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May 23, 2016

**CONFIDENTIAL/ATTORNEY-CLIENT COMMUNICATION**

Charlotte Addington
Sonoma County Grand Jury
P.O. Box 5109
Santa Rosa, CA 95402

RE: County Detention Facilities

Dear Ms. Addington:

I have reviewed the above-entitled Grand Jury Report and in my opinion it:

Does not contain defamatory material. *Brooks v. Binderup* (1995) 39 Cal.App.4th 1289;

Meets the witness secrecy requirements. *McClatchy Newspapers v. Superior Court* (1988) 44 Cal.3d 1162, 1172-1178;

Is within the subject matter and geographic jurisdiction of the Grand Jury. *People v. Superior Court* (1973 Grand Jury) (1975) 13 Cal.3d 430, 437-438; *Board of Trustees v. Leach* (1968) 258 Cal.App.2d 281, 285; and,

Meets the requirement that "raw evidentiary material" not be disclosed, except as authorized by statute. *McClatchy Newspapers v. Superior Court* (1988) 44 Cal.3d 1162, 1178-1183; *Daily Journal Corp. v. Superior Court* (1999) 20 Cal.4th 1117. Please note, the prohibition in McClatchy does not extend to selective paraphrasing of testimony in findings that do not disclose the identity of the witness nor does it extend to quoting statements from public documents.

Please let me know if you have any questions or would like to discuss this further.

Very truly yours,

Jeffrey L. Berk
Deputy County Counsel

JLB:ao
cc: Judge Raima Ballinger

Approved: Raima Ballinger
Superior Court Judge

Date: June 7, 2016

# COUNTY DETENTION FACILITIES

## SUMMARY

California Penal Code Section 919 (b) mandates that grand juries inquire into the condition and management of public prisons within the county. The Sonoma County Civil Grand Jury (Grand Jury) interprets this section of the Penal Code to require the inspection of the adult detention facilities within the County. In addition, the Grand Jury opted to inspect the two County detention facilities that house juvenile offenders.

In Sonoma County there are four detention facilities. The Grand Jury inspected the Main Adult Detention Facility (MADF), the North County Detention Facility (NCDF), the Juvenile Justice Center (JJC), and the Juvenile Probation Camp (JPC). The adult facilities - MADF and NCDF - are administered by the Sonoma County Sheriff's Office. The juvenile facilities - JJC and JPC - are administered by the County Probation Department.

## BACKGROUND

This is a self-initiated report. No specific complaints of misconduct or abuse were received by the Grand Jury during the present term.

## METHODOLOGY

The Grand Jury conducted inspections at each of the facilities. Jury members met with command staff, managers, line staff and medical personnel and conducted interviews with detainees at several of the facilities. We inspected all housing modules, booking/intake areas, medical and pharmacy areas, kitchen and dining areas, control center and visitation areas. We reviewed the grievance procedures, educational and behavioral programs and recreational activities.

## DISCUSSION

### Adult Detention Facilities

The adult facilities (MADF and NCDF) continue to deal with a number of challenges, including staffing levels, mental health issues, lack of body cameras and overhead video in the housing modules, drugs and contraband. We also reviewed the inmate programs, educational classes and earthquake and disaster preparedness.

