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AUG 23 2016



**OFFICE OF THE MAYOR**  
Mary Casillas Salas

August 16, 2016

The Honorable Jeffrey B. Barton, Presiding Judge  
Presiding Department  
San Diego Superior Court  
220 W. Broadway  
San Diego, CA 92101

Re: Response to 2015/2016 Report on the Chula Vista Jail

Dear Judge Barton:

On May 31, 2016 the San Diego County Grand Jury filed a report on the Chula Vista Jail with the Clerk of the Court. The Grand Jury's report contained seven findings and seven recommendations directed to the Mayor and City Council of Chula Vista.

The following response pursuant to California Penal Code §933(c) and §933.05 is on behalf of the City of Chula Vista by Mayor Mary Casillas Salas and the City Council of Chula Vista.

Following are the Grand Jury's seven findings with the City's responses:

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

The City of Chula Vista disagrees with this finding.

In general, the 2015/2016 grand jury's report on the Chula Vista Jail (CVJ) suggests it should close its doors because, from a cost-to-revenue perspective, the CVJ is not profitable. But the City's overarching objective of operating a jail is not to make profit. Instead the City's overall objective is to provide enhanced and genuinely more efficient public safety services to the community of Chula Vista. This objective appears to be lost in the grand jury's limited cost-to-revenue analysis.

The CVJ was originally constructed with the intent to resolve persistent challenges with the detention facility located within the old police building. Among other things these challenges included:

- Significant time and cost of requiring field patrol officers to leave the city in order to transport and book arrestees into a Sheriff's Department facility: Under the old concept, after a police officer made an arrest, the prisoner was brought to the police station and placed in one of the available cells. This allowed the officer time and space to complete necessary booking paperwork. From there the officer would collect the prisoner and drive them to a Sheriff's Department facility. The time to transport and book a prisoner into one of these facilities was substantial, taking an officer outside the city limits and out of service for at least one hour (and often much longer). This had the effect of reducing the number of police officers remaining on our streets to protect the community of Chula Vista. This also had significant fiscal implications since, during the course of a single year, transportation alone cost the taxpayers the equivalent of four full-time police officers.
- Challenges conducting interviews of criminal offenders and furthering criminal investigations: The limitations of the old facility often required detectives to conduct interviews of offenders at a county facility, after the offender had already left the police department. The unpredictability of daily activities at these county facilities made the process inconvenient and time-consuming at best, and often entirely impractical.

Without a jail facility to handle the booking and transportation of prisoners the Chula Vista Police Department would need to return to the old model of requiring police officers to book and transport prisoners to a Sheriff's Department facility. This is not only impractical; it is far more expensive. The transportation costs alone would be more-costly than continuing current practices. This conclusion is supported by several corrections and clarifications to the grand jury report, including the following.

- The grand jury's report asserts that the CVJ holds prisoners arrested by Chula Vista police officers for up to 96-hours, rather than transporting them to the San Diego Central Jail or Las Colinas Detention and Reentry Facility.<sup>1</sup> This assertion is inaccurate.

The report is correct that the CVJ is approved by the California Board of State and Community Corrections as a Type I jail. As a result, it is technically capable of holding prisoners arrested by Chula Vista Police Officers for up to 96-hours. But in practice the CVJ does not operate as a Type I jail, and does not hold these prisoners for up to 96-hours. Instead CVJ contractors quickly transport these prisoners to a Sheriff's Department facility, usually within a few hours after arrest. In this way the CVJ operates as a Temporary Detention Center, just like every other law enforcement agency in the county of San Diego.

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<sup>1</sup> Page 2 of the grand jury's report, "Discussion".

