

DETENTION FACILITIES – SAN DIEGO COUNTY

California State Penal Code §919(b) mandates that each County Grand Jury inquire into the condition and management of the detention facilities within its county. The 2015/2016 San Diego County Grand Jury (Grand Jury) visited seven adult detention facilities operated by the San Diego County Sheriff and four juvenile facilities operated by the San Diego County Probation Department. They also visited the city of Chula Vista jail, and holding facilities run by the police departments of Carlsbad, Coronado, El Cajon, Escondido, La Mesa, National City and Oceanside. Jurors also visited Sheriff's Station holding facilities and the holding facility maintained by the Harbor Police Department. The Grand Jury was treated respectfully by all staff at each facility.

PROCEDURE

The Grand Jury reviewed Penal Code Titles 15 and 24, Assembly Bill 109, and Proposition 47. During each site visit, the Grand Jury observed the physical condition and management of the facility, noted the different programs available to inmates, and evaluated the overall conditions. Grand Jury members interviewed both staff and inmates. All detention center visits were scheduled. Afterward, the Grand Jury's Law and Justice Committee met to review the visit. Additional documents requested by jurors were provided by the Sheriff's Department and the Probation Department.

The Grand Jury toured the following adult detention facilities:

- San Diego Central Jail (SDCJ)
- Las Colinas Detention and Reentry Facility (LCDRF)
- George F. Bailey Detention Facility (GBDF)
- Facility 8
- South Bay Detention Facility (SBDF)
- East Mesa Reentry Facility (EMRF)
- Vista Detention Facility (VDF)
- Chula Vista City Jail (CVJ)

The Grand Jury toured the following juvenile detention facilities:

- Kearny Mesa Juvenile Detention Facility (KMDF)
- Kearny Mesa Girl's Rehabilitation Facility (GRF)
- East Mesa Juvenile Detention Facility (EMJDF)
- Camp Barrett Juvenile Correctional Facility (BDF)

DISCUSSION

ADULT DETENTION FACILITIES

There are specific conditions/policies/issues that apply at all the jails, which we will selectively detail here. At each facility, the commanders and staff gave a briefing to the

jury prior to the tour, and often at the end of visit. Jurors were allowed time for questions, and the Sheriff's Department provided the data referred to in this report.

The Board of State and Community Corrections (BSCC) promulgates regulations for adult and juvenile detention facilities and conducts regular inspections of those facilities. All Sheriff's Department facilities have both a housing capacity rating from the BSCC and a court ordered capacity rating, which can differ. The BSCC rating is included in this report for each Sheriff's Department facility.

All county detention facilities appear to be well maintained. The jury did note rotting support beams along a walkway in the East Mesa Reentry Facility.

The reentry facilities, LCDRF and EMRF, have open courtyards and unrestricted outdoor walkways. The other facilities, however, are mostly enclosed and somewhat dreary, with a lack of windows and fresh air in most of the housing units. In general, there are deputy control stations in housing modules, with camera monitoring of dayroom and common areas. Individual cells do not have camera monitors.

Kitchens at each institution appeared sanitary and functional. The Grand Jury was provided with county inspection reports for all facilities, including food inspection reports. Minor violations observed by county inspectors have been corrected by the facility staff.

Excluding VDF, the command staff at all detention facilities reported staffing levels were adequate. The command staff at VDF did report a need for assignment of twenty dedicated deputy positions for medical transport and surveillance of inmates undergoing medical procedures or hospitalization at Tri-City Medical Center. Currently, the deputies being used for transport and/or surveillance are pulled from their regular duties.

All facilities visited by the Grand Jury have medical units that include physical exam rooms and dental exam rooms staffed with RNs and LVNs, as well as rotating days for visits with physicians and dentists. Psychiatric security units are located at the Central Jail and Las Colinas. The Sheriff's Department contracts with Tri-City Medical Center in North County for specialized procedures or hospitalization for inmates in all facilities. Inmates with life-threatening emergencies are taken to the nearest hospital.