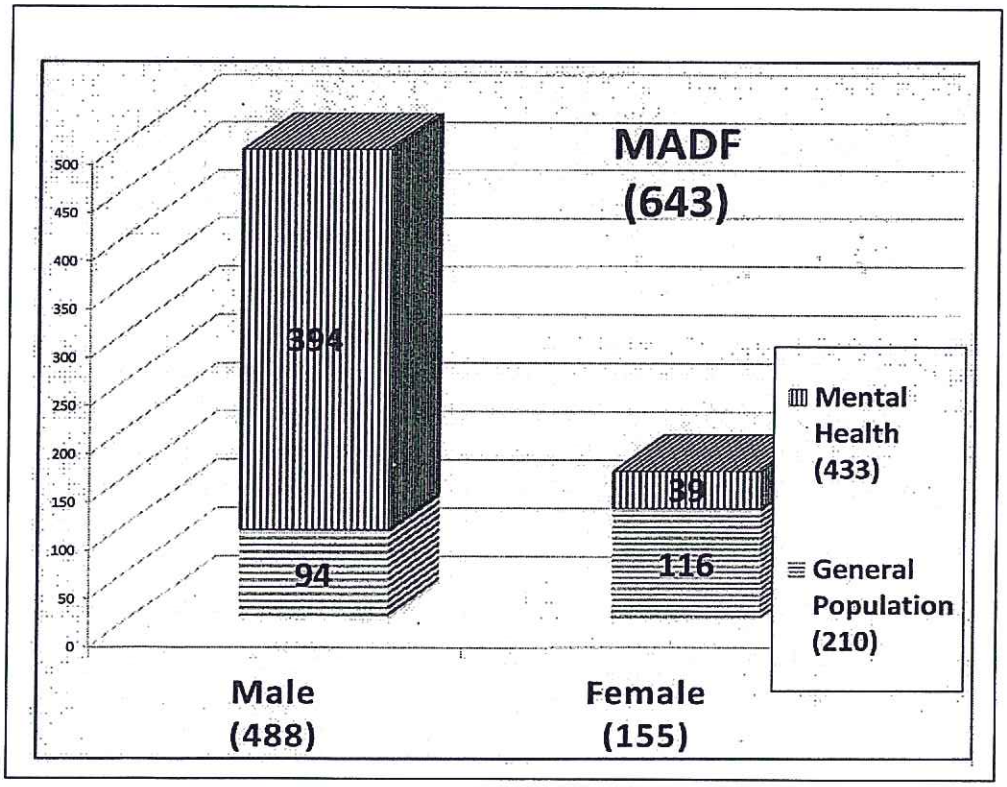
#### Main Adult Detention Facility

The MADF handles the processing, care and management of adult inmates. This is a medium- to maximum-security jail that houses male and female inmates for pre-trial, sentencing and short- to long-term incarceration. MADF consists of thirteen inmate housing modules, several with sub-modules. Modules contain single-and double-occupancy cells, a central open area with stationary tables and seating,

showers, phones, a television and a guard station. The Grand Jury observed MADF to be well maintained, clean and well lighted.

The maximum capacity of this facility is 918 inmates. On the day of our inspection, the inmate population was 643. An additional ninety-two inmates were temporarily being held at NCDF under maximum security, due to the remodel of a housing module in MADF. Since our inspection, the remodel of this housing module has been completed and is now operational.

At the time of our inspection, we were advised that forty-four inmates were housed at the Santa Rita Jail in Alameda County due to budget and staffing constraints. According to command staff, it is more cost-effective to house inmates at Santa Rita when there are fewer than the minimum number of inmates to justify housing them in one of the MADF housing modules. The practice of housing inmates in Alameda County will remain an option to minimize overtime and staffing shortages.




As the chart above shows, on the day of our inspection, two-thirds of the inmates were classified as having mental health issues – 394 male and 39 female.

Due to the nature of their crimes, 144 inmates are housed separately because of possible danger from other inmates. Twenty-seven inmates have been charged with murder. Approximately 30 percent of the inmate population has some type of gang affiliation. A member of the MADF Gang Taskforce identifies and segregates gang members at the time they are booked.

MADF is currently operating with an average inmate population of 79 percent of capacity. Assembly Bill 109, the Public Safety Realignment Act, took effect in October 2011. This legislation mandated that California reduce inmate population in its State prisons. To achieve that goal, individuals sentenced for non-violent and non sex-related offences serve their sentences in county jails instead of a State prison. Prior to the implementation of this Act, inmates could be sentenced to county jails for a maximum of one year. As a result of realignment, inmates at MADF are now serving sentences of up to fifteen years. MADF was built and occupied in 1991. This facility was not designed to hold long-term inmates and lacks adequate recreation and outdoor access.

California Proposition 47, implemented in 2015, converts the sentences of non-violent drug and property offences from felonies to misdemeanors. Proposition 47 affects future convictions and allows for individuals currently incarcerated for the covered offenses to petition the courts for resentencing. In time this law is expected to reduce overcrowding at MADF and State prisons.

**North County Detention Facility**

This facility houses low-risk male inmates transferred from MADF. Eligibility for transfer is determined by a risk assessment conducted by MADF staff.

The Grand Jury observed the housing modules at NCDF to be secure, clean and well-lighted. The grounds within this facility are only adequate for short stays. This facility was not designed to hold long-term inmates and lacks adequate recreation and outdoor access.

The maximum capacity of this facility is 557 inmates. On the day of our inspection, the inmate population was 369. Of the 369 inmates, 150 were awaiting sentencing. There are seven housing modules at this facility two of which remain empty. One of the empty modules previously housed female inmates.

Inmates assigned to one of several work crews receive work credits to reduce their time in custody. Some inmates work on road crews throughout the County or at the County fairgrounds, while others serve weekends on work release. Some inmates work in the horticultural program on the grounds of NCDF. This program gives inmates knowledge of cultivating plants and of the surrounding environment. Plants are grown and sold to the public. The proceeds are invested into the horticultural program.

Upon return from one of the off-site work programs, inmates are taken to MADF for body scans, pat-searches and random strip-searches before returning to NCDF.

Prior to 2008, females were housed at this facility. Today, all female inmates are