



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

PALOMA AGUIRRE
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

MONICA MONTGOMERY STEPPE
Fourth District

JIM DESMOND
Fifth District

DATE: November 4, 2025

01

TO: Board of Supervisors

SUBJECT

SHERIFF - APPROVE THE TERMINATION OF THE 30-YEAR JAIL OPERATING AGREEMENT AND THE 1994 AND 1998 JAIL MEMORANDUM OF UNDERSTANDING AGREEMENTS BETWEEN THE CITY OF SAN DIEGO AND COUNTY OF SAN DIEGO AND RATIFY AND APPROVE A NEW AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND COUNTY OF SAN DIEGO (DISTRICTS: ALL)

OVERVIEW

On March 22, 1994 (50), the Board of Supervisors approved a 30-year Memorandum of Understanding (MOU) between the City of San Diego (City), the City's Redevelopment Agency, and the County of San Diego (County) relating to the financing, construction, maintenance, and operation of a 900 bed, type-two detention facility, now known as the San Diego Central Jail which is located in the downtown area of San Diego. This MOU also outlined the operating agreement for Las Colinas Detention and Reentry Facility (LCDRF). Subsequent agreements identified dedicated bed space for certain misdemeanor arrestees booked by the City at the San Diego Central Jail and the LCDRF and extended the San Diego Central Jail agreement to 2028.

This is a request to authorize the Chief Administrative Officer to terminate the current 30-year Central Jail Facilities Lease agreement and the 1994 and 1998 MOUs, and to authorize the Clerk of the Board to ratify, approve, and execute, upon receipt, a five-year County Detention Facility Administrative Fee Agreement between the County of San Diego and the City of San Diego for payment of a jail administrative fee for the booking and release of certain misdemeanor arrestees by the City for the period of July 1, 2023 through June 30, 2028. A waiver of Board Policy B-29 is also requested as the effective date of this agreement will be July 1, 2023, to address the period of time when there was no agreement in place for female misdemeanor arrestees. Due to ongoing negotiations for a single agreement covering both male and female certain misdemeanor arrestees, a new, separate agreement for those female arrestees was not entered into after the previous agreement expired on June 30, 2023.

RECOMMENDATIONS

SHERIFF

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1. Authorize the Chief Administrative Officer to terminate the current 30-year Central Jail Facilities Lease, and the 1994 and 1998 jail Memorandum of Understanding agreements.
2. Authorize the Clerk of the Board to ratify, approve, and execute, upon receipt, a five-year County Detention Facility Administrative Fee Agreement between the County of San Diego and the City of San Diego, for payment of a jail administrative fee by the City for booking and release of certain misdemeanor offenders for the period of July 1, 2023 through June 30, 2028.
3. Authorize the Sheriff to execute all required revenue documents, including any extensions, amendments or revisions thereto that do not materially impact either the program or funding level.
4. Waive the Board Policy B-29, Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery that requires docketing revenue contracts with the Board at least 60 days prior to effective contract date.

EQUITY IMPACT STATEMENT

This proposed action will allow for the City of San Diego to serve its communities by ensuring that those arrested for certain misdemeanor crimes are able to be booked into custody and then released. This supports equity as booking individuals for misdemeanor offenses into jail is intended to: ensure accountability for unlawful behavior; provide a sense of justice and closure for victims; and maintain public safety and order. The Sheriff's Office prioritizes the health and safety of those in custody, which requires proactive and consistent compassionate evaluation of the incarcerated persons and diligent assessment of our detention facility environment.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to execute an agreement with the City of San Diego related to the jail access contributes to the County of San Diego's Sustainability Goal to provide just and equitable access. This request allows for the City of San Diego to book its misdemeanants into custody and will continue to allow the Sheriff's Office to provide for the booking and release of female City misdemeanants at the Las Colinas Detention and Reentry Facility (LCDRF), which is the most appropriate detention setting conducive to their needs. The LCDRF was specifically designed for the female members of our incarcerated population, which includes those impacted communities known to be or have been suffering from inequalities and inequities. The incarcerated individual's current situation should not equate to an environmental disadvantage or an obstacle to rehabilitation

FISCAL IMPACT

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Funds for this request are included in the Fiscal Year 2025-26 Operational Plan for the Sheriff's Office. If approved, this request will result in current year costs and revenues of approximately \$455,854. Subsequent years costs and revenues, for the remainder of the Administrative Fee Agreement, are dependent upon the actual number of City misdemeanants booked and released by the Sheriff's Office and will be included in future Operational Plans. The funding source is revenue from the City of San Diego. There will be no change in net General Fund cost and no additional staff years.