The medical staff, in conjunction with the SDCJ and LCDRF commanders, has been proactive in initiating policies and procedures for suicide prevention. Suicide prevention policies begin at intake, when the risk is high for some inmates. Entry Observation Housing is available at GBDF to provide further monitoring of recently transferred inmates who exhibit suicidal tendencies. So far the program has not been entirely

successful. Numbers for suicides in San Diego County detention facilities are still higher than in other counties.¹

The transfer of bacteria and viruses is a serious problem for persons housed in close quarters. Jurors asked why there were so few hand sanitizer stations accessible to the inmates; the response provided was that hand sanitizer contains alcohol. This jury was able to locate commercially available alcohol-free products.²

Housing areas at every facility vary by inmates' risk classification. Inmates in segregation units have the most restrictive housing environment and are provided limited opportunity for exercise, i.e., only what is required under Title 15 (60 minutes – 3 times per week). Exercise areas vary in size and equipment at each facility, but most exercise areas have very limited equipment and space. When asked why exercise equipment was so meager, staff told jurors that finding acceptable equipment was difficult; jurors later located such equipment on-line.³ In fact, additional exercise equipment is in place at the Incentive Based Housing unit in SBDF.

Footwear for inmates conducive to exercise (athletic shoes instead of backless plastic sandals) was seen only at the Vista Detention Facility. At several of the male detention centers, staff told jurors that basketball hoops were eliminated because of potential ankle injuries. Proper footwear would decrease the potential for injury.

Incentive Based Housing (IBH) is a program to motivate inmates to improve their situation, available at each facility for inmates who qualify, pending space limitations. It was created to reward good behavior by those inmates who have positive interactions with others and agree to participate in self-improvement programs. Incentives include more time in common areas, more weekly visitations, and more exercise opportunities.

Inmates are assigned a personal account which can be supplemented by family members or by obtaining a job in the jail. If an inmate's account balance falls below two dollars, they receive a personal care package containing two stamped envelopes, a toothbrush, toothpaste, pencil, deodorant and soap, funded through the Inmate Welfare Fund. All facilities employ selected inmates for jobs including kitchen help, laundry duty, and facility cleaning. Inmates earn \$.50 per day, regardless of the length of shift or complexity of the job. A tiered, incentive-based pay structure that promotes personal effort and achievement should be considered. See Title 15, §3041.2, Inmate Pay Rates,

¹ For example, in 2015, Los Angeles County jails, with a substantially larger number of inmates, had just one suicide, compared to five in San Diego County jails.

(www.sandiegouniontribune.com/news/2015/dec/16/jail-suicides/)

² <http://gentlecare.us/store/>) and <http://www.cleanwelltoday.com/our-products/hand-sanitizer/>

³ <http://www.outdoor-fit.com/tamperproof-fitness-equipment-correctional-facilities> and

<http://www.keenejailequip.com/>

Schedule and Exceptions, for payroll policies within the California Department of Corrections, which could be used as a guide.

At all facilities, inmates may file grievances. Requests by inmates can also be submitted with forms available in each housing area.

All booking areas (SDCJ, LCDRF and VDF) have body scanners. During the booking process inmates are evaluated for their medical and behavioral needs, and protective segregation. U.S. Immigration and Customs Enforcement agents are present at every intake/booking facility.

At the Central Jail, staff showed jurors weapons, of varying degrees of lethality, available for emergencies; it appears that the officers are well-equipped to handle inmate disturbances. Detention officers do not wear body cameras, but jurors were told that a committee is evaluating different manufacturers in order to make a selection in 2016.

The database for inmate records, Jail Information Management System (JIMS), uses eleven year old software. Staff reported that they have trouble sorting and retrieving information from the database and expressed a need for a software update.

The Sheriff's Department is not formally evaluating the success of most inmate programs (the one program being evaluated is the Veterans Moving Forward module). Moreover, there seems to be disagreement over what constitutes recidivism and how it should be tracked. Staff spoke often of the importance of using Evidence-Based Practices, yet it appears there is very little systematic gathering of evidence to determine which practices are effective and deserve continuation.

Even with the significant amount of state funding provided since 2011 (in FY 2015-2016, about \$33,000,000) it appears to this jury that limited changes have been initiated to accommodate AB109 inmates, who serve longer sentences in county jails. While the Sheriff's Department is committed to re-entry programs, most of these opportunities are available to inmates only in their last six months of confinement. Years spent incarcerated with little mental or physical stimulation will undoubtedly have negative consequences on long-term inmates, many of whom are housed at GBDF.

The male detention centers lack friendly family waiting areas, especially for young children. Male inmates are not allowed contact visits with family members and are limited to two thirty-minute visits per week. Family members must arrive an hour early for a one-half hour non-contact visit through Plexiglas using a phone. While there may be a need to monitor conversations for those inmates awaiting trial and sentencing, inmates serving AB109 sentences do not have this issue. Interaction with family and the outside

community should be encouraged to ensure a successful transition back to society. Significant research shows the importance of family contact and support for inmates.⁴ This jury strongly believes that the Sheriff's Department should implement, as soon as possible, weekly contact visits longer than thirty minutes for all qualifying inmates.

