# REPLACE LAS COLINAS NOW!!

#### **SUMMARY**

Las Colinas Women's Detention Facility (hereinafter referred to as Las Colinas) in Santee, was visited by the 2006-2007 San Diego County Grand Jury in September 2006. (Ref.: Conditions and Management of Detention Facilities in San Diego County filed May 29, 2007). At that time, the Jury was surprised and appalled by the condition of the facility. It was expected to be old, but it was deficient in so many areas that the decision was made to launch an investigation to learn more. The Grand Jury learned from interviews with key officials from Santee, the County of San Diego and the San Diego County Sheriff's Department that plans for replacing Las Colinas have been on the table for many years. Thus far, nothing has been settled that would allow the work to begin. Each agency we contacted had a different excuse for no agreements having been reached. It was decided, therefore, to initiate a study to determine why the deteriorating conditions persist and what is taking so long to get the construction, projected to take up to five years, started.

### **PURPOSE**

The Grand Jury undertook this investigation to identify the following issues, determine why they still exist and find a solution to the problems blocking the way for Las Colinas to be replaced:

- Many of the buildings are in disgraceful condition.
- Overcrowding is critical.
- An agreement has been in existence between the City of Santee and the County of San Diego to rebuild Las Colinas since 1996 (Appendix A).
- Delays in replacing this institution have forestalled badly needed expansion.
- Delays in replacing Las Colinas have reduced living conditions to borderline humane.

### **PROCEDURES**

#### Interviews:

- San Diego County Sheriff's Department officials
- Officials from San Diego County government
- City of Santee officials
- Las Colinas Women's Detention Facility personnel

#### Reviews:

- Previous Grand Jury Reports regarding status of Las Colinas Women's Detention Facility
- Title VII of the Civil Rights Act of 1964
- Title 15 California Code of Regulations, Minimum Standards for Local Detention Facilities, *Inmates*
- Title 24 California Code of Regulations, Minimum Standards for Local Detention Facilities, *Facilities*
- State of California-Department of Corrections and Rehabilitation, Corrections Standard's Authority's March 10, 2006 report, 2004/2006 Biennial Inspection – Penal Code§ 6031
- 1988 San Diego County Superior Court Case No. 596836, the City of Santee and the County of San Diego, contesting the adequacy of the Environmental Impact Report for the expansion of Las Colinas Women's Detention Facility
- September 17, 1996, Settlement Agreement and Release of All Claims between the City of Santee and the County of San Diego

#### Visits:

- Las Colinas Women's Detention Facility September 20, 2006, and March 7, 2007
- Santee City Hall Civic Center scoping meetings, September 20, 2006, and October 5, 2006. *Notice of Preparation of Environmental Impact Report for Las Colinas Detention Facility*

### DISCUSSION

When retired New York Yankee catcher and Baseball Hall of Fame player Yogi Berra coined the phrase, "It's déjà vu all over again," little did he know how that redundancy would apply to the expansion and construction dilemma of the Las Colinas Women's Detention Facility, managed and operated by the San Diego County Sheriff's Department. When the Grand Jury initiated its investigation, it was with the clear understanding that previous Grand Juries had visited Las Colinas and five of the past six reports recommended Las Colinas needed to be replaced immediately.

Representatives from the San Diego County Sheriff's Department have testified before the Grand Jury that what became Las Colinas was originally built in the 1960s as a juvenile detention facility. The original construction was concrete block. In 1977, the facility was converted to an all women's institution. At that time, temporary buildings were erected to house the ever increasing population. These temporary buildings had a predicted usable life of five years. Twenty-five years have elapsed since the buildings outlived their life expectancy.

