

San Diego County Detention Facilities Inspection Report and Inmate Mental Health

EXECUTIVE SUMMARY

The 2018/2019 San Diego County Grand Jury (Grand Jury) inspected the San Diego County (County) detention facilities as mandated by California Penal Code 919(b). In general, the Grand Jury found that the facilities were clean and, from our observation, the staff appeared to be following established procedures. The Grand Jury saw no evidence of inmate mistreatment. Inmates had access to medical, dental, and mental health care at most locations. At some locations, access to care was only available based on the schedule of provider visits to that facility.

This year the Grand Jury focused on mental health issues in jails including the issue of suicides. Both adult and juvenile facilities were inspected. The Grand Jury was impressed by the programs for rehabilitation and reentry for inmates returning to society. The Grand Jury recommends that further efforts be made to identify that part of the inmate population that would benefit from mental health treatment rather than incarceration.

The Grand Jury also identified improvements that could be made to some of the older, outdated facilities.

BACKGROUND

All California Grand Juries are required to investigate the condition and management of their county's detention facilities. The recent County endorsement of *Stepping Up*, a national initiative to reduce the number of people with mental illnesses in jail, has made the mental health of inmates a particular concern.

METHODOLOGY

The Grand Jury reviewed:

- California Code of Regulations Title 15, "Minimum Standards for Local Detention Facilities"
- Board of State and Community Corrections (BSCC) inspection reports for each facility
- The San Diego County Sheriff's Department Detention Services Manual of Policies and Procedures
- Detention Facility Fact Sheets provided for each detention facility
- Reports from national and local community mental health resources and relevant media accounts

As required by law, the Grand Jury visited and inspected all seven County-operated adult detention centers:

- East Mesa Detention and Reentry Facility (EMDF)

- Facility 8 Detention Facility (F8DF)
- George Bailey Detention Facility (GBDF)
- Las Colinas Detention and Reentry Facility (LCDF)
- South Bay Detention Facility (SBDF)
- San Diego Central Jail (SDCJ)
- Vista Detention Facility (VDF)

The Grand Jury visited and inspected all three juvenile facilities:

- Kearny Mesa Juvenile Hall
- East Mesa Juvenile Detention Facility
- Urban Camp

The Grand Jury interviewed:

- Individual Sheriff’s personnel and community mental health authorities on specific correctional issues under investigation. Note: During inspections, we addressed questions to officers and staff regarding the operations of that facility. ¹

DISCUSSION

Declining Inmate Numbers

The Grand Jury’s inspections of the County detention facilities included escorted walk-throughs of the adult jails operated by the Sheriff’s Department, as well as juvenile facilities operated by the Probation Department. Both adult and juvenile facilities have been affected by passage of California Assembly Bill 109, (AB 109) the “California Public Safety Realignment Initiative,” which became effective in 2011.

AB 109 diverted certain categories of felons to serve their sentences in county jails instead of state prisons, which means that inmates traditionally sentenced to state prison for most non-violent or non-sexual felonies are now housed in County jails. With the exception of the Central Jail, all of the adult institutions the Grand Jury visited are currently under their maximum capacity and the number of inmates is steadily decreasing. The reasons for this decline include the following voter-approved changes to California law:

- **Proposition 36** made many non-violent drug offenders eligible for probation rather than incarceration.
- **Proposition 47** provides for the reclassification of many previously filed felonies, which are now being charged as misdemeanors.
- **Proposition 57** changed juvenile policies to emphasize rehabilitation over placement at Juvenile Hall.

¹ California Penal Code section 929 mandates that reports of the Civil Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

Inmate Housing

The San Diego County Sheriff's Department uses a classification system to house inmates.² Classifications take into account such factors as age, gender, health, gang affiliation, criminal sophistication, the need for protective custody, and many other factors. This system results in inmates being assigned one of six different levels of security risk.

San Diego Central Jail (built in 1998), Vista Detention Facility (built in 1978) and South Bay Detention Facility (built in 1982) are outdated jails originally intended for booking and housing misdemeanor offenders and inmates awaiting court proceedings. Felons doing sentences of one year or longer were sent to state prisons. Inmates were rarely incarcerated at county jails for more than one year. However, due to the mandates of AB 109, inmates with longer sentences are now housed in facilities never designed nor intended for long-term occupancy.