- The report lists the total operational revenue and expenses from the contract with the U.S. Marshals Service through February 2016, and suggests the jail has a net shortfall of \$716,549.<sup>2</sup> The strict use of revenue and expenses as a cost-benefit analysis is misleading. A more accurate analysis should include additional expenses and offsetting revenue as suggested in page two of our letter to the Grand Jury dated March 2, 2016, and as incorporated as an attachment to the grand jury's report. If such a formula were used it would indicate the overall operational costs of the CVJ are more than offset by the combination of its revenue and additional offsets derived from the jail's operation. These offsets include:

1. **Offset for the minimum personnel costs required should the jail cease all long-term detentions and operate strictly as a temporary holding facility:** Without the contract with the U.S. Marshals Service the CVJ would still need to maintain enough capability to operate at the lowest possible detention level: a temporary holding facility. This would still require a bare minimum of four Police Service Officers (PSOs) to book, monitor, and care for prisoners temporarily held in the facility, at a net cost of \$1.7M over the life of the contract with the U.S. Marshals Service. The cost of four PSOs is offset by the contract.
2. **Offset for police hours saved by having prisoners transported to a Sheriff's Department facility by a private transportation company:** As a part of our contract with the U.S. Marshals Service the CVJ maintains a separate agreement with a private inmate transportation company, as noted in the grand jury report. This private company is also used to transport prisoners arrested by Chula Vista police officers. This benefit has saved officers more than 12,000 hours over the life of the contract, freeing time for them to provide public safety services in Chula Vista rather than transporting prisoners beyond the city limits. Should the U.S. Marshals Service contract be eliminated Chula Vista's police officers would be required to transport their own prisoners to a Sheriff's Department facility, at a net cost over \$800,000. The cost of inmate transportation is offset by the contract with the U.S. Marshals Service.

If such a formula were used, the total cost of jail operations would drop significantly and result a *net savings* of \$1.8M over the life of the U.S. Marshals Service contract.

- The report suggests the Police Department policy that supports non-sworn, lower paid staff (Police Service Officers or PSOs) to handle jail operations may not be cost-effective and might actually limit the number of officer positions available to the Department.<sup>3</sup>

As noted above, the CVJ must maintain minimum staffing to safely operate a temporary holding facility. The Police Department's previous holding facility, a much

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<sup>2</sup> Page 3 of the grand jury's report, "Discussion".

<sup>3</sup> Page 3 of the grand jury's report, "Discussion".

smaller facility used prior to construction of the current police station, was staffed by seven full time employees.<sup>4</sup> Even if the CVJ terminated its contract with the U.S. Marshals Service and operated exclusively as a temporary holding facility, the physical layout of the facility requires a minimum of nine full-time employees for jail operations.<sup>5</sup> This is nearly equivalent to the current number of employees.<sup>6</sup>

To continue this analysis further, should the CVJ terminate its contract with the U.S. Marshals Service, cease to use a majority of the jail facility, reduce booking and holding operations to the least possible, and reject safety recommendations by reducing jail staff to an absolute minimum of four employees, the net cost over the life of the U.S. Marshals Service contract would be \$1.7M. Currently the U.S. Marshals Service contract fully offsets this cost.

While it is technically possible to staff the jail with sworn police officers instead of PSOs, it would be an inefficient use of the City's limited fiscal resources. The hiring, training, and equipping of police officers are the most-expensive portion of the Police Department's budget. Police officers assigned to the jail would be prevented from being on patrol in Chula Vista, protecting the community. The officers could not be armed in the jail, could not conduct criminal investigations, and could not make any arrests for crimes other than those that occur within the jail itself. Put simply, the officers would act as detention officers rather than police officers. Yet according to a 2015 study by the Criminal Justice Research Division of the San Diego Association of Governments, the Chula Vista Police Department already has the lowest per capita sworn staffing of any other policing agency in the region.<sup>7</sup> With only 0.86 sworn officers per 1,000 population<sup>8</sup> the Police Department takes great care to maintain fiscal responsibility and deploy resources appropriately.

Detention officers cost less money to hire and train than sworn police officers, and generally have far more expertise in prisoner safety and jail operations. Based on current salary and benefit schedules a police officer costs \$139,363 per year while a PSO costs only \$96,228 per year.

