

# **CHULA VISTA JAIL**

## ***SUMMARY***

The Chula Vista Jail (CVJ) originally opened in 2004 as a 48 bed facility for male and female detainees. It was intended to hold prisoners for a maximum of 96 hours prior to initial arraignment and to reduce the transportation and other expenses related to booking prisoners into the San Diego County jail system. It was promoted at the time as a good tool to improve the quality of life for the community of Chula Vista by holding prisoners for arraignment who would otherwise be released on their own recognizance due to constraints at the San Diego County Sheriff's Department facilities. Further, Chula Vista Police investigators would have easier access to confined suspects requiring advanced examination.

Core funding for this facility comes from the City of Chula Vista (City) with authorization from the Chula Vista City Council.

The 2008/2009 San Diego County Grand Jury (Grand Jury) has concluded that this major project in and for the City of Chula Vista needs a fiscal assessment to evaluate the efficiency and practicality of locating and operating a jail facility by the Chula Vista Police Department.

## ***PURPOSE AND BACKGROUND***

- To conduct a routine inspection of a jail facility mandated by California Penal Code §919(b).
- To determine if policies and procedures are being followed as required by Titles 15 and 24 of the California Code of Regulations and administered by the Corrections Standards Authority of the California Department of Correction and Rehabilitation.
- To assess whether the CVJ operation is functioning in a cost effective manner that benefits the citizens of the City.

## ***PROCEDURES***

- The Grand Jury exchanged written questions and answers with the Chula Vista Police Department.
- The Policies and Procedures for the CVJ were reviewed.
- The Grand Jury conducted interviews with management and other staff of the Chula Vista Police Department.
- A physical inspection was made of the jail facility.

## ***DISCUSSION***

The ultra-modern CVJ detention facility has been used in the City for about four years to book male and female pre-arraignment detainees. Even though it serves the same purposes as the San Diego County Jail for holding pre-arraignment detainees, it serves the residents of the City as an independent entity intended to save transportation costs and

improve the efficiency of police manpower. The facility, located at 315 Fourth Avenue, Chula Vista, CA encompasses 8,850 square feet with 48 secure beds, originally designed for male and female prisoners. There are 37 closed-circuit cameras recording on digital devices with images held for over one year. A central control area is strategically located with television monitors and electronically controlled cell and perimeter doors. Emergency lights, generator, and fire suppression sprinklers support the entire facility. There is a secure sally port large enough to accommodate a Sheriff's Department bus. The construction cost of the underground jail portion of the new police department building was \$3,100,000.

One Jail Manager (police lieutenant), twelve Police Service Officers, and one Senior Office Specialist are trained in basic jail administration, certain law enforcement protocol, and emergency procedures, depending on their position.

In 2006 and 2008, the CVJ received certification from the State of California, Department of Corrections and Rehabilitation, Corrections Standards Authority (CSA), as a 46<sup>1</sup> bed Type I facility. This designation allows the CVJ to hold a prisoner 96 hours or less for arraignment purposes. The City then contracted with the State of California, Department of Corrections and Rehabilitation, Division of Adult Parole Operation to house In-Custody Drug Treatment program prisoners. This contract allows for the housing of up to 32 adult male drug offenders in parole status, under the condition they undergo a 60-day drug treatment program. The City receives per diem reimbursement to feed, clothe, and house the prisoners. The State provides the personnel and materials for educational and counseling services

Currently, CVJ houses 25-30 male prisoners contracted by the State of California for participation in a drug rehabilitation program. The program supplies an instructor and reimburses the City approximately \$77.00 per day per prisoner for housing, food and incidentals. The CVJ also houses prisoners arrested by Chula Vista Police Officers for various offences. However, the criteria for detention in the CVJ are very restrictive. In order to limit liabilities, only prisoners in excellent mental and physical health are held for any purpose.

Medical services are contracted with a private company. The contract only allows the services of a nurse a few times a week. A medical emergency is handled by following regular 911 procedures.

On October 8, 2008, the Chula Vista Police Department stated that the total operational cost for each prisoner fluctuated between \$103.80 to \$168.37 per day with an average of \$137.99 per prisoner per day. Further, total operational expenses in Fiscal Year (FY) 07/08 for the CVJ exceeded \$1.7 million, and revenue from other agencies was about \$700,000. These calculations are based on figures submitted to the Grand Jury in response to a request for an accounting of certain expenses in a recent six-month period.

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<sup>1</sup> CSA has only given a Type I rating for 46 beds.

It is unclear at this time whether the facility is operating under the proper guidelines for detention facilities set by the State of California, Department of Correction and Rehabilitation. The Grand Jury has received inconsistent reports from various agencies relating to the security classification for this facility. The Chula Vista Police Department states on their web site that the facility has been given a Type II classification. A Type II facility would be able to hold prisoners for longer than 96 hours and would require different policies and procedures regarding the care and treatment of prisoners. The Grand Jury has not received any documentation supporting a Type II classification issued by the State of California CSA. The Grand Jury does have State of California documentation granting a Type I classification. However, the over-all operation of this jail seems to be safe and secure for the type of activity currently carried on at this facility based solely on the observation of the Grand Jury.

