

From:
Bcc:

Subject: FW: report to CLERB on deaths in San Diego jails
Date: Wednesday, December 9, 2020 10:07:00 AM
Importance: High

CLERB Members,

Kelly Davis, one of the reporters who authored the Dying Behind Bars series, emailed a rebuttal to Sergeant Meleen's presentation at last night's CLERB meeting. Ms. Davis asked that I share the below rebuttal with you and that you read it in its entirety.

Respectfully,
Paul

From: Kelly Davis <kellydaviswrites@gmail.com>
Sent: Tuesday, December 8, 2020 10:48 PM
To: Meleen, Aaron_SDSO <Aaron.Meleen@sdsheriff.org>; Parker, Paul <Paul.Parker@sdcounty.ca.gov>
Cc: Mcdonald, Jeffrey <jeff.mcdonald@sduniontribune.com>; Media Relations <MediaRelations@sdsheriff.org>
Subject: report to CLERB on deaths in San Diego jails

Dear Sgt. Meleen,

I watched tonight's CLERB meeting and your presentation on deaths in San Diego jails. Your presentation included a number of inaccurate claims that I'd like to respond to. I hope Paul will share this email with the CLERB board (and that board members will read this email in its entirety).

* One of the slides said we looked only at 2013 and 2014. This isn't correct — we looked at deaths that occurred between 2010 and September 2019, when the Dying Behind Bars series was published.

* Re: Bureau of Justice Statistics methodology: The Sheriff's Department continues to cite [a 2005 report](#), "Suicide and Homicide in State Prisons and Local Jails," but doesn't mention that *all subsequent reports* say that using ADP is a more accurate measure: "The ADP is used as the denominator for jail mortality rates to accommodate the high turnover and daily fluctuation in local jail populations" (see page 31 [of this report](#) from 2015). Using the ADP allows for comparisons across populations. We used ADP **because** it's what the statistician who currently oversees the Deaths in Custody Reporting Program — as well as her predecessor — recommended.

* SDSO frequently points to [Colleen Kelly's analysis](#) to refute our reporting, but Kelly looked only at suicides, not at overall mortality. Union-Tribune data journalist Lauryn Schroeder repeatedly reached out to Colleen Kelly to ask her to explain her methodology because what she describes in her report didn't pencil out — Kelly did not cite her data sources. She never responded to Lauryn's questions.

Kelly's analysis found that a person was *less likely* to commit suicide in jail than in the general population. This just isn't accurate and is a huge red flag. Jail *increases* a person's suicide risk.

* Contrary to SDSO's claim, we *did* look at deaths in city jails as well as county jails. Very, very few people die in city jails (the chart [on this page](#) shows how few people die in city jails annually). We ran these numbers and they didn't change our findings. We shared this data with the sheriff's department, so it's disappointing to see SDSO continue to make this claim.

* In March 2019, Jeff McDonald and I told SDSO that we were working on Dying Behind Bars. The series was published in late September. *Not once* did SDSO bring up AB 109 / realignment as a factor in jail deaths. Regardless, there were very few AB 109 folks who should have been in prison but instead died in San Diego jails. Removing them from our totals did not change our findings.

* We never corrected our reporting to say that the mortality rate was 12.8 per 100,000. I'm perplexed as to where this claim came from. 12.8 is the average number of people who died annually in SD jails during the period of time we looked at.

* There are many problems with the Redding Recorder article. For starters, you can't compare a tiny county jail with a large urban jail system, which is what the story does. This is why we limited our analysis to similar sized jails (yes, we included L.A.; I explain why below). But, here's what's important to point out: up until 2011, San Diego jails booked a disproportionately large number of people each month (around 11,000 to 12,000). This is why San Diego looks good in the Redding Recorder analysis. But in November 2011, the number of people SDSO was booking dropped significantly, to roughly 6,500-7,500 a month and stayed there. You'd expect deaths to decrease, right? That's not what happened — deaths increased significantly and consistently. If SDSO is going to cite total bookings, then that raises the question of why deaths didn't decline when booking numbers declined.

* You mention that we needed to look at policies. In 2013, the L.A. County Sheriff's Department made a concerted effort to reduce suicides. There were 10 suicides in L.A. County jails in 2013, five in 2014, one in 2015 and two in 2016. In San Diego County, there were five suicides in 2013, six in 2014, six in 2015 and five in 2016. (In other words, between 2013 and 2016, 18 people died by suicide in L.A. county jails while 22 people died by suicide in San Diego jails.) The L.A. county jail system is three times the size of San Diego's, which is why we felt it was important to include this comparison.

* Sixteen people died in San Diego jails last year. This year, total bookings and the ADP have dropped significantly, Yet, so far this year, 13 people have died, eight in the last month alone. SDSO is disputing one of these deaths, Mark Armendo, who was found unresponsive in the Vista jail in late June. He was released from custody on July 6 while in a coma. He never regained consciousness and died in August. Even if we don't count Mr. Armendo, 12 deaths over 11 months is significant.

* San Diego jails' mortality rate was just one part of [our three-day series](#). The majority of our reporting looked at individuals deaths and asked whether any of them were preventable, especially deaths of mentally ill folks. We also looked at lawsuits in that series and in subsequent stories. Since

2013, there have been at least 20 lawsuits filed due to serious injury or death in a San Diego jail.

It's disappointing that SDSO continues to attack our reporting instead of sitting down with Jeff and I to discuss anything in dispute.

--kelly

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kelly davis

619.850.4231

kellydavis.pressfolios.com