



MAY 19 2016

## GRAND JURY

County of San Diego  
Hall of Justice  
330 W. Broadway, Suite 477  
San Diego, CA 92101-3830  
619-515-8707 FAX 619-515-8696  
<http://www.sdcounty.ca.gov/grandjury>

MELINDA J. RICHARDS, Foreperson

May 19, 2016

### CONFIDENTIAL

Chula Vista Mayor & City Council  
City of Chula Vista  
276 Fourth Ave  
Chula Vista, CA 91910

Re: Grand Jury Report: "Chula Vista Jail".

Dear Ladies and Gentlemen:

The 2015/2016 San Diego County Grand Jury herewith provides the referenced report for your review and comment to the Presiding Judge of the Superior Court in compliance with the Penal Code of California §933(c). This report was prepared pursuant to §§919(b) and 925a of the Penal Code.

In accordance with Penal Code §933.05(e), a copy of this report is being provided to affected agencies at least two working days prior to its public release and after being approved by the Presiding Judge of the Superior Court.

Please note that §933.05(e) specifies that **no officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to its public release.** This report will be filed with the Clerk of the Court and released to the public on Tuesday, May 31, 2016.

Sincerely,

MELINDA J. RICHARDS, Foreperson  
2015/2016 SAN DIEGO COUNTY GRAND JURY

MJR:ln  
enc.

# CHULA VISTA JAIL



**A Report by the  
2015/2016 San Diego County Grand Jury  
May 31, 2016**

# CHULA VISTA JAIL

## *SUMMARY*

The Chula Vista Police Department operates a jail in the basement of their police headquarters. The jail has two functions. It is a temporary holding facility for juvenile and adult arrestees being processed and or booked by the Chula Vista Police Department (CVPD). It also serves as a 48-bed jail under contract with the U.S. Marshals Service to house pre-trial female inmates.

The 2015/2016 San Diego County Grand Jury found that Chula Vista loses money housing inmates for the U.S. Marshals Service and should either revise the contract rates, increase the number of inmates, or terminate the contract. The Grand Jury also questions the need to maintain a Type I<sup>1</sup> facility that duplicates services provided by the Sheriff's Department. If Chula Vista Jail continues to function as a U.S. Marshals Service jail, the Grand Jury has several recommendations to improve operations:

- Add a civilian to the Inmate Welfare Fund (IWF) oversight committee
- Establish a resource exchange with Chula Vista Public Library to allow inmates access to library materials
- Provide educational opportunities for the inmates
- Establish a strategic plan for use of IWF funds
- Add psychiatric care to the services available for inmates

## *INTRODUCTION*

California State Penal Code §919(b) mandates that the Grand Jury inquire into the condition and management of detention facilities managed by San Diego County cities and the County jails. The 2008/2009 San Diego County Grand Jury reported on the Chula Vista Jail (CVJ) and determined that operating the jail as a drug treatment center under a contract with the State of California was not profitable. This Grand Jury reassessed the finances of CVJ as part of its review of the facility.

## *PROCEDURE*

On December 15, 2015 Grand Jurors visited CVJ. Jurors inspected the jail and met with the Police Chief and senior staff members responsible for operation of the jail and administration of the U.S. Marshals Service contract. The Grand Jury also interviewed senior level department managers and reviewed financial documents, contracts, and materials provided by the CVPD and Chula Vista officials regarding operations of CVJ.

The Grand Jury obtained the following information from the CVPD:

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<sup>1</sup> The definition of a Type I holding facility is one housing inmates for no more than 96 hours; a safekeeping facility; and/or an inmate working facility

- Statistics on the number of federal inmates housed at the jail since the inception of the contract (March, 2010)
- The dollar amount received from the U.S. Marshals Service since the inception of the contract
- Costs to house the contracted inmates
- A cost/benefit analysis of the contract
- Copies of reports given to Chula Vista City Council regarding the contract
- Copies of the US Marshals Service contract as well as contracts with the transportation service, phone service and meal providers
- California Board of State and Community Corrections (BSCC) inspection report dated 5/9/2014

### ***DISCUSSION***

The Chula Vista Jail, which opened in 2004, is a 48-bed BSCC-approved Type I jail. As such, it is required to comply with Title 15<sup>2</sup> requirements specific to Type I facilities. It is the only city within San Diego County to maintain a functioning jail. All other police departments and Sheriff's Department substations maintain only temporary holding facilities and use the Sheriff's Department facilities for booking and housing arrestees.

When the 2008/2009 San Diego County Grand Jury issued a report on CVJ it was under contract with the State of California to house inmates enrolled in an in-custody drug treatment program. In 2010, Chula Vista established a new contract with the U.S. Marshals Service to house adult federal female pre-trial detainees.

The CVPD books their adult arrestees into CVJ and allows them the opportunity to make bail and be released, rather than being transported and booked into San Diego Central Jail or Las Colinas Detention and Reentry Facility (female facility). If, within 96 hours, arrestees are either not granted bail or are unable to pay it, they are transported to a Sheriff's Department facility. All other law enforcement agencies in the County transfer their arrestees to the Sheriff's Department jails within a few hours of arrest.