From this perspective it is more cost-effective to keep police officers on patrol and to use actual detention officers (PSOs) to staff the CVJ. The use of this more cost-effective staffing model frees more resources that can be used for more police officer positions.

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<sup>4</sup> Five PSOs, and two Police Agents or their equivalents.

<sup>5</sup> The nine full-time employees indicated herein includes eight line-level employees (enough for two employees to be on-duty at all times, ready to receive, book, and monitor the safety of arrestees that could arrive at any hour of the day and night) and one supervisor/manager.

<sup>6</sup> Currently the CVJ operates with 14.3 full-time employees (10 line-level employees, two supervisors, one administrative assistant, and a one-third manager).

<sup>7</sup> San Diego Association of Governments. (December, 2015). *Public Safety Allocations in the San Diego Region: Expenditures and Staffing for Fiscal Year 2015*. Cynthia Burke, Ph.D., and Liz Doroski. ([http://www.sandag.org/uploads/publicationid/publicationid\\_1992\\_20053.pdf](http://www.sandag.org/uploads/publicationid/publicationid_1992_20053.pdf)).

<sup>8</sup> Officers per capita was calculated using current authorized sworn police staffing (227 sworn officers) and January, 2016 population estimates from the California Department of Finance (265,070).

Requiring Chula Vista police officers to book and transport their own prisoners would increase costs to city taxpayers, not reduce them. It would also likely result in decreased ability to conduct criminal investigations, decreased time available to patrol officers to conduct crime prevention and proactive enforcement, and decreased ability to respond to emergencies and other public safety activities within Chula Vista.

**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.**

The City of Chula Vista disagrees with this finding, because its premise is inaccurate.

As noted above the CVJ does not operate as a Type I facility. Adult prisoners arrested by Chula Vista police officers are brought to the CVJ for fingerprinting and photographing. This allows the Police Department to collect criminal intelligence information that provides officers and detectives with significantly greater capability to respond, investigate, and solve crimes throughout the city. Those inmates are quickly transported to a Sheriff's Department facility, usually within a few hours of arrest.

In this way the CVJ operates as a Temporary Holding Facility, just like every other law enforcement agency in the county of San Diego. With the exception of collecting fingerprints and photographs from inmates, the CVJ does not duplicate any services already provided by the Sheriff's Department.

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

The City of Chula Vista disagrees with this finding.

This finding is inaccurate in its premise. The CVJ does not operate as a Type I facility and does not hold prisoners for up to 96-hours. Prisoners arrested by Chula Vista police officers are brought into the facility for only a short time and are transported to a Sheriff's Department facility within a few hours of arrest. In accordance with the CVJ Operations Manual, inmates requiring acute psychiatric care are not accepted into the facility.

With respect to inmates held in the CVJ, including inmates held on behalf of the U.S. Marshals Service, the CVJ Operations Manual requires that inmates in need of psychiatric care are not accepted into the facility and are ordered returned to the custody of the U.S. Marshals Service. Any inmate that develops a need for acute psychiatric care while in the facility is transported to a medical facility for treatment and care. Should a medical evaluation indicate that additional psychiatric care is needed, the inmate is ordered returned to the custody of the U.S. Marshals Service. Simply put, the CVJ does not accept nor house inmates in need of psychiatric care.

Nonetheless the CVJ fully complies with Title 15. Commencing with §1208, Title 15 requires a written plan for the identification and treatment of any inmate who appears to be in need of medical, mental health or developmental disability. It further requires the establishment of

policies and procedures to provide for mental health services. The CVJ maintains a written plan, and policies and procedures in accordance with Title 15. The CVJ also provides for medical and psychiatric care in those rare instances when it is needed.