When the Grand Jury visited Las Colinas, it was found to be deficient in several major areas. The first problem was capacity versus population. The latest data from the California Department of Corrections and Rehabilitation, Corrections Standards Authority (CSA) confirm the rated capacity for Las Colinas is 400 inmates while the average daily population is 675. This equals 169% of authorized capacity. To accommodate the overcrowded conditions, three tier bunk beds have been utilized. Each temporary dorm houses 64 women, 32 in each half of an open floor plan divided by a bathroom containing four showers, five toilets and six sinks. To say that this is inadequate is an understatement when compared to male facilities observed by the Grand Jury. Personal hygiene facilities are in noncompliance with sections 470A.3.1, 470A.3.2 and 470A.3.4 of Title 24, California Code of Regulations, Minimum Standards for Local Detention Facilities.

On the initial Grand Jury visit to Las Colinas, it was also discovered that the floor of at least one dorm was caving in. The panels actually gave under the weight of each juror walking over them because of structural deterioration from moisture exposure since Las Colinas is located adjacent to the floodplain of the San Diego River. Over the 30-year utilization of the modular building, the steel support beams of the floor construction have weakened from rust. The bases of the wood wall framework of these buildings have also weakened due to rot. This is a potentially dangerous situation. Sheriff's Department representatives have testified that a major renovation project to correct this structural deterioration was initiated in the fall of 2006. Before this project could begin 128 female inmates from two Las Colinas modular buildings had to be relocated to Vista Detention Facility (VDF). The building's floors and support systems were demolished and replaced with gravel fill and concrete. The rotted wood framing was replaced. A noteworthy example of the weakened structural condition of these buildings was reported by a Sheriff's Department representative that on two occasions, heat and sparks from steel cutting torches ignited the rotted wood wall framework during demolition. The fires, potentially threatening to inmates and staff were quickly extinguished.

In addition to the inmate dorms, the main dining hall must be renovated because the kitchen floor is caving in. This presents major problems inasmuch as inmates will have to eat in a much smaller dining hall while renovations are being done. It puts pressure on deputies because of the increased number of meal periods (inmates are allowed fifteen minutes to eat) that will be needed to accommodate them. This renovation project has been budgeted at \$125,000 per building.

Las Colinas contains 13 temporary buildings. Eight house inmates. These inmates are primarily minimum security since 98% of arrests are drug or alcohol related.

The permanent, concrete block buildings house maximum and medium security inmates. One building houses inmate workers (inmates who work around the facility and receive a small wage to be used in the detention facility commissary).

One permanent structure houses maximum security as well as intake, medical and visitation facilities. This building contains a single sobering cell and two safety cells (woefully inadequate for the rapidly growing number of inmates). The medical unit has eight beds; psychiatric sixteen.

Among its many problems, Las Colinas is deficient in services to inmates due to a lack of space. For example, classes and programs are hampered because there is not enough room to house them, leading to long waiting lists for inmates who wish to take advantage of them. The outdoor yard areas of the facility are so small that if all 64 inmates in one given modular were outside at the same time, there would not be enough room to move around. This is not the case in men's detention facilities.

Jail overcrowding is a major problem in San Diego County. Since male inmates outnumber female by 6:1 it is understood several men's facilities have been upgraded and new ones built for the constantly growing jail population. Just because there are fewer women committing crimes, can the County justify not building them a new jail?

In addition to Las Colinas, Vista Detention Facility (VDF), a north San Diego County location where males are booked and housed, is a secondary female booking and housing facility with 40 female inmate cells. Cells there have two beds, a sink and toilet. This is the case in most of the men's facilities. When several Vista inmates recently transferred from Las Colinas were queried, their responses were unanimous that Vista "beat the hell out of Las Colinas." This in no way detracts from the fact they are inmates incarcerated for a good reason. However, parity with the male institutions is required and humane living conditions are mandatory.

It has been argued that male prisons require more steel and concrete because of the increased propensity of men for violence and destruction of their surroundings. This does not justify less violent women being housed in inferior structures with less than adequate facilities and services.

County officials repeatedly testified that no gender bias exists or is practiced. Some even claim that San Diego County could successfully defend itself in a gender discrimination lawsuit. Is it not irresponsible to expect taxpayers to pay for the defense of such a lawsuit?