Several County detention centers are located in Otay Mesa, adjacent to the U.S./Mexico border. These include the George Bailey Detention Center, Facility 8 and the East Mesa Reentry Facility. Another nearly identical adult facility, Rock Mountain, also at Otay Mesa, is projected to open soon, but the completion date continues to be delayed. The Sheriff's plan is for Rock Mountain to replace South Bay Detention Facility.

Facility 8 and George Bailey Detention Centers are nearly identical in design. However, George Bailey houses over 1,000 inmates of various types and classifications, and Facility 8 accepts only low- and medium- risk inmates, housing only 183 inmates at the time of Grand Jury inspection. Outside yards for recreation are available at these facilities. Inmates with mental health or serious medical issues are not sent to Facility 8.

Most female inmates are housed at the Las Colinas Detention Facility. This is the newest County detention facility and is modeled after a college campus. Some females are booked into the Vista Detention Facility and, if detained, transported later to Las Colinas. Mental health services are available at Las Colinas and 32 beds are dedicated for "return to competency" treatment.

Mental Health Concerns

All California counties are required, by law, to provide psychiatric services during incarceration, and after parole from state prisons. Failure to provide needed mental health care has been ruled as constituting "cruel and unusual punishment."³

The Lanterman-Petris-Short Act (LPS), codified in the California Welfare and Institutions Code, allows for individuals to be placed, involuntarily, in a locked psychiatric unit if they are found *gravely disabled* or a danger to themselves or others. Sections 5150 and 5250 describe 72-hour and 14-day holds, respectively, that can be placed on individuals after assessment by a peace

² San Diego Sheriff's Department Detention Services Bureau Manual of Policies and Procedures (2018) (<https://www.sdsheriff.net/documents/dsb-201503.pdf>)

³ Supreme Court of the United States, *Brown v. LaPlata, et al*, (2011) 563 U.S. 493

officer, registered nurse, medical doctor, or certain other categories of people. Inmates subject to this kind of hold may also be housed in the San Diego Central Jail Psychiatric Stabilization Unit (PSU). Inmates with less serious psychiatric problems may be housed in other detention facilities. Inmates with mental health needs are dispersed throughout the correctional system, depending on specific housing determinations. For example, a relatively stable inmate with depression may have a classification which only allows housing in a particular facility.

San Diego Central Jail (SDCJ) is the largest mental health facility in the County. The sixth floor houses a PSU, with 180 beds dedicated to inmates with serious mental health needs. Thirty of those beds are reserved for “return to competency” treatment. Many inmates found mentally incompetent to stand trial are housed in the San Diego Central Jail. These inmates would normally be transported to state hospitals, but those institutions have limited availability and long waiting lists for admission.

About 30% of the County’s approximately 6,000 inmates are on prescribed psychotropic medication. In 2017, Sheriff Bill Gore publicly stated, “*On any given day about 2,000 county inmates are on some kind of psychotropic drug.*”⁴ A relatively small percentage of those medicated are housed in psychiatric units. Other inmates have some access to treatment when requested, such as appointments when professionals are available. Realizing the need for change, on November 15, 2016, the San Diego County Board of Supervisors adopted a resolution to support the *Stepping Up* initiative, a nationwide effort to provide mental health services in lieu of incarceration.⁵

Booking procedures at Central, Vista (VDF) and Las Colinas (LCDF) jails screen for mental health issues. Arrestees suffering psychiatric emergencies are transported to the County Psychiatric Hospital, just as those with serious medical conditions are transferred to local emergency rooms. Treatment programs for inmates with mental health issues are increasingly necessary in California as their percentage of the jail population has increased.⁶

Concurrent conditions of drug use and mental health issues, or “dual diagnosis,” present a difficulty for mental health professionals. Methamphetamine addiction, in particular, contributes to the number of inmates with psychiatric problems. Withdrawal from drugs can be fatal and requires qualified medical personnel on staff.⁷ The Grand Jury learned that psychiatric professionals are in such high demand that the County has a problem recruiting and retaining

⁴ Alvarez, J. A. (July 19, 2017). *CountyNewsCenter*. Retrieved from CountyNewsCenter.com.