Very few educational opportunities exist for long-term inmates. Inmates housed at GBDF have no educational or vocational options other than HiSet (formerly GED) classes. Access limited to high school courses curtails job opportunities for inmates upon leaving jail. Computer-based college-level courses are available at most higher education institutions in the United States. Accredited colleges offer distance learning in both web-based and paper-based versions.⁵

SAN DIEGO CENTRAL JAIL (SDCJ)

The Grand Jury visited SDCJ on August 12, 2015. Located in downtown San Diego adjacent to the county courthouse, the eleven-story building was constructed in 1998. It is the main male booking facility in San Diego County, housing all classifications of inmates. SDCJ has no outside exercise space, and the jury saw just one dip bar as exercise equipment. Staff informed jurors that to exercise, inmates walk around the small enclosed concrete area designated as the exercise yard.

SDCJ has a capacity rating of 944 by the BSCC; the population on September 30, 2015, was 895. The facility averages 51,000 intake bookings annually.

An inmate-on-inmate death occurred in October 2015, in a holding cell at SDCJ.⁶ Policies and procedures for screening, placement, and monitoring of detainees were obviously inadequate and need to be improved.

The medical staff at SDCJ provides a wide range of medical services, including on-site dialysis for up to four patients. It serves as the main medical facility and psychiatric hospital for inmates who cannot be adequately treated at other detention facilities. There are two psychiatrists on staff, one for patients hospitalized in the psych unit and another for outpatients.

LAS COLINAS DETENTION AND REENTRY FACILITY (LCDRF)

The Grand Jury visited LCDRF on August 21, 2015. Located in Santee, this facility opened August 16, 2014, with a second phase scheduled to open in early 2016. LCDRF serves all levels of incarceration for women and is the primary female booking facility in the county. The only other facility to house women is the Vista Detention Facility. Women in North County may be transferred to LCDRF after initial processing at Vista.

⁴ <https://aspe.hhs.gov/sites/default/files/pdf/74991/Hairston.pdf>

⁵ <http://www.prisoneducation.com/correspondence-programs/undergraduate-degree/>

⁶ <http://www.sandiegouniontribune.com/news/2015/oct/13/county-jail-inmate-beaten-death-murder/>

LCDRF has a BSCC bed capacity of 832; on September 30, 2015, the population was 744.

LCDRF resembles a school campus more than a jail. The grounds are clean and landscaped, including an open area with concrete benches for inmate seating and relaxation. Education, concerts and religious activities are held in this area. The housing facilities the jury toured featured exercise areas larger and better equipped than those in any men's facility.

LCDRF has a dayroom for contact visits, a large, colorful room with ample windows. 80-90% of the women at Las Colinas have children, and child visitation rooms along one side of the room create a more welcoming space for mothers to meet with their children. Inmates are allowed two additional visits per week with their children. A common dining hall is also available for meals. Both these areas create a feeling of normalcy and optimism lacking at the men's facilities. A video visitation system (similar to Skype) is available for inmates to see and talk with families unable to travel to LCDRF.

The staff includes males and females, but a female deputy is required to be present when there is physical contact with an inmate. The site commander reported that it is more difficult to recruit and retain female deputies, an issue being addressed by the Sheriff's Department Human Resources Division.

Drug and alcohol recovery programs offered to inmates are designed to improve social and personal responsibility skills. Other programs focus on academic and vocational training to prepare inmates for life after release. The jury visited the sewing classroom, which has industrial machines. Students sew items for inmates at the jails. In addition to learning sewing skills, the instructor said that all the students learn to trouble-shoot issues with the machines. As there are very limited employment opportunities for seamstresses in San Diego County, there is some question as to the value of this course (something noted in the 2013/2014 San Diego County Grand Jury report). Additional programs will be added on completion of the second phase of the facility.

GEORGE BAILEY DETENTION FACILITY (GBDF)

On September 2, 2015, the Grand Jury visited GBDF, located in Otay Mesa near the international border on a campus that also houses the East Mesa Reentry Facility; Facility 8; the East Mesa Juvenile Detention Facility, and a county-owned prison currently leased to the for-profit Corrections Corporation of America (CCA). The CCA facility lease is expiring, and the facility will revert back to county control by 2017.

GBDF, which opened in 1993, is the largest county jail, with a BSCC capacity of 1,380; on September 30, 2015, the population was 1,507. The facility houses the special management inmates (Sexually Violent Predators, Transgender, and Protective Custody inmates) for the entire jail system.