### City of Santee – The Hills (Las Colinas) Are Alive With the Sound of NIMBY

Las Colinas occupies 15.98 acres adjacent to the original Edgemoor Skilled Nursing Center in Santee. The County plan to rebuild and expand suggests that the new facility will occupy 42.3 acres on the razed Edgemoor property and will be accessible to the public on Magnolia Avenue. This situation has engendered vehement objections from some residents and officials of the City of Santee.

On September 20, 2006, in compliance with the California Environmental Quality Act (CEQA) guidelines (Appendix B), the San Diego County Department of Public Works, Environmental Services Unit met at the Santee City Hall Civic Center to inform the public of the preparation of an Environmental Impact Report (EIR) for the planned expansion of Las Colinas. This meeting, attended by only 50 citizens and one member of the Santee City Council, was subsequently called into question because the County notified only those real property owners within 500 feet of Las Colinas.

On October 5, 2006, a second EIR public scoping meeting was held at the Santee City Hall Civic Center after more extensive residential notification. Grand Jurors witnessed approximately 200 Santee residents in attendance, or approximately two fifths of one percent of the current population. Also attending were officials of the City of Santee, representatives of the County of San Diego and members of the local news media. Significant to note was the absence of high level elected officials of San Diego County. After a presentation of EIR factors (Appendix C) pursuant to CEQA guidelines, the Mayor of Santee stated at that meeting and as quoted in a *San Diego Union-Tribune* article, published October 7, 2006, "This rips out the heart of our city," while referring to his vision of Santee as the "La Jolla of East County." Santee residents and other elected City officials in attendance echoed similar "not in my backyard (NIMBY)" comments such as:

- "We will fight you tooth and nail before we allow you to expand your jail"
- "Get it out of Santee"
- "Look around at Santee. The development is family oriented. A prison does not fit here. It does not make sense" and
- "There's not one person even on the fence about it. Everybody I'm hearing from is adamant they don't want it moved onto Magnolia (Avenue) and most of them want it moved out of town completely."

The proposed size of the new facility is an issue with the City of Santee. According to the September 17, 1996, Settlement Agreement and Release of All Claims (Appendix A), The County of San Diego and the City of Santee agreed that a new facility would be "of substantially similar size and capacity." Santee argues that the County violated this agreement when plans for the new jail were enlarged to 42.3 acres from the current 15.98 acres. If Santee contests this enlargement, it may be subject to an act of rescission by the County for the 55 acres of parkland annexed to them in consideration of the Settlement Agreement. The City of Santee argues that a jail of this size will not be erected in Santee. Mayor Randy Voepel stated in an interview with The East County Californian on November 23, 2006, "I don't fight many battles, but when I do there is no messing around. This is the hill I am willing to die on." However, the agreement does not absolutely limit the size and configuration of a Las Colinas replacement, it only requires a new Environmental Impact Report should there be any deviations.

Of grave concern to many Santee residents is the proposal to have public access to Las Colinas from Magnolia Avenue, a major north/south thoroughfare. Magnolia Avenue separates residential neighborhoods from county property under consideration. Additionally, a children's daycare center is located on Magnolia Avenue adjacent to the county property. Residents argue that the construction plan proposed in the EIR would adversely impact their neighborhood and daycare center operation.

Santee was incorporated as a city in 1980 with subsequent residential construction and business development. This incorporation was long after the initial juvenile facility construction in the 1960s and approximately three years after Las Colinas was firmly established in 1977—long before the residential neighborhoods of Santee were developed. Of most significance, for at least 40 years, the County of San Diego has owned the property that Las Colinas and Edgemoor Skilled Nursing Facility occupy.

### San Diego County Arguments

County of San Diego officials seem to have differing opinions about the importance of Las Colinas in the County budget. In sworn testimony, one county official claimed that the reconstruction of Las Colinas is priority number one. Another more reluctant official from the same body said that it is not a high priority.