The City contracts with a private telephone company for the CVJ prisoners to use phone credit cards or collect call services. Currently, the company charges the local prisoners and the state prisoners different rates for unknown reasons. Proceeds from this service are placed into the Inmate Welfare Fund managed by the Police Department. Such funds have nothing to do with the required operation of a jail but are a well-established practice for detention facilities state-wide. They are simply a means to support bonus or comfort items for the inmates' benefit.

The Police Department also allows prisoners to purchase incidentals such as snacks, toiletries, stationery, etc., and profits from those sales are placed into the Inmate Welfare Fund. The Grand Jury was initially unable to determine if the funds received from the various sources contributing to the Inmate Welfare Fund were handled within acceptable accounting practices. To clear up this uncertainty, the Grand Jury contacted the San Diego County Auditor/Controller for an opinion. Currently this fund has over \$60,000 to be used for projects benefiting the inmates housed in the facility. CVJ management staff told the Grand Jury there are no current or future plans for this money.

According to the Office of Audits and Advisory Services (OAAS), San Diego County Auditor/Controller, the Inmate Welfare Fund is in compliance with applicable regulations governing this area of responsibility. However, OAAS recommends that accountability and oversight need to be strengthened to conform to accepted industry accounting practices. The Grand Jury supports this recommendation.

CVJ food service is handled through a contract with a private company that supplies meals as requested. Laundry of inmate uniforms and all linens are performed by CVJ personnel by means of commercial type washers and dryers located in a portion of the jail.

Transportation costs are still being incurred by the Police Department for the movement of felony and certain misdemeanor male prisoners and all female prisoners to San Diego County detention facilities. In addition, the Sheriff's Department now charges the City to pick-up those prisoners being held for arraignment in the CVJ. Those prisoners are taken

to the South Bay Court building for arraignment and subsequently transferred to the Sheriff's detention facilities if judged that custody should remain in effect.

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

***Fact:*** CVJ is located within a modern building with long term possibilities for expansion.

***Fact:*** The majority of CVJ personnel do not receive the same training or benefits as most police personnel with specific patrol or investigative duties.

***Fact:*** Totals expenses relating to CVJ operation exceeded \$1.7 million for FY 07/08.<sup>2</sup>

***Fact:*** Revenue from available CVJ sources was about \$700,000 for FY 07/08.

***Finding #01:*** The net cost of conducting Chula Vista Jail operations in the City of Chula Vista exceeded \$900,000 for FY 07/08 according to figures supplied by the Chula Vista Police Department.

***Fact:*** Income to the Inmate Welfare Fund from the contract telephone service and commissary privileges managed by CVJ personnel is substantial.

***Fact:*** A cost analysis has never been performed on the operation of the CVJ or its Inmate Welfare Fund by the City or an outside examiner.

***Fact:*** CVJ management does not have a strategy for the use of the funds available now or in the future for the Inmate Welfare Fund.

***Finding #02:*** A more effective set of financial controls should be placed on the Inmate Welfare Fund to avoid the potential for fraud or abuse.

***Fact:*** City management has stated several times in various forms (media releases, verbal communications, web site) that one of the primary justifications for operating CVJ was to increase patrol personnel and to save prisoner transportation costs to the county jail.

***Fact:*** The Sheriff's Department charges the City to pick up prisoners from the CVJ and deliver them to the South Bay Court and ultimately to San Diego County detention facilities.

***Fact:*** The Chula Vista Police Department continues to transport prisoners to San Diego County Sheriff's detention facilities on a routine basis.

***Finding #03:*** Anticipated savings to the City of Chula Vista for the transportation of prisoners to the San Diego County facilities have been negligible.

### ***RECOMMENDATIONS***

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<sup>2</sup> Rounded numbers are used for simplicity.

**The 2008/2009 San Diego County Grand Jury recommends that the Chula Vista City Manager:**

- 09-33: Conduct an examination and assessment of the Chula Vista Jail operation to determine if the functions are cost effective in terms of fiscal responsibility and service to the community in its present form.**
- 09-34: Present a public report to the Chula Vista City Council concerning the findings of the above assessment with recommendations of any areas of concern.**
- 09-35: Evaluate and revise the current policy and procedures relating to the accounting practices of the Inmate Welfare Fund of the Chula Vista Jail to eliminate the possibility of fraud or abuse and to conform to acceptable accounting principles.**

***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:

<b><u>Responding Agency</u></b>	<b><u>Recommendations</u></b>	<b><u>Date</u></b>
<b>Chula Vista City Manager</b>	<b>09-33 through 09-35</b>	<b>8/18/09</b>