While GBDF offers some limited behavioral and self-help programs, it provides no vocational training or educational opportunities other than HiSet (GED) classes, available only to cooperative inmates.

Exercise yards for the general population were cages the size of a basketball court with only a dip bar, and no protection from the sun. The Grand Jury viewed the exercise space for inmates in administrative segregation; these were small, single-unit cement areas resembling dog runs, with no equipment or shade. While the jury is aware of the risk classification of these inmates and the need for safety of officers and other inmates, it was discouraging to see that the exercise option for these inmates consists solely of time alone in outside cement cages three times a week.

FACILITY 8

The Grand Jury visited Facility 8, adjacent to GBDF, on the same day (September 2, 2015). Facility 8 is a medium security facility, built in conjunction with GBDF, with a BSCC capacity of 200; the population on September 30, 2015, was 135.

Facility 8 has three housing units; the Grand Jury toured a vacant unit equipped with triple occupancy cells if the demand for beds increases. Triple-bunking inmates seemed excessive given the size and layout of the cells: there is only one desk per cell and limited floor space, a configuration likely to cause conflict. Facility 8 has video visitation options for family and friends who have difficulty traveling to this facility.

SOUTH BAY DETENTION FACILITY (SBDF)

The Grand Jury visited SBDF on September 18, 2015. Part of the South Bay Regional Justice Center in Chula Vista, SBDF is located underground, below the courthouse. The facility houses all inmate classifications, with a BSCC capacity of 386 beds; the population on September 30, 2015, was 401 inmates. SBDF houses no inmates with serious mental or physical health needs; all inmates must be ambulatory. The infirmary is not staffed 24/7; an inmate who becomes seriously ill will be transferred to SDCJ for treatment.

SBDF has made a concerted effort to move toward rehabilitation, something this jury applauds. The Grand Jury visited an IBH unit at SBDF which holds inmates previously classified as high risk. Exercise equipment in the module's common area facilitates both cardiovascular health and stress reduction. When the jury visited, inmates were socializing together, and, when queried, were respectful and forthcoming about their experiences.

The major drawback to this facility is the lack of any outside space for inmates. There is an indoor gym, with a pool table and handball wall, but it is windowless. Because inmates serve their confinement inside, the Grand Jury is concerned about the long-term impact on circadian rhythms. Staff informed the jury that in 2017 all SBDF inmates

would be moved to the Otay Mesa complex and SBDF will no longer be used for long-term inmate housing.

EAST MESA REENTRY FACILITY (EMRF)

The Grand Jury visited the EMRF on September 30, 2015. A Probation Department camp transferred to the Sheriff's Department in 1991, EMRF is the male reentry facility for the county. An expansion completed in 2014 increased the BSCC capacity to 760; the inmate population was 707 on September 30, 2015. Qualifying inmates are transferred to EMRF to serve the last six months of their sentences. The Sheriff's Department believes that EMRF services and programs are most successful as an inmate's release nears.

EMRF, a medium security facility, serves as a vocational training site, offering certification programs in food handling, industrial laundry operations, and printing press operations. A new non-certificate program sends qualifying inmates outside the jail to support county operations, including park landscape maintenance and building cleaning and maintenance. EMRF also has a print shop and a bicycle repair shop, each employing a few inmates. All these programs have limited enrollment due to lack of funding, instructors, and equipment. Since the Grand Jury's visit, a Job Center has opened at the EMRF facility to assist inmates with resumes and interviewing skills.

At EMRF, a recently updated industrial laundry handles all laundry for EMRF, Facility 8, and GBDF, as well as some laundry from the other facilities. It employs numerous inmate workers, as does the food processing facility there, which generates and ships the meals for inmates in all county adult and juvenile facilities.

Meals are distributed one day in advance. Meals adhere to Title 15 requirements, and though nutritious, are not particularly appetizing. In discussion with kitchen staff, the jury inferred that keeping costs low is a major consideration in meal planning. Lunches are cold meals, breakfasts and dinners are warmed. Two jurors ate inmate lunch during a visit. One lunch was the standard meal – four slices of wheat bread, peanut butter and jelly packets, and two cookies. The other was a diabetic/cardiac meal containing four slices of wheat bread, sliced sandwich meat, one processed cheese slice, and a fruit cup.

VISTA DETENTION FACILITY (VDF)

The Grand Jury visited VDF on October 9, 2015. Opened in 1978, VDF is physically connected to the Vista Superior Court, the Vista Sheriff's Station, and the North County Law Library. This proximity enables inmates to attend court proceedings without the need for transportation. VDF is the only facility that houses both male and female pre-trial arrestees.