After review of County Capital Improvement Needs Assessments for FY 2006/2007 (CINA) documents, it was discovered that Las Colinas appears to be a high priority. The problem appears to be funding and its source. According to the official that claimed it was NOT a priority, the money simply isn't there. Another official testified that the only way it can be replaced is by floating a bond issue in the next general election (2008). An Environmental Impact Report was begun in September 2006. Even if this process is accelerated, it may not be completed in time for a 2008 bond issue vote. This could cause the construction funding delay to drag on for two more years! Assuming an accelerated EIR and bond approval, construction of this estimated \$150-\$200 million detention facility would not begin until 2010 or 2011. Realistically, a new facility would likely not be placed in service until late 2014/2015, approximately 26 years after the 1988 San Diego County Superior Court Case No. 596836 that predicated the *Settlement Agreement and Release of all Claims* of 1996.

If County officials can't agree on the priority for replacing Las Colinas, how are all the preliminary steps going to be impacted?

### San Diego County Sheriff's Department

Key members of the San Diego County Sheriff's Department were interviewed. Like other county agencies, Sheriff's Department officials acknowledge the need for a new Las Colinas Women's Detention Facility. There does, however, seem to be some disagreement within its own ranks regarding the urgency of this need and how to accomplish replacing the current Las Colinas.

The size and position of the new facility are serious sources of contention between the Sheriff's Department and the City of Santee. Sheriff's Captain Donna Collier, Facility Commander for Las Colinas stated in an article dated November 23, 2006 in *The East County Californian* that, "Community members don't like jails in their community, but they want us to arrest criminals – and when you arrest them, you have to put them somewhere." She further stated that: "The space we have is very limited and will not meet needs for much longer."

It is significant to note that while all parties acknowledge the need, none has expressed a clear position on how to accomplish the task.

## Facts and Findings

*Fact:* The San Diego County Sheriff's Department is responsible for the management and operation of seven independent detention facilities within the county.

*Fact:* Las Colinas is the *only* all-female detention facility of those seven.

*Fact:* The original concrete block buildings of the current Las Colinas were constructed in the 1960s for what was then a juvenile detention facility.

*Fact:* Las Colinas became a women's jail in 1977.

**Fact:** Las Colinas is the only county jail facility that uses temporary, modular buildings to house inmates. When modular buildings were constructed at Las Colinas, they had a life expectancy of five years. These buildings have remained in use approximately 25 years beyond their original life expectancy.

*Finding:* The modular buildings are of the same or substantially similar construction as those utilized as temporary classrooms on public school campuses.

**Fact:** The temporary classroom/modular buildings of public school campuses are occupied approximately eight hours per day, five days per week.

*Fact:* Unlike public schools, modular buildings at Las Colinas are utilized 24 hours per day, seven days a week.

*Finding:* Intensive reactive maintenance projects have prevented the total deterioration of the modular buildings.

*Fact:* Las Colinas is the primary booking and holding facility for women arrested in San Diego County with the exception of 40, two-bed cells set aside for women at the predominantly male Vista Detention Facility.

**Fact:** Las Colinas receives books and houses all levels of inmates from those accused of misdemeanors to violent felons.

*Finding:* Each and every woman in San Diego County is at risk of detention at Las Colinas if she makes one poor decision in violation of California law.

*Fact:* Las Colinas processed 15,396 bookings in the San Diego County Jail system in calendar year 2005: 12% of county total.

*Fact:* The State of California Department of Corrections and Rehabilitation, Corrections Standards Authority (CSA) has established a rated capacity of 400 inmates for Las Colinas.

*Fact:* Using CSA 2004/2006 Biennial Inspection data, Las Colinas maintains an average daily inmate population of 675, or 169% of rated capacity.

*Fact:* Approximately 73% of the Las Colinas inmate population is housed in modular buildings.

