



San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



William B. Kolender, Sheriff

William D. Gore, Undersheriff

June 25, 2008

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SAN DIEGO
COUNTY GRAND JURY

Honorable Kenneth So
Presiding Judge, San Diego Superior Court
County Courthouse
220 West Broadway
San Diego, CA 92101

Dear Judge So:

**Response to the San Diego County Grand Jury's Report Dated May 28, 2008,
"Conditions and Management of Detention and Other Law Enforcement Facilities
in San Diego County."**

Pursuant to California Penal Code Section 933, the following is my response to the Grand Jury's findings 08-01 through 08-16; 08-21.

San Diego Central Jail:

Grand Jury Finding 08-01:

"All areas were in compliance. Medical and mental facilities are outstanding. Weapons lockers were located outside the perimeter of the modules (cells) and were well secured. Rapid response staging areas for both disturbance and fire response were well equipped and organized. The staff kitchen area was clean and very well staffed. The recreation areas are Spartan but well maintained. Contact sports are not permitted."

Our Response:

We agree with this finding.

Grand Jury Finding 08-02:

"Increased access to reserved or free parking would help recruitment and morale."

Our Response:

"Keeping the Peace Since 1850"

ORIGINAL

We agree with this finding. The Sheriff's Department recognizes the impact limited downtown parking has on staff. Research was conducted to find some type of relief for the parking situation. Through a concerted effort between the Sheriff's Department, Deputy Sheriff's Association, County Labor Relations and County Auditor and Controller, the Department has worked out parking reimbursement for employees who work downtown and choose to carpool. Although not a perfect solution, this has enabled many employees to procure private parking spaces not previously affordable through a modification to the existing reimbursement practice.

Grand Jury Finding 08-03:

"The exterior and interior conditions of SDCJ were in very good condition for the most part. The Grand Jury did notice some areas around the shower areas in the modules that could use waterproofing maintenance. The jail facility overall was clean and well maintained."

Our Response:

We agree with this finding. The Sheriff's Department is committed to resolving the issue of water damage in the shower areas at the San Diego Central Jail (SDCJ). In addition to reactive and routine maintenance, aggressive measures have been taken to counter the moisture problem. There are two main factors that contribute to this ongoing maintenance situation. The procedure to properly renovate the shower areas involves the use of chemicals and epoxy that necessitate the long-term (several days per housing unit) removal of inmates from these areas. Currently, the system-wide inmate population does not generally allow for long-term closure of housing units. As such, and until other major renovation projects currently underway at the George Bailey Detention Facility are completed, SDCJ is forced to affect a less than optimal approach to dealing with this moisture problem.

As the inmate population allows, housing units are being temporarily closed which allow for the use of specialized equipment to remove existing damaged flooring. Some modules and respective shower areas have been painted. In September 2008, a major painting and waterproofing project is anticipated to begin at the San Diego Central Jail with emphasis on resolving the water damage issue through the application of proper epoxy resurfacing.

Grand Jury Finding 08-04:

"Education providing for high school graduation is available for those inmates who request it. Although the length of stay for most inmates is minimal, their education records travel with them when transferring to different facilities."

Our Response:

We agree with this finding.

South Bay Detention Facility:

Grand Jury Finding 08-05:

"The facility is aging with more and more basic maintenance required for continuous use. The staff and support personnel are to be commended in their dedication to the facility as well as getting needed upgrades to ensure safety and security for everyone."

Our Response:

We agree with this finding. It is reasonable to expect that as a facility ages, the amount of maintenance required to maintain acceptable standards would increase.

Grand Jury Finding 08-06:

"The computer components have been installed and all of SBDF staff has been issued new ID cards that will allow them access through the doors."

Our Response:

We agree with this finding.

George Bailey Detention Facility:

Grand Jury Finding 08-07:

"The efforts underway to recruit and hire custody/detention service deputies for all Sheriff's Detention facilities should continue to minimize understaffing."

Our Response:

We agree with this finding.

Grand Jury Finding 08-08:

"The educational and hands on training classes need to be expanded to further the efforts by staff to reduce recidivism by inmates."

Our Response:

We agree with this finding.

Grand Jury Finding 08-09:

“Certificates of training need to be further supported by outreach to the business community for potential hiring of inmates upon their release.”

Our Response:

We agree with this finding.

Las Colinas Women’s Detention Facility

Grand Jury Finding 08-10:

“While extensive rehabilitation has been undertaken, deferred maintenance at LCDF remains a problem due to its age and the fact that it was not designed to be a permanent facility.”

Our Response:

We agree with this finding. While some portions of the facility were in fact designed to be “permanent,” the facility as a whole has exceeded its useful lifespan and needs to be replaced with a contemporary design reflecting modern correctional facility standards.

Grand Jury Finding 08-11:

“These inequities raise substantial 14th Amendment issues regarding the equal treatment of detainees within our County, in addition to raising the possibility of lawsuits against the County concerning its violation of this provision.”