VDF houses inmates pending arraignment, during trial, or serving sentences. VDF has a BSCC capacity of 825; the population was 749 on September 30, 2015. 30% of the VDF

population has special housing classification, i.e., Administrative Segregation, Medical, or Protective Custody.

The Grand Jury toured both male and female booking areas and housing units. Jurors learned that an inmate had obtained permission from the VDF command to take a correspondence course, though until recently his enrollment had been delayed by the need for jail staff to approve hardcover books. The jury applauds the command staff's decision and encourages them to give more inmates similar options and to streamline the process.

VDF houses the Veterans Moving Forward Program, unique in county jails, and frequently cited by staff as a successful model. Sixty-four incarcerated US military veterans share a dedicated Veterans Module, which is decorated with patriotic murals depicting different armed services branches. Inmates can obtain help from onsite Veterans Affairs counselors. Daily self-help classes cover such topics as substance abuse, stress management, career planning, mentoring and financial planning. At the time of release, inmates are fitted with business suits donated from the Second Chance Program and photographed, and jail staff and counselors participate in a release celebration.

The module apparently fosters a sense of community and respect among the inmates, for since its establishment; there have been no violent incidents. Local government and military officials and community and non-profit organizations have all lauded this program and support its continuation. In 2014, the San Diego Association of Governments (SANDAG) obtained a \$334,360 grant from the National Institutes of Justice to evaluate the Veterans Moving Forward Program's practices, outcomes and cost-effectiveness. This evaluation has not yet been completed.

FACTS AND FINDINGS

Fact: Excluding the Veterans Moving Forward initiative, the Sheriff's Department does not evaluate inmate programs for effectiveness.

Fact: The Sheriff's Department has established no consistent methodology or metrics for evaluating programs' effectiveness.

Fact: In particular, the crucial term "recidivism" has no consensus definition.

Finding 01: It cannot be determined which inmate programs should be expanded and which should be discontinued.

Finding 02: The Sheriff's Department has difficulty producing unified, comprehensive statistics on recidivism.

Fact: Inmates at most facilities have no access to shoes appropriate for exercise.

Fact: Exercising in plastic, backless sandals is extremely difficult and increases the potential for physical injury.

Finding 03: Inmates need access to appropriate shoes in order to maintain health and well-being.

Fact: Inmates perform several jobs in the jails; their pay is fixed at \$.50 per day.

Finding 04: Inmates have no financial incentive to learn or perform more challenging and complex jobs.

Fact: Visits at male facilities are non-contact, excluding court ordered visits with children.

Fact: Visits with adult family and friends are limited to thirty minutes twice weekly at all facilities.

Finding 05: Policies and procedures for family visits are too restrictive and counterproductive to rehabilitation and reintegration into society.

Fact: Other than HiSet, the Sheriff's Department offers no educational opportunities to inmates.

Finding 06: Computer-based educational programs exist that could be offered to inmates.

RECOMMENDATIONS

The 2015/2016 San Diego County Grand Jury recommends that the San Diego Sheriff's Department:

16-42: Establish metrics to evaluate programs offered to inmates and begin tracking outcomes.

16-43: Make shoes appropriate for recreation and exercise available to all inmates.

16-44: Establish an hourly pay system that recognizes inmate effort and achievement (possibly modeled after the California Department of Corrections tiered system).

16-45: Establish a consensus definition of recidivism in order to begin tracking outcomes.

16-46: Revise policies and procedures for visitation with inmates. Initiate contact visits and increase the time allowed for weekly visits.

16-47: Allow all inmates access to computer-based educational and training programs.

HOLDING FACILITIES

SHERIFF STATIONS

Grand Jurors visited the following Sheriff's Station holding facilities in late 2015 and early 2016:

- Alpine
- Encinitas
- Fallbrook
- Imperial Beach
- Lemon Grove
- Poway
- Rancho Bernardo
- Rancho San Diego
- San Marcos
- Santee
- Valley Center

The Sheriff's Department uses standardized booking procedures at every holding facility. All the visited facilities had at least two monitored cells, and some had separate space for juveniles. Inmates are processed for booking and then transported to the Central Jail within a few hours of arrest. All facilities appeared well maintained and adequately staffed.

CARLSBAD POLICE DEPARTMENT

Grand Jury members visited the City of Carlsbad Police Station on January 26, 2016. Built in 1986, the facility serves the City of Carlsbad and La Costa. It consists of four holding cells and a separate secured area for juveniles. Due to lack of space, one holding cell is being used to store processing equipment. Detainees are typically held four to five hours. The Department has plans to remodel and upgrade the facility. There is a small evidence room; jurors were told that most evidence is transported along with arrestees. Overall the facility appeared well maintained.