**Fact:** Every modular building has only four showers, five toilets and six sinks and houses 64 female inmates.

*Finding:* Shower, washroom and toilet facilities are inadequate for the number of inmates which is not in compliance with Title 24, California Code of Regulations.

*Fact:* The male booking and holding detention facility counterparts to Las Colinas are climate controlled concrete and steel structures improved as recently as 1998.

*Fact:* The Las Colinas booking and holding facility is a campus-style, open air environment of modular buildings with individual air conditioning systems subject to the vagaries of age, located in Santee, a significantly hotter section of San Diego County.

*Finding:* Gender bias is suspected when Las Colinas is contrasted with living conditions at male booking and holding facility counterparts.

*Fact:* County officials have testified before the Grand Jury that no gender bias exists within the San Diego County Detention system.

**Fact:** County officials have testified that San Diego County maintains a defensively strong position should a class action gender bias lawsuit be filed against the County of San Diego.

*Fact:* From previous San Diego County Grand Jury Reports:

- Recommendation 01-79 of the 2000/2001 San Diego County Grand Jury Final Report advised the San Diego County Board of Supervisors, "...seek funding to build a modern women's detention facility."
- Recommendation 02-43 of the 2001/2002 San Diego County Grand Jury Final Report stated the San Diego County Board of Supervisors should, "Proceed with construction of a replacement women's detention facility, now."
- Recommendation 03-72 of the 2002/2003 San Diego County Grand Jury Final Report advised the San Diego County Sheriff's Department and San Diego County Board of Supervisors, "Proceed with construction of a new women's detention facility as soon as possible."
- Recommendation 04-92-9 of the 2003/2004 San Diego County Grand Jury Final Report advised the Sheriff's Department that, "if construction of a new facility cannot proceed, then a major renovation effort should take place at Las Colinas Women's Detention Facility."
- Recommendation 06-61 of the 2005/2006 San Diego County Grand Jury Final Report stated the San Diego County Board of Supervisors and the Sheriff should, "identify ways to finance the construction of a new women's facility."
- Recommendation 06-61 response, "We agree with this recommendation and initial steps toward implementation have begun. In 1999, San Diego County undertook a study to determine the future facility needs of the detention system to 2020. Carter Goble Associates, Inc. was hired to conduct this study. One aspect of its study was a master plan for Las Colinas Women's Detention Facility. This master plan was based upon the decision of the County to replace the existing facility on the City of Santee site. Carter Goble completed its final report in October of 2000." The current Grand Jury testimony from officials within the Sheriff's Department determined that the cost of this study exceeded \$100,000.
- Recommendation 06-61 response continued, "Carter Goble then provided a new Las Colinas Detention Facility Development Plan on March 17, 2003. This plan included; Historical Inmate Population, Projected Inmate Population, Bed Space Summary, Site Size Requirements, Projected Construction Acreage Requirements and a Conceptual Site Master Plan."

*Finding:* Based upon the dearth of expansion construction of Las Colinas since the September 17, 1996 *Settlement Agreement*, certain high level elected county officials have discounted the recommendations of five of the six previous San Diego County Grand Juries; while other high level elected county officials have not aggressively pursued those recommendations on behalf of San Diego County taxpayers.

*Finding:* During the approximately two and a half years it took for Carter Goble to compile the new Development Plan, nearly 38,000 women were processed and housed in Las Colinas in buildings 21 years beyond their projected life expectancy at construction.

*Finding:* On March 07, 2007, the current Grand Jury witnessed the first completed renovation efforts to replace the rotten wood flooring of all modular buildings. Reportedly, the construction cost for the renovation project is \$125,000 per building. Approximately two and one half years have elapsed since the 2003/2004 Grand Jury recommendation to the date of renovation demolition.

*Finding:* The current Grand Jury heard testimony from a County official who admitted not inspecting Las Colinas in recent years.

*Finding:* Notwithstanding the annual recommendation of five out of six previous Grand Jury Reports that Las Colinas be replaced, one County official who had not visited there recently testified that replacement was not a high priority on past County-wide Capital Improvement Needs Assessments (CINA).