Terminating the 1994 Memorandum of Understanding (MOU) will result in lost potential revenue to the General Fund of approximately \$5.2M annually as prepaid rent for the housing of certain misdemeanants originating from arrests by City of San Diego (City) police officers if those misdemeanants were to be accepted for booking and housed. The City's \$5.2M payment offset the annual long-term debt financing payment associated with the San Diego Central Jail. The last financing payment was made on October 1, 2025. However, the amended 1998 MOU includes a provision that allows the City to withhold funds from the \$5.2M rent payment for each arrestee not accepted by the Sheriff under the booking protocol. Due to emergency precautions implemented during the onset of the COVID-19 pandemic, which were necessary to reduce the jail population, the City has not occupied the beds as provided in the MOU since March 16, 2020. Beginning on July 2, 2021, the Sheriff's Office started accepting those certain misdemeanor arrestees from the City, who previously qualified for bed space, solely as Book and Releases. Therefore, since no beds were utilized by the City as provided in the MOU, no funds have been due to the County since that time.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

On March 22, 1994 (50), the Board of Supervisors approved a 30-year Memorandum of Understanding (MOU) between the City of San Diego (City), the City's Redevelopment Agency, and the County of San Diego (County) relating to the financing, construction, maintenance, and operation of a new 900-bed, Type II arrestee reception center, subsequently known as the San Diego Central Jail. On June 9, 1998 (58), the Board of Supervisors approved the 1998 MOU between the City and the County concerning the financing, maintenance, and operation of the San Diego Central Jail. Under the terms of the MOU, the County provides up to 180 jail beds for male misdemeanants booked into the facility by the City of San Diego so the City of San Diego makes an annual payment of \$5,222,553 for prepaid rent in June of each year until the year 2028. The City of San Diego also pays the County a per diem rate for this bed space. The City's \$5,222,553

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payment offset the annual long-term debt financing payment associated with the San Diego Central Jail. The last financing payment was made on October 1, 2025.

The 1994 MOU referenced above also allowed the City of San Diego to use up to 60 County jail beds for female misdemeanants arrested in the City for charges not included in the Sheriff's Booking Acceptance Criteria (BAC). The Sheriff's BAC dictates what arrests (field charges/warrants/holds) can be accepted into Sheriff's custody for processing. The BAC changes periodically. The MOU provided that the Sheriff would determine the appropriate location for housing these female incarcerated persons.

On September 15, 1998 (10), the Board of Supervisors approved an operating agreement between the City and the County to provide for the use of up to 60 female jail beds at Las Colinas or other County detention facilities. The agreement was renewed and extended in amendments approved by the Board of Supervisors on August 4, 2009 (6), September 15, 2015 (1) and on June 25, 2019 (2). The agreement expired on June 30, 2023.

Actual use of these facilities by the City of San Diego for housing these certain misdemeanor arrestees who do not meet the BAC at the San Diego Central Jail has declined since these agreements were first negotiated. These individuals are processed as a book and release since July 2, 2021. With the new agreement, the City and the County have agreed that the City will be billed a jail administrative fee for the booking and release of these certain misdemeanor offenders which will be adjusted each fiscal year.

This request will also continue to provide for the booking and release of female City misdemeanants at the Las Colinas Detention and Reentry Facility (LCDRF). The LCDRF was specifically designed for the female members of our incarcerated population, which includes those impacted communities known to be or have been suffering from inequalities and inequities.

This is a request to authorize the Chief Administrative Officer to terminate the current 30-year Central Jail Facilities Lease agreement and the 1994 and 1998 MOUs, and to authorize the Clerk of the Board to ratify, approve, and execute, upon receipt, a five-year County Detention Facility Administrative Fee Agreement between the County of San Diego and the City of San Diego for payment of a jail administrative fee for the booking and release of certain misdemeanor arrestees by the City for the period of July 1, 2023 through June 30, 2028. A waiver of Board Policy B-29 is also requested as the effective date of this agreement will be July 1, 2023, to address the period of time when there was no agreement in place for those certain female misdemeanor arrestees. Due to ongoing negotiations for a single agreement covering both male and female certain misdemeanor arrestees, a new, separate agreement for those female arrestees was not entered into after the previous agreement expired on June 30, 2023.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

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Today's action supports the Community and Justice Initiatives in the County of San Diego's 2025-2030 Strategic Plan by ensuring that individuals charged with misdemeanor offenses are able to be booked into custody, which supports a fair and equitable justice system in the defense and prosecution of crimes, and helps to provide closure for victims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kelly A. Martinez". The signature is fluid and cursive, with the first name "Kelly" written in a stylized script and the last name "Martinez" in a more legible, though still cursive, font.

KELLY A. MARTINEZ
Sheriff

ATTACHMENT(S)
N/A