Maintaining a jail requires 24/7 staffing and services for inmates, including meals and medical care. All other cities in San Diego County have decided that the cost to duplicate services already provided by the Sheriff's Department is prohibitive. As an example, El Cajon has a jail in the basement of their police department headquarters. Since opening in 2011, it has been used only as a temporary holding facility. For now, staffing and services are needed at CVJ for the female detainees being housed for the U.S. Marshals Service.

The CVJ has had 68,987 inmate days attributable to U.S. Marshals Service detainees since the inception of the contract; however, it has never been at full capacity. The daily census has averaged only 30 inmates. It should be noted that the inmate population

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<sup>2</sup> Title 15 – California Code of Regulations - Minimum standards for local detention facilities

declined in both 2015 and 2016, though in April 2016, CVPD reported that the population has increased. The CVPD told jurors that the break-even point is approximately 36 inmates per day.

Through February 2016, the revenue to Chula Vista from the contract with the U.S. Marshals Service was \$7,462,190 with expenses of \$8,178,739, resulting in a net shortfall of \$716,549. The CVPD calculates the current average cost for housing an inmate in CVJ at \$155.71/day. The U.S. Marshals Service contract provides \$110/day per inmate to Chula Vista (see appendix). The contract has a 90-day termination clause.

The U.S. Marshals Service contract also pays Chula Vista \$28/hour to transport inmates. To free up patrol officers, the CVPD contracts with a transportation service to transfer inmates to U.S. Marshals Service jails throughout the Southwest, as well as to medical appointments and court appearances. Costs for the transportation service are billed hourly; the current rate is \$25/hour per guard. The contract requires two guards to be present for each inmate transfer, resulting in a \$22/hour loss to Chula Vista.

To decrease costs and keep the ratio of citizens to police officers low, the CVPD employment policy that supports officers patrolling neighborhoods while non-sworn, lower paid staff (Police Service Officers [PSO]) handle some administrative duties, and a transportation service ferries inmates and arrestees. While this seems an admirable model, it may not be cost-effective and might actually limit the number of officer positions available to the CVPD.

CVPD estimates it has about six arrestees processed and/or booked daily. CVPD uses a contract transportation service to transfer arrestees to county jails. They calculated that this service has saved over 12,000 hours of police officer time over the life of the contract. They estimate a savings of \$808,690, though how the hours of police time were determined and how the amount of savings were calculated is not clear. While the hourly rate for the transportation service is less than the rate paid to police officers in Chula Vista, it is questionable that this transportation service is saving CVPD as much as it claims.

The CVPD uses PSOs for supervision and management of inmates. These non-sworn staff also assist patrol officers with arrestees' processing/booking paperwork (photos, fingerprints, reports). The PSOs are currently in the jail 24/7. The CVPD estimates that to operate as a Type I 96-hour holding facility that only books and houses local arrestees would require four to six PSOs.

If contracted services for housing the U.S. Marshals Service pre-trial detainees ends, the average of only six arrestees per day makes it difficult to justify the need for CVPD to book and house their own arrestees. This is a duplication of services already provided by the Sheriff's Department. It requires expense for staffing and inmate services which may limit the number of patrol officer positions CVPD can provide.

## ***FACTS AND FINDINGS***

***Fact:*** Since the initiation of the U.S. Marshals Service contract with Chula Vista, the jail has never been at maximum capacity of 48 inmates.

***Fact:*** Chula Vista receives \$110/day per inmate from the U.S. Marshals Service, but has expenses of \$155/day per inmate.

***Fact:*** The average daily inmate population over the life of the U.S. Marshals Service contract has been approximately 30 inmates.

***Fact:*** Under the current contract terms, CVJ would need around 36 inmates per day to break even on expenses.

**Finding 01:** Chula Vista is losing money operating as a jail for the U.S. Marshals Service.

***Fact:*** CVPD estimates that four to six PSOs would be needed to staff a 96 hour Type I facility if CVJ ceases operating as a contract jail.

**Finding 02:** The CVPD has not adequately demonstrated the need to operate a 24/7 Type I facility that duplicates services already provided by the Sheriff's Department.

### ***Inmate Services***

If Chula Vista decides to continue operating as a contracted jail for the U.S. Marshals Service, there are several issues regarding inmate services. While CVJ was constructed as and is rated as a Type I facility, it is currently functioning as a Type II<sup>3</sup> facility for the U.S. Marshals Service.

CVJ contracts for most of its inmate services including meals, medical care, phone service and the commissary. There is no onsite health care provider. CVPD Officers indicated that psychiatric care/counseling is currently not provided for inmates, although some of the women experience depression. These federal detainees can remain in CVJ for up to one year while awaiting adjudication of their federal charges.

Title 15, §1208 requires Type I and Type II facilities to provide inmates access to mental health services. However, the U.S. Marshals Service policy restricts payments for specific medical services during pre-trial detainment. Their policy is to provide only reasonable and medically necessary care until the individual is either sentenced and placed into a U.S. Bureau of Prisons facility or released.<sup>4</sup> Psychology/psychiatry is considered a non-authorized medical intervention/procedure.