Our Response:

We recognize that a new women’s detention facility is desperately needed and replacing the existing facility remains an extremely high priority. The Sheriff’s Department is working with the County of San Diego to do so as expeditiously as possible. However, we strongly disagree that the condition of the Las Colinas Detention Facility (LCDF) violates the 14th Amendment guarantee of equal protection under the law.

The standards, policies, procedures and level of commitment to providing medical services to inmates are consistent throughout the Detention Services Bureau, irrespective of specific facilities or gender of the population contained therein. What cannot be argued is the fact that each facility’s dedicated medical services area will differ in size and design. While LCDF’s dedicated medical area may be aesthetically and logistically inferior to a new facility such as the San Diego Central Jail, the services available to both male and female inmates remain the same. The most recent biennial report from the Corrections Standards Authority inspection (February 2008) indicates

the facility is in compliance with all health and safety standards. The only area cited for non-compliance is for exceeding the Corrections Standards Authority's established rated capacity for LCDF. When Las Colinas exceeds this rated capacity, there are subsequent non-compliance issues related to the number of showers, toilets and washbasins, as well as available dayroom space. This is one of the driving factors in our effort to procure a new facility.

Further, the Las Colinas Detention Facility Medical Services Unit holds a two-year accreditation from the Institute for Medical Quality (IMQ). This is the highest level of accreditation available from the institute and is obtained through the demonstrated ability to meet high standards of medical care. Those standards exceed the minimum standards set by the Corrections Standards Authority.

Grand Jury Finding 08-12:

"The potential exists for a federal action concerning sex-based discrimination resulting from the noticeably inequitable detention and medical facilities at Las Colinas compared to male detention facilities in the County. Specifically, violations of the provisions contained in title IV of the Civil Rights Act of 1964 could cause the County to lose badly needed federal funds currently earmarked for Las Colinas."

Our Response:

We strongly disagree that the condition of the Las Colinas Detention Facility violates Title IV of the Civil Rights Act of 1964.

The San Diego Sheriff's Department recognizes the age-related degradation of the facility. We are diligently working to put in place the necessary components leading to replacement of the Las Colinas Detention Facility. The Sheriff's Department has made and continues, with a concerted effort, to address current health and safety concerns at the existing facility. These efforts are specifically focused on maintaining minimal standards and needs of the inmates and staff, while the work to complete environmental clearance, design, and to secure funding continues.

To infer there is gender based inequity in housing and medical facilities at the Las Colinas Detention Facility based on comparison with newer male facilities is problematic. The Sheriff's Department steadfastly adheres to the concept of providing the best and most professional level of housing and inmate services possible for all inmates, male or female.

Please see Grand Jury Finding 08-11.

Vista Detention Facility

Grand Jury Finding 08-13:

“The fire safety inspection identified a few minor deficiencies. The other required facility inspections were satisfactory.”

Our Response:

We agree with this finding. On January 9, 2008, the Vista Detention Facility was re-inspected to address the deficiencies cited in the previous Fire/Life Safety Inspection Report. Those deficiencies were identified as having been corrected with full compliance.

Grand Jury Finding 08-14:

“The use of overtime by administration is not a long-term answer to the staffing shortage.”

Our Response:

We agree with this finding. It is the goal of the Sheriff's Department to fill every authorized position.

Grand Jury Finding 08-15:

“Recruiting strategies for the hiring of sworn officers needs to be developed, as do strategies for the retention of existing staff.”

Our Response:

We agree with this finding.

As of June 6, 2008, staffing is at approximately 92 percent. The Sheriff's Department anticipates achieving 100 percent sworn staffing levels by the end of summer 2008. This is in contrast to the approximate 88 percent staffing level in place at the beginning of fiscal year 2007/2008. While current hiring practices appear to be effective, we recognize the importance of maintaining contemporary hiring strategies.

In part, to address the retention of existing staff, the current rank structure of detentions personnel has been expanded to include the rank of Sheriff's Detentions Commander. Subsequent backfilling has increased promotional opportunities and serves to improve staff personal growth, job satisfaction and morale.

Descanso Detention Facility

Grand Jury Finding 08-16:

"There is a very obvious pride and dedication by the sworn and non-sworn staff towards the inmates as well as the facility."

Our Response:

We agree with this finding.

East Mesa SDSD Complex Laundry, Food Processing, Commissary

Grand Jury Finding 08-21:

"The operations are very cost effective, saving the county monies by not replicating the laundry and food preparation, kitchen facilities at all other detention facilities."

Our Response:

We agree with this finding.

In closing, I would like to thank the Grand Jury for their efforts in working through this investigation.

If further clarification or additional discussion is needed, please feel free to contact Captain Ed Schroeder of our Detention Services Bureau at (858) 974-2179.

Sincerely,



William B. Kolender, Sheriff

WBK/eds

cc: Members, Board of Supervisors
Walt F. Ekard, CAO
Thomas Pastuszka, Director, Clerk of the Board
Michael R. Letendre, Foreman, 2007-2008 San Diego County Grand Jury