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

The City of Chula Vista disagrees, in part, with this finding. The City of Chula Vista agrees that, where not precluded by reasonable security precautions, inmates should be provided access to public library resources. The Grand Jury's report failed to note that since 2013 the CVJ has maintained a library card that allows inmates access to a variety of library resources. However, the City of Chula Vista agrees that more could be done to make those resources available to the CVJ's inmate population. Consequently, the Police Department has entered into an expanded partnership with the Chula Vista Public Library to improve inmate access to these resources.

The Police Department has recently provided the inmates with a greater selection of reading material permanently assigned to the CVJ. The selection will be rotated and refreshed through the library partnership. Police Department staff is currently in the process of scheduling a town hall meeting with the inmates to educate them on the resources available to them, and to invite them to greater use of these resources.

However, the City of Chula Vista disagrees that the city council should establish a separate policy for said resources. The CVJ has made library resources available to its inmates since 2013 and is currently expanding availability and access to those resources.

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

The City of Chula Vista agrees with this finding.

The City of Chula Vista has a long history of fiscal responsibility. According to a 2015 study by the Criminal Justice Research Division of the San Diego Association of Governments, the City of Chula Vista spends the fewest dollars per capita on law enforcement and maintains the fewest number of officers per capita of all other jurisdictions in the county.<sup>9</sup> Yet according to a separate report by the same organization, Chula Vista continues to be one of the safest municipal communities in the county among the nine incorporated cities that maintain their own police departments.<sup>10</sup>

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<sup>9</sup> San Diego Association of Governments. (December, 2015). *Public Safety Allocations in the San Diego Region: Expenditures and Staffing for Fiscal Year 2015*. Cynthia Burke, Ph.D., and Liz Doroski. ([http://www.sandag.org/uploads/publicationid/publicationid\\_1992\\_20053.pdf](http://www.sandag.org/uploads/publicationid/publicationid_1992_20053.pdf)).

<sup>10</sup> San Diego Association of Governments. (April, 2016). *Thirty-Six Years of Crime in the San Diego Region: 1980 Through 2015*. Cynthia Burke, Ph.D. ([http://www.sandag.org/uploads/publicationid/publicationid\\_2020\\_20533.pdf](http://www.sandag.org/uploads/publicationid/publicationid_2020_20533.pdf)).

The City is proud of the Police Department's history of accountability and transparency. The Police Department routinely responds to public requests for information and has recently become one of the first 53 law enforcement jurisdictions nationwide to participate in the White House Data Sharing Initiative launched by the Presidential Task Force on 21<sup>st</sup> Century Policing.

This same tradition of fiscal accountability and transparency permeates all areas of police operations, including those of the CVJ. In April of this year the CVJ created a strategic plan for IWF expenditures. Details of that plan are addressed below. The City of Chula Vista intends to continue its long-standing tradition of fiscal responsibility and transparency.

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

The City of Chula Vista agrees with this finding, and with the subsequent recommendation 16-37 to add at least one civilian to the IWF oversight committee. This finding and subsequent recommendation are addressed below.

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

The City of Chula Vista agrees with this finding. The CVJ has used IWF funds for educational programs in the past, and plans to expand similar usage during FY2016-17. The Police Department is actively coordinating with the Sweetwater Union High School District and the Chula Vista Public Library to provide educational programs to inmates.

As a part of the IWF expenditure plan the City has reserved funds to provide materials or staff to manage these programs. However, Police Department staff does not yet know the likely impact on the IWF balance because it is unknown how many inmates are likely to participate in these programs. Staff is currently in the process of scheduling a town hall meeting with the inmates to educate them on the courses and library resources available to them. Staff will invite them to participate in these programs and make greater use of these resources. Staff expects that meeting to take place by the fourth quarter of 2016.

Following are the Grand Jury's seven recommendations with the City's responses:

**Recommendation 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.**

The City of Chula Vista has implemented this recommendation.

In late 2015 and early 2016 the Police Department initiated several discussions with the U.S. Marshals Service to increase the daily number of inmates in an effort to approach or exceed the amount needed to break even on expenses. Since that time the average daily population has increased 43%, from 25.38 in March to 36.51 in June.