CHULA VISTA POLICE DEPARTMENT

Grand Jury members visited the Chula Vista Jail, the only city-owned and operated jail in the county, on January 15, 2016. The jail, with a BSCC capacity of 46, has two functions. One, it serves as a holding facility for juvenile and adult arrestees being processed by the Chula Vista Police Department before booking. Two, it houses longer-term adult female

inmates through a contract with the U.S. Marshals Service (twenty-four inmates the day of the visit). Overall the facility appeared well maintained.

The Chula Vista Jail contracts for most of its inmate services, including meals, transportation, medical care, phone service and commissary. Inmates currently do not receive psychiatric care or counseling and have no opportunities for educational enrichment or vocational training. This jury believes that education, training, and psychiatric care should be offered to these federal inmates.

CORONADO POLICE DEPARTMENT

The Grand Jury visited the Coronado Police Department on December 23, 2015. The City of Coronado maintains three holding cells for adults at the police station. There is no designated area for juveniles. Overall the facility appeared well maintained.

EL CAJON POLICE DEPARTMENT

Grand Jury members toured the El Cajon Police Department booking and holding facility on January 7, 2016. The facility, opened in 2011, is located in the basement of the Police Department building in downtown El Cajon. Police officers access the holding cells and booking area through a vehicle sally-port. The booking station is fully equipped with computers and access to Live Scan for fingerprint searches. There is substantial space for processing and detaining arrestees, though on the date of the tour the facility was unstaffed and empty. The holding cell space is divided so that males, females and juveniles can be detained in separate areas. There are several single-person cells with beds, though they are not in use and have no mattresses. A space exists for a kitchen but no meals are provided and no appliances are installed; arrestees are transported for booking prior to requiring meals. Jurors were told that the El Cajon Police Department does not have the staffing to keep the facility open 24/7, so its only use has been as a holding facility. Overall the facility appeared well maintained.

ESCONDIDO POLICE DEPARTMENT

Grand Jury members toured the Escondido Police Department (EPD) on February 26, 2016, to inspect the holding facility. EPD shares a building with the Escondido Fire Department and the 911 Dispatch Center. The Dispatch Center serves as the main hub of communication for all major first responders in North County, including the Amber Alert System. Overall the facility appeared well maintained.

The facility has four male holding cells and three female holding cells, with two separate booking cells, and five holding cells for juveniles. An evidence room appeared organized. Overall the facility appeared well maintained.

LA MESA POLICE DEPARTMENT

Grand Jury members toured the La Mesa Police Department on January 28, 2016. There is a separate detainees' entrance to the holding area. There are four holding cells in the

adult area under visual surveillance. None of the cells are Americans with Disabilities Act compliant. Unsecured juveniles are held in another part of the structure, and secured juveniles are kept in a separate cell to the side within the adult area. Overall the facility appeared well maintained.

NATIONAL CITY POLICE DEPARTMENT

Grand Jury members visited the National City Police Department on December 30, 2015. National City maintains a five cell holding facility for adults at the main police station. A juvenile holding area has one cell. Overall the facility appeared well maintained.

OCEANSIDE POLICE DEPARTMENT

Grand Jury members toured the Oceanside Police Department on January 26, 2016. The facility has four adult holding cells and two secured areas for juveniles. Overall the facility appeared well maintained.

HARBOR POLICE STATION

Grand Jurors visited the Harbor Police holding facility on Harbor Drive on December 23, 2015. The Harbor Police has jurisdiction over all land under management by the Port of San Diego, as well as San Diego Bay. There is a small designated area for processing of arrestees; juveniles are processed in a conference room apart from adults. Overall the facility appeared well maintained.

JUVENILE DETENTION FACILITIES

At each juvenile facility tour, the commanders and staff first gave a briefing to the Grand Jury, including the data on inmates and incidents presented in this report. The staff appeared dedicated and forthcoming, and staffing levels seemed adequate at all four facilities.

For many reasons, there has been a decrease in the number of incarcerated juveniles.⁷ Each juvenile detention facility has unused space. Though fewer in number, the juveniles now in custody are the most serious offenders and require close supervision. Staff in the juvenile facilities is equipped with pepper spray, or OC spray (oleoresin capsicum). Large wall signs outline when pepper spray can be used. Included in the list of allowable uses of OC spray are:

- to disperse fights
- to quell unit disturbances
- to remove threatening persons from rooms

⁷ One factor has been a shift in philosophy to promoting restorative justice over punishment. Restorative justice views crime as harming both the victim and the community. Restorative justice insists on offender accountability, addresses the victim's needs, attempts to repair the harm, and seeks to bring both parties together for mutually agreeable restitution (<http://www.sdrjmp.org/>).

