



SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

Critical Incident Review Board

In-Custody Death Information Release

DATE OF INCIDENT: September 18, 2022

TIME: 9:00 p.m.

LOCATION: San Diego Central Jail

The Sheriff's Homicide Unit conducts a thorough investigation of every in-custody death. In addition to the investigation conducted by the Sheriff's Homicide Unit, the Sheriff's Critical Incident Review Board (CIRB) conducts a review of in-custody deaths. The CIRB is comprised of department leadership and the Sheriff's Legal Advisor and performs a critical review of each incident. The focus of the CIRB is to assess the department's civil exposure because of a given incident. The review may identify potential misconduct, criminal negligence or behavior, policy violations, training deficiencies, or other areas where we can improve and make our facilities safer for staff and those in our custody. This release synthesizes the reviewed incident and any resultant actions taken to improve our operations.

On September 18, 2022, at about 9:00 p.m., incarcerated individuals notified Sheriff's deputies in a housing unit at the San Diego Central Jail of a possible medical emergency inside of a cell. Deputies responded and observed three occupants inside the cell. One was standing near the door and the other two, including Joshua Fosbinder, appeared unresponsive. The deputies attempted, unsuccessfully, to rouse both unresponsive individuals. Deputies administered Naloxone to both unresponsive individuals, reviving one of them but unable to revive Mr. Fosbinder. A 911 response was immediately requested and the deputies initiated cardiopulmonary resuscitation (CPR) on Fosbinder.

At 9:03 p.m., Sheriff's medical staff arrived on scene and took over lifesaving measures. Sheriff's medical staff also performed chest compressions and applied an Automated External Defibrillator (AED) to Fosbinder. At 9:11 a.m., paramedics arrived on scene and assisted with the continuing lifesaving measures, including the application of a Lund University Cardiac Assist System (LUCAS) CPR machine. Emergency responders were able to restore Fosbinder's pulse. Fosbinder was ultimately transported by ambulance to the University of California San Diego Medical Center in Hillcrest.

Mr. Fosbinder remained at the hospital under treatment for the next several days. Despite the efforts of emergency responders and hospital staff, Joshua Fosbinder's health continued to decline and he was pronounced deceased by a doctor on September 21, 2022, at 1:52 p.m. A member of Fosbinder's family was able to be with him prior to his passing.

As is the protocol for all in-custody deaths, the San Diego Sheriff's Homicide Unit investigated this incident and documented the scene. Investigators recovered a white powdery substance from the cell. A review of jail records for Fosbinder and the other individuals with which he was housed indicated all had a history of substance abuse and drug-related arrests.

The San Diego County Medical Examiner's Office conducted an independent investigation and post-mortem. Further testing and evaluation was determined necessary. The cause and manner of death are still pending completion of the final Medical Examiner's report. (ME Case #2022-03189)

The CIRB conducted a preliminary review of this incident on October 19, 2022, with no action items or policy recommendations at that time.