*Finding:* The Grand Jury heard testimony from a County official who claimed to have inspected Las Colinas within the past two years. This official was unaware of the rotting floors and the grossly insufficient bathroom facilities.

*Finding:* The San Diego County Sheriff's Department deflected suggestions of gender bias when interviewed. Officials who testified were confident in their defense against allegations such as this.

*Fact:* County officials testified before the Grand Jury that Capital Improvement Needs Assessment (CINA) prioritization and a lack of funding were the bases for disregarding recommendations to build a new, enlarged women's detention facility.

*Fact:* In June, 2006, the San Diego County League of Women Voters posted on their Smart Voter website the incumbent candidate statement for Sheriff of San Diego County. A quotation from that statement, "During my tenure, tough fiscal management has resulted in a budget surplus each year."

*Fact:* The Sheriff's Department has claimed a budget surplus of \$144 million over the past eleven years, (*San Diego Union Tribune, May 15, 2006*).

*Finding:* If those excess funds had been allocated to a Las Colinas construction trust fund, three quarters of the current proposed construction cost estimate would be covered.

*Fact:* County officials testified before the Grand Jury that CINA prioritization now has Las Colinas in the number one position, awaiting California funding from passage of a prison bond measure.

*Fact:* Assembly Bill 900, which authorizes \$750 million for additional county jail beds, was signed into law by Governor Schwarzenegger on May 3, 2007. This bill requires the County to match 25% of funding.

#### RECOMMENDATIONS

The 2006-2007 San Diego County Grand Jury recommends that the San Diego County Board of Supervisors and the San Diego County Sheriff's Department:

**07-95:** Come to an agreement on priorities that will pave the way for the replacement of Las Colinas Women's Detention Facility with all possible speed.

The 2006-2007 San Diego County Grand Jury recommends that the San Diego County Board of Supervisors, the San Diego County Sheriff's Department and the City of Santee officials:

**07-96:** Make a prompt, joint, unannounced visit to Las Colinas.

The 2006-2007 San Diego County Grand Jury recommends that the San Diego County Department of Public Works:

**07-97:** Encourage the firm producing the Environmental Impact Report to move posthaste to finish it.

The 2006-2007 San Diego County Grand Jury recommends that the City of Santee:

**07-98:** STOP trying to block efforts to replace and enlarge Las Colinas.

The 2006-2007 San Diego County Grand Jury recommends that the San Diego County Sheriff's Department:

**07-99:** Direct the Las Colinas Women's Detention Facility Maintenance Department to continue renovations of older, modular buildings until a new facility can be constructed.

**07-100:** Consider changing the planned replacement configuration of Las Colinas 90 degrees to a north/south orientation with a setback from Magnolia Avenue.

**07-101:** Should develop a shielding buffer zone and berm of trees and shrubs along Magnolia Avenue and continue public access to parking from Cottonwood Avenue to help address concerns of some Santee residents.

**07-102:** Decide on a final layout for a new detention facility, obtain final approval of architectural plans and *REPLACE LAS COLINAS WOMEN'S FACILITY NOW!!!* 

### **COMMENDATION**

The 2006-2007 San Diego County Grand Jury commends San Diego County General Services and Las Colinas Women's Detention Facility Maintenance Department personnel for their exemplary efforts to keep this jail open and operational. Because of their dedication, the facility stands today.

# 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 <u>elected County</u> official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
  - (1) The respondent agrees with the finding
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
  - (1) The recommendation has been implemented, with a summary regarding the implemented action.

- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<b>Responding Agency</b>	Recommendations	<b>Date</b>
San Diego County Board of Supervisors	07-95, 07-96	8/29/07
San Diego County Sheriff's Department	07-95, 07-96, 07-99 through 07-102	7/30/07
City of Santee, Mayor and City Councilmembers	07-96, 07-98	8/29/07
San Diego County Department of Public Works	07-97	8/29/07