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<sup>3</sup> A holding facility pending arraignment

<sup>4</sup> <http://www.usmarshals.gov/prisoner/healthcare.htm>

Staff at CVJ discussed establishing an exchange with the Chula Vista Public Library to enhance reading/educational options for the inmates, who currently have no educational resources. Computer-based educational opportunities exist that can be started at any time and could be funded by the IWF.

CVJ maintains an inmate welfare fund with revenue obtained from commissary purchases and inmate phone calls. The fund is established under California Penal Code §4025. The IWF is managed by a recently-formed committee of three staff members. As of 1/20/2016, the balance in the fund was \$76,870.83, an amount that has increased over \$21,000 since June 30, 2015. It is important to note that the Grand Jury did not find any issues with actual expenditures made with IWF funds for the last three years. All purchases appear to comply with the intent of Penal Code §4025, which states that funds are to be expended primarily for the benefit, education and welfare of the inmates confined in the jail.

### ***FACTS AND FINDINGS***

***Fact:*** Inmates are not provided psychiatric care/counseling.

**Finding 03:** The CVJ does not meet Title 15 requirements for psychiatric care.

***Fact:*** A branch of Chula Vista Public Library is located within a block of CVJ.

**Finding 04:** Chula Vista's city council should establish a policy that provides inmates access to public library resources.

***Fact:*** On 1/20/2016 the IWF account balance was \$76,870.83 and has been steadily increasing.

***Fact:*** There is no strategic plan for using the IWF funding.

**Finding 05:** Strategic plans ensure fiscal responsibility and transparency, and facilitate long-range planning.

***Fact:*** The IWF committee consists of solely of CVPD staff.

**Finding 06:** Staff-only oversight of IWF does not ensure transparency of the fund and public trust of its administration.

***Fact:*** There are no educational programs for inmates.

**Finding 07:** IWF funds can be used for educational programs for inmates.

## ***RECOMMENDATIONS***

The 2015/2016 San Diego County Grand Jury recommends that the Chula Vista Mayor and City Council:

- 16-32: Pursue the renegotiation of the current U.S. Marshals Service contract to increase the daily/annual reimbursement rate, increase the daily number of inmates, or negotiate a higher reimbursement rate for full cost recovery of future contract(s). If a renegotiation is not possible, Chula Vista should exercise its 90-day termination clause and cease having CVJ function as a Type II jail for the U.S. Marshals Service.
- 16-33: Perform a cost/benefit analysis on the need for a Type I jail if Chula Vista cancels the contract with the U.S. Marshal's service.
- 16-34: Provide psychiatric care/counseling to inmates.
- 16-35: Allow inmates access to Chula Vista Public Library resources.
- 16-36: Develop a strategic plan for the IWF funds.
- 16-37: Add at least one civilian to the IWF oversight committee. Civilian members should have set terms of service.
- 16-38: Provide educational opportunities to inmates, possibly supported with IWF funds.

## ***REQUIREMENTS AND INSTRUCTIONS***

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
  - (1) The respondent agrees with the finding



- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study; and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Date</u>
Chula Vista Mayor & Council	16-32 through 16-38	9/28/16

**CHULA VISTA CITY JAIL - COST/BENEFIT ANALYSIS**  
**REVENUE, DIRECT COSTS, AND COST OFFSETS**  
 Detention Services Agreement with US Marshals Service  
 Agreement # 98-09-0035

	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	5-year Total
<b>REVENUES</b>						
Bonding Fees	\$67,350	\$14,170	\$17,205	\$14,173	99,210	\$109,120
Training Reimbursement	\$7,490	\$8,022	\$7,702	\$8,250	\$7,940	\$39,002
Housing Reimbursement	\$822,898	\$1,572,230	\$1,711,425	\$1,693,605	\$1,546,910	\$7,314,068
Total Revenue	\$897,738	\$1,594,422	\$1,736,334	\$1,683,028	\$1,560,668	\$7,462,190
<b>DIRECT COSTS</b>						
Wages and Benefits	\$1,195,218	\$1,082,180	\$1,304,252	\$1,425,597	\$1,485,032	\$6,502,269
Services and Supplies	\$215,684	\$328,756	\$372,694	\$378,552	\$380,792	\$1,676,480
Total Direct Costs	\$1,410,897	\$1,420,916	\$1,676,946	\$1,804,149	\$1,865,831	\$8,178,739
Net Cost *	\$523,159	(\$173,505)	(\$99,389)	\$121,121	\$305,163	\$716,549
<b>ADDITIONAL COST OFFSETS</b>						
Offset Minimum-possible Personnel Costs (4 PSCs)	\$337,578	\$347,420	\$342,540	\$323,144	\$358,876	\$1,729,558
Offset for Prisoner Transportator :Pena Officer Hours Saved)	\$0	\$108,329	\$242,347	\$197,992	\$289,022	\$838,690
Total Cost Offset	\$337,578	\$455,749	\$584,887	\$521,136	\$647,898	\$2,538,648
Net Cost after Offset *	\$185,181	(\$629,255)	(\$644,275)	(\$414,015)	(\$319,735)	(\$1,822,099)

\* Negative numbers (in red) indicate dollars saved.