- for personal defense against violent persons
- on juveniles who fail to respond to the cover command

Staff informed the jury that juveniles with sensitivity to OC spray wear yellow wrist bands, though the jury questions how well these wrist bands work and who takes the time to check a juvenile's wrist during the heightened atmosphere of a disturbance.

Controversy continues over the acceptability of OC spray, and whether staff members use it appropriately. The Grand Jury acknowledges that most juvenile detainees are high risk and can be violent towards staff and other inmates. Nevertheless, the use of OC spray on juveniles, while allowable under Probation Department policy, remains a concern. A recent UCSD study noted some issues concerning OC spray.⁸ And the Center for Children's Law and Policy has raised a number of issues regarding the use of OC spray.⁹

There has also been controversy about twenty-four hour room confinement punishment. Inmates given room confinement have no free outside time or group time. They must eat alone in their cells but do continue to attend school and are allowed to shower.

Schools administered by the San Diego County Office of Education exist at each facility. Enrollment in school takes place within twenty-four hours of incarceration. All teachers are credentialed, and the schools meet all standards for State of California accreditation. The faculty provides access to both traditional analog (printed texts) and digital tools, including limited internet access.

Juveniles attend class from 8:00 am to 2:00 pm Monday through Friday, with an hour break for lunch. Kearny Mesa Detention Facility (KMDF) educators estimated that approximately half of their students are one-and-a-half to two years below grade level in English and four years in math.

All facilities have medical clinics (including exam rooms and dental suites), staffed by RNs and LVNs, with physicians and dentists rotating through the facilities. The staff is gradually transitioning to electronic health records.

The medical staff is justifiably proud of the recent diagnosis and treatment arrangements made for a juvenile at the East Mesa Facility diagnosed with lymphoma. The Grand Jury applauds the efforts taken by the staff to ensure that this juvenile's cancer treatment was not compromised by his incarceration.

Juveniles have access to a variety of programs, including anger management, Alcoholics Anonymous and Narcotics Anonymous, social awareness training, and the Second

⁸ <https://www.ncjrs.gov/pdffiles1/nij/188069.pdf>

⁹ <http://www.cclp.org/documents/Conditions/Fact%20Sheet%20-%20Chemical%20Agents%20-%20Final%20-%2005-14-12.pdf>

Chance Program. Because recidivism is not tracked, it is impossible to assess the effectiveness of self-help or vocational programs.

The Grand Jury shared lunch with juveniles at all four facilities. The meals are clearly not designed with juvenile taste preferences in mind. Several juveniles complained they aren't provided enough to eat, though staff emphasized that the meals comply with the nutritional requirements of Title 15 and Federal Child Nutrition Guidelines.

KEARNY MESA JUVENILE DETENTION FACILITY (KMDF)

The Grand Jury visited KMDF on October 14, 2015. Built in 1952 and renovated in 1994 and 2002, it functions as the intake facility for all juveniles in San Diego County. It houses both males and females awaiting adjudication. Juveniles must appear before a judge within seventy-two hours of being admitted. If required by the courts, they remain at KMDF until disposition of their case.

A significant percentage of incoming juveniles at KMDF have substance abuse and/or poorly treated or untreated mental health issues. There are detox areas for juveniles who appear to be under the influence of illegal drugs.

KMDF is adjacent to the juvenile courthouse and one-half mile from Rady Children's Hospital. Due to its age, KMDF has continuous maintenance issues: poorly functioning laundry and kitchen equipment, old windows, leaks in the roof, and much more. The Probation Department has developed a five year plan for replacement of KMDF and GRF. As there is adequate unused space in other facilities, it should be possible to temporarily close both facilities and move juveniles to EMJDF and BDF during construction.

KEARNY MESA GIRLS REHABILITATION FACILITY (GRF)

The Grand Jury toured GRF and KMDF (separate facilities under one roof) on the same day. GRF serves as the long-term placement for juvenile girls with sentences requiring incarceration. The jury visited the housing unit and exercise areas and observed girls at a dance exercise class. At both facilities, juveniles are housed one to a cell, except for one three-girl room at GRF (by personal preference; girls are not required to double up). While the staff emphasized being pro-active in preventing suicides, the probation department did settle a lawsuit in 2015 resulting from the suicide of a girl in custody at GRF in 2013.¹⁰ This jury encourages increased staff training in all facilities so that a similar situation is never repeated.