⁵ Rise Haneberg, et al, “*Reducing the Number of People with Mental Illnesses in Jail*” January 2017 (https://stepuptogether.org/wp-content/uploads/2017/01/Reducing-the-Number-of-People-with-Mental-Illnesses-in-Jail_Six-Questions.pdf)

⁶ Stanford Justice Advocacy Project (2018) *The Prevalence and Severity of Mental illness among California Prisoners on the Rise* (<https://law.stanford.edu/publications/the-prevalence-and-severity-of-mental-illness-among-california-prisoners-on-the-rise/>)

⁷ Federal Bureau of Prisons (2018) *Detoxification of Chemically Dependent Inmates* (<https://www.bop.gov/resources/pdfs/detoxification.pdf>)

sufficient staff. Witnesses testified that the shortage of psychiatric professionals is a growing nationwide problem.

A situation arises for inmates who have served their sentences but still remain gravely disabled and/or are a danger to themselves or others or were never restored to competency. These individuals may be found “non-restorable,” and a judge can order that they remain incarcerated. Because they no longer serve criminal sentences, different rules apply for their housing and hours, and their status requiring incarceration is also regularly reviewed by the court pursuant to California Penal Code 1370(c)(1).⁸

The County of Los Angeles faced a similar challenge caring for the mental health of a large number of inmates. Following a public outcry, the Los Angeles County Board of Supervisors recently voted to tear down its aging Men’s Central Jail holding over 4,000 inmates in favor of a Mental Health Treatment Center able to house over 3,800 patients, including inmates. The final design may not consist of one facility, but instead construction of several localized sites using those funds. The Los Angeles Department of Mental Health will staff the facility with a limited number of deputies providing security.⁹

A number of programs are being introduced in San Diego County to intervene before mental illness results in incarceration. A Behavioral Health Court is available for diversion into counseling and psychiatric services, while offenders are placed on probation for various offenses. A new California law, codified in Penal Code sections 1001.35 and 1001.36, opens up pre-trial diversion for certain mentally ill defendants.¹⁰ The Sheriff also uses Programming for Reentry, Support and Stability (PROGRESS), for inmates already incarcerated who can be rehabilitated better in treatment programs than in jail. Inmates with mental health issues spend a longer time in jail than other inmates. The *Stepping Up* Initiative hopes to alleviate that situation.¹¹ Reduced inmate population raises the question of how best to utilize facilities operating well below rated capacity. Major changes may be necessary to accommodate the increasing need for psychiatric care.

The Reality of Suicide

Suicide is a leading cause of death among inmates in local jails in the United States.¹² San Diego County jails have been criticized many times over the past decade for their high suicide rates.¹³ Disability Rights California (DRC), a non-profit agency that advocates for people with disabilities,

⁸ California Penal Code section 1370 et seq.

⁹ Lau, M., Los Angeles Times (February 13, 2019) *County Oks Central Jail Tear Down* (<https://www.pressreader.com/>)

¹⁰ Wahn, A.K., (2018) *California’s New Mental Health Diversion Law* (<http://www.aleidalaw.com/californias-new-mental-health-diversion-law-criminal-offenders-receive-treatment/>)

¹¹ Rise Haneberg, et al, pg. 7, “*Reducing the Number of People with Mental Illnesses in Jail*” January 2017 (Ibid)

¹² Gallagher, M. (2018). *Suicide in Prisons and Jails: A Growing Concern*. O’Neill Institute for National and Global Health Law. (<http://oneill.law.georgetown.edu/suicide-in-prisons-and-jails-a-growing-concern/>)

¹³ Hacket, A. (June 11, 2018) Pacific Standard “*Is San Diego County Failing Its Most Vulnerable Inmate Population*” (<https://psmag.com/social-justice/is-san-diego-county-failing-its-most-vulnerable-inmate-population>)

conducted an investigation of suicides in San Diego County jails and published a critical report in April of 2018. San Diego County jails have seen more than 120 deaths since 2007, including 30 suicides.¹⁴ After a San Diego *City Beat* investigation¹⁵ determined the average mortality rate in local jails over six years was the highest among California's 10 largest lockups, the Sheriff's department put new measures in place to better identify and monitor suicidal inmates.¹⁶

Four suicides occurred at San Diego County jails in 2018. On October 8, 2018 an inmate killed himself the same day he was booked into San Diego Central Jail. The Sheriff's Department reported he used food to suffocate himself while he was being housed in a unit designed for suicidal inmates.¹⁷ On March 28, 2018 an inmate killed himself at South Bay Detention Facility (SBDF), using cloth from bedding strung through a vent cover in the inmate's cell.