The City, through its Police Department, is also pursuing the renegotiation of the current U.S. Marshals Service contract to increase the daily/annual reimbursement rate. The Police Department intends to seek acceptance by the U.S. Marshals Service of an increased reimbursement rate by the end of 2016.

**Recommendation 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 [sic].**

The City of Chula Vista has determined this recommendation will not be implemented because it is not reasonable. As previously noted Chula Vista does not operate as a Type I jail. As a result, the time to conduct a cost/benefit analysis to evaluate the need for a Type I jail would be a superfluous and unnecessary expenditure. In the event future circumstances suggest a need to begin operating in a Type I capacity, the cost and value of such an operation will be carefully evaluated and considered.

**Recommendation 16-34: Provide psychiatric care/counseling to inmates.**

The City of Chula Vista has implemented this recommendation. As noted herein the CVJ has always provided for the psychiatric care/counseling of all inmates in need. The CVJ will continue to do so.

**Recommendation 16-35: Allow inmates access to Chula Vista Public Library resources.**

The City of Chula Vista has implemented this recommendation. As noted herein the CVJ has provided inmates with access to library resources since 2013. The Police Department has recently entered into an expanded partnership with the Chula Vista Public Library to improve inmate access to these resources. Jail staff has also provided the inmates with a greater selection of reading material permanently assigned to the CVJ. The selection will be rotated and refreshed through our library partnership. Lastly jail staff is currently in the process of scheduling a town hall meeting with the inmates to educate them on the resources available to them. Staff will invite them to make greater use of these resources.

**Recommendation 16-36: Develop a strategic plan for the IWF funds.**

The City of Chula Vista has implemented this recommendation, and a strategic plan for the use of IWF funds was adopted by the Police Department in April of 2016. The plan calls for several current and future expenditures, including:

- Supplies and instruction needed to support voluntary community service projects that support the Chula Vista Animal Care Facility;



- Maintenance and repair as needed of inmate exercise equipment;
- Upgrades to the television equipment used by inmates; and
- Supplies and staff as needed to support voluntary inmate educational opportunities

**Recommendation 16-37: Add at least one civilian to the IWF oversight committee. Civilian members should have set terms of service.**

The City of Chula Vista has implemented the first part of this recommendation. A civilian with no direct relationship to the Police Department has been added to the IWF oversight committee. Civilian members of the IWF oversight committee may serve up to two 2-year terms.

**Recommendation 16-38: Provide educational opportunities to inmates, possibly supported with IWF funds.**

The City of Chula Vista has not yet implemented this recommendation but is actively coordinating with the Sweetwater Union High School District and the Chula Vista Public Library to provide educational opportunities to inmates.

The Sweetwater Union High School District has tentatively agreed to offer the following educational opportunities to inmates:

- English as a Second Language (ESL) courses, including Beginning and Advanced Conversation courses
- Citizenship course
- Preparation course for the High School Equivalency Examination
- Work Readiness course, including job preparation and competition skills

The Chula Vista Public Library has agreed to supplement educational opportunities by providing the following:

- Adult Basic Education course, including reading and writing skills
- Creative Writing course
- Arts and Crafts course
- Reading and book clubs

As a part of the City's IWF expenditure plan, the City has reserved funds to provide materials or staff to manage these programs. However, the City does not yet know the likely impact on the IWF balance because it is unknown how many inmates are likely to participate in any of these programs. Jail staff is currently in the process of scheduling a town hall meeting with the inmates to educate them on the courses and library resources available to them, and to invite them to participate in these programs and make greater use of these resources. Jail staff expects that meeting to take place by the fourth quarter of 2016.

Thank you for your review of the Chula Vista Jail. If you would like additional information or have any further questions please contact Chief of Police David Bejarano at (619) 691-5150.

Sincerely,

A handwritten signature in black ink that reads "Mary Casillas Salas". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

Mary Casillas Salas  
Mayor