or a use of force. Deaths may result from natural disease processes, terminal illness, or other medical causes. In such circumstances, automatically requiring an outside law enforcement criminal investigation may provide little additional investigative value while requiring substantial personnel and resources from agencies that were never contemplated under the existing MOU for this purpose.

Any potential expansion would also require careful consideration of:

- Investigative jurisdiction and legal authority;
- Staffing and resource requirements for participating agencies;
- The statutory and investigative role of the Medical Examiner;
- The distinction between criminal, administrative, and independent oversight investigations;
- Information-sharing and confidentiality requirements;
- The existing role and authority of CLERB;
- Referral of potentially criminal matters to the District Attorney; and
- The respective responsibilities of the Sheriff's Office and any outside investigating agency.

Additionally, the March 7, 2022, MOU may only be amended by written agreement of the participating parties. The Sheriff's Office cannot unilaterally expand its scope. Any proposed change

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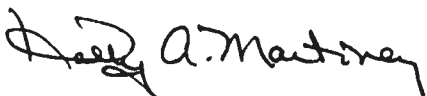
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would therefore require consultation, agreement, and signatures from the affected law enforcement agencies.

The Sheriff's Office remains committed to examining reasonable strategies that enhance independent review, transparency, and public confidence. That analysis must, however, account for the substantial independent oversight already provided by CLERB, the existing role of the Medical Examiner and District Attorney, and the limited purpose for which the March 7, 2022, MOU was originally established.

Consistent with Penal Code section 933.05, the Sheriff's Office will complete its analysis within the applicable six-month period for recommendations requiring further analysis. Any future proposal should demonstrate that it provides a meaningful improvement in accountability and public transparency without unnecessarily duplicating existing independent investigative and oversight processes.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kelly A. Martinez". The signature is fluid and cursive, with the first name "Kelly" being more prominent.

Kelly A. Martinez, Sheriff

KAM:DL:tt

cc: San Diego County Grand Jury
Clerk of the Board, San Diego County Board of Supervisors