EAST MESA JUVENILE DETENTION FACILITY (EMJDF)

The Grand Jury visited EMJDF on October 30, 2015. This facility houses males from thirteen to twenty years old who have been sentenced under the juvenile court system. If

¹⁰ <http://triblive.com/usworld/nation/9487859-74/county-facility-summers#axzz3xjX8B1r4>

a juvenile is sentenced in adult court, they are moved to an adult facility when they turn eighteen.

EMJDF was built in 2004. The facility was clean and well maintained. Of the ten housing units in the facility, only five are in use. There is an outside recreation area with basketball hoops, and a garden maintained by the juveniles. Juveniles are housed one to a cell. Classrooms are located within each housing unit. There is one young man at EMJDF who is now taking computer-based college courses.

With funding through SB81, the Probation Department is building a ten thousand square foot therapeutic and rehabilitative facility adjacent to EMJDF that will include exercise areas and space for vocational training. Completion of this building is scheduled for 2018.

CAMP BARRETT (BDF)

The Grand Jury visited BDF on November 18, 2015. Located approximately 35 miles from downtown San Diego in a rural area south of Alpine, it is the dedicated rehabilitation facility for male juveniles. In 2015, the Probation Department closed the other male juvenile ranch facility, in Campo, and moved all the juveniles to BDF.

Excluding the razor wire perimeter fencing, BDF differs radically from the other juvenile detention facilities, resembling a Boy Scout camp. It has multiple out-buildings, courtyards, trees and recreation spaces. The school is housed in a modern brick building. The other buildings are older wooden structures, most of which need significant maintenance and/or repair. Jurors noted rotted walkway support beams, termite damage to overhangs, and bathrooms needing renovation. Staff informed the jury that two trailers are being added that will enlarge the medical facility and increase administrative office space. One dorm building was under renovation and unoccupied. A construction worker was onsite making improvements including an additional staff bathroom. While the setting is bucolic, many buildings at BDF are in need of structural upgrades that may not be cost-effective given the unused space in EMJDF and KMDF.

Juveniles remain at BDF for up to one year. Boys are housed in dormitories with bunk beds lining both sides, and a central bathroom and shower room. Guards are stationed at the each end of a dorm and a central front desk. Meals are eaten cafeteria style in the building that houses the kitchen. In order to avoid congestion and possible incidents, juveniles go to the cafeteria one dorm wing at a time. Juveniles are housed by age, with boys sixteen and older separated from younger boys.

Family visitation is allowed weekly, though the staff readily admitted that many juveniles do not have frequent visitors, due to the camp's remote location, issues with border patrol and immigration for boys whose parents are undocumented, and parents who have difficulty remaining supportive given their child's history. The installation of video visitation equipment should be strongly considered.

Numerous vocational programs are offered at BDF. Fire safety, automotive repair, culinary arts, and graphic design are available, though the automotive repair program appeared to consist of one semi-dismantled vehicle. Self-improvement courses are also offered. Psychological support services, including psychologists and counselors onsite, appeared highly supportive.

FACTS AND FINDINGS

Fact: The Probation Department does not evaluate the effectiveness of behavioral and vocational programs they provide.

Finding 07: The Probation Department cannot make evidence-based conclusions on which programs should be expanded or discontinued.

Fact: The laundry facility at KMDF is old and has maintenance issues.

Fact: There is an industrial-grade laundry facility at EMRF with unused capacity.

Finding 08: The probation department should consider outsourcing laundry for the juvenile facilities.

Fact: The number of incarcerated juveniles has decreased.

Fact: KMDF, GRF and EMJDF have unused wings and beds.

Finding 09: Closing a juvenile facility may be warranted.

Fact: Many of the juveniles have no visits from family.

Finding 10: Issues including distance to facilities make visiting juveniles difficult for some family members.

RECOMMENDATIONS

The 2015/2016 San Diego County Grand Jury recommends that the San Diego County Probation Department:

16-48: Establish metrics to evaluate programs and then initiate evaluations.

16-49: Pursue an agreement with EMRF for most juvenile facility laundry services to improve laundry efficiency and reduce costs.

16-50: Develop a long-range plan to determine the feasibility and advisability of consolidation of facilities.

16-51: Evaluate the options for establishing video visitation equipment similar to that provided in adult detention facilities.

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>
Sheriff, County of San Diego	16-42 through 16-47	8/1/16
San Diego County Probation Department	16-48 through 16-51	8/30/16