The design defect with vent covers in the cells at SBDF, i.e., the ability to use them to support a ligature, was known prior to the March suicide, and a program to replace/modify the vent covers had begun but was stopped due to budgetary concerns. To date the Sheriff's Department has not remedied the problem. The explanation provided to this Grand Jury was that the vent repair project was placed on hold due to the cost and a delay in renovation of Rock Mountain, which is expected to replace SBDF.¹⁸

The aforementioned Rock Mountain Facility is a County detention facility, previously leased to a private detention company, but currently unoccupied and undergoing renovations. The Sheriff's Department has reported that Rock Mountain will be opening soon, but the date has been delayed.

Other Issues

The Grand Jury was advised that the body scanner at the Central Jail used to screen for concealed drugs and weapons needs updated software. The software is available, but the County is prevented from acquiring it due to the terms of their maintenance contract for the body scanner.¹⁹ The Grand Jury recommends the Sheriff's Department find a way to update the scanners.

The designs of the Vista and South Bay detention facilities include little or no outside area where the sky is visible. At SDCJ the roof was previously used for inmate recreation, but now the recreation area is an enclosed concrete room with large windows high above the floor. The Grand Jury recommends inmates should not be housed in these older facilities for more than

¹⁴ Id. (Hacket, 2018)

¹⁵ City Beat (March 27, 2013) *How Many Inmate Deaths is Too Many (Part One of Five Parts)* (<http://sdcitybeat.com/news-and-opinion/news/many-inmate-deaths-many/>)

¹⁶ San Diego Union Tribune (September 16, 2018) *Recent Inmate Death was Third Jail Suicide this Year.* (<https://www.sandiegouniontribune.com/news/public-safety/sd-me-jefferson-suicide-20180913-story.html>)

¹⁷ Id. (San Diego Union Tribune)

¹⁸ California Penal Code section 929 requires that reports of the Civil Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

¹⁹ Id.

one year at a time due to lack of adequate natural sunlight and/or outdoor recreation. This deficiency has been noted in prior San Diego County Grand Jury Reports (2017/2018, filed May 29, 2018) and has yet to be adequately addressed. Older facilities could be used for booking, holding inmates incarcerated for shorter terms and for housing during specific rehabilitation programs.

Rehabilitation and Reentry

The Grand Jury wishes to commend the various efforts at rehabilitation and reentry that it observed during its visits. The San Diego County Sheriff's Detention Services unit has instituted rehabilitation and reentry programming throughout the system. The East Mesa Reentry Center located at Otay Mesa is designated to serve inmates willing to participate in rehabilitative programs. These programs offer inmates incentives such as personal privileges, less restrictive housing, opportunities to work outdoors, and shortened sentences for good conduct. The reentry programs include drug rehabilitation and mental health counseling programs, academic classes, work within the facilities for a small wage, and vocational training for placement outside. At the Vista Detention Center, it is noted that The Veterans Moving Forward Program continues to be recognized for its rehabilitative value.

The Central Production Plant, which handles most of the food preparation for both adult and juvenile detention facilities, is also located in Otay Mesa. The Central Production Plant contains food preparation and storage operations for thousands of inmate meals per week, a working print shop able to satisfy many of the County's printing needs, laundry facilities, wood shops and bicycle repair. Some inmates work at Central Production, and inmates also do maintenance and janitorial work at other detention facilities, under supervision by Sheriff's officers or civilian staff.

Reentry programs are also available for Las Colinas inmates, with incentives to progress into much less restrictive housing, and ultimately, placements after release from jail. Many inmates are given the liberty to walk unescorted outdoors between buildings to get to the mess hall, to classrooms, or to vocational training areas. In general, the reentry programs available at both Las Colinas and East Mesa Reentry facility should reduce recidivism, particularly if the general economy has jobs for inmates upon release.

Family Visitation

Family visitation is an important tool of rehabilitation, especially for juveniles. Four County detention facilities (3 adult and 1 juvenile) with a combined total of approximately 3,000 inmates are located in Otay Mesa. In addition, a state and federal prison, as well as immigration detention facilities are located in Otay Mesa.

Visitation for families of inmates to Otay Mesa is difficult. The closest Metropolitan Transit System (MTS) bus line terminates 5.4 miles away. The nearest trolley station is over 10 miles away. Downtown San Diego is over 20 miles away.

The Grand Jury suggests that the County, in coordination with the San Diego Sheriffs' and Probation Department, explore options for providing transportation alternatives for family visitation to the Otay Mesa detention facilities. Options for them to study could include utilizing the County's iCommute program, small County buses, ride share transportation etc. Given the proximity of state and federal facilities, it may be beneficial to coordinate efforts with state and federal authorities.

Juvenile Facilities and Services

The juvenile facilities (Juvenile Hall, East Mesa Juvenile Detention Facility and Urban Camp) are operated by the San Diego County Probation Department (Probation). Juveniles are required to attend classes regularly and much of their day revolves around schooling, recreation and meals. The East Mesa Juvenile facility is only for boys. There were 112 juveniles housed there at the time of inspection by the Grand Jury. Forty boys were housed there for long terms, resulting from serious offenses, or were there awaiting court proceedings. Most juveniles are in custody for a much shorter time than adults. At the Kearny Mesa Juvenile Detention Center, the average stay in custody is only 18 to 21 days. The population of juveniles at that facility was 83 boys and 42 girls, with separate housing units for each. There is a third separate program at the Kearny Mesa location called Urban Camp.

In order to intervene before minors become involved in the justice system, San Diego County has begun to use the *Youth in Custody Practice Model* (YICPM) developed by Georgetown University.²⁰ Informed by research on "what works" in serving youth in custody, as well as professional standards and the field's preeminent thinking on best practices, the Youth in Custody Practice Model (YICPM) initiative is designed to assist state and county juvenile correctional agencies and facility providers to implement a comprehensive and effective service delivery approach.²¹ The Crossover Youth Practice Model (CYPM) is also being used for youth coming out of foster care. As a result of these efforts and others, the juvenile system in San Diego County has undergone a transformation resulting in a significant reduction in the juvenile population in detention. The juvenile facilities were operating with approximately half the population the facilities were designed to hold.

FINDINGS

Finding 01: A preventable suicide risk exists at South Bay Detention Facility.

Finding 02: The San Diego County Sheriff's Department provides mental health treatment to an increasing number of inmates, some of whom could be better rehabilitated in other facilities.

Finding 03: The older facilities were not designed for inmates serving long sentences and are outdated for current use.

²⁰ Georgetown University, McCourt School of Public Policy, Center for Juvenile Justice Reform, 2019 (<https://cjjr.georgetown.edu/our-work/yicpm/>)

²¹ *Youth in Custody Practice Model*, id.

Finding 04: Several detention facilities, both adult and juvenile, are located at Otay Mesa, an isolated area which is difficult for families of inmates to visit.

RECOMMENDATIONS

The 2018/2019 San Diego County Grand Jury recommends that the San Diego County Sheriff's Department:

- 19-20:** As soon as possible replace or modify the vent covers at South Bay Detention Facility (using 24-hour emergency purchasing procedures) to prevent further loss of life.
- 19-21:** Study and consider the decision made by the Los Angeles County Board of Supervisors to centralize mental health treatment of inmates.
- 19-22:** Study and consider transportation options for family visitation to the Otay Mesa detention facilities.

The 2018/2019 San Diego County Grand Jury recommends that the San Diego County Probation Department:

- 19-23:** Study and consider transportation options for family visitation to the Otay Mesa 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:

Responding Agency	Recommendations	Date
San Diego County Sheriff's Dept.	19-20 through 19-22	7/29/19
San Diego County Probation Dept.	19-23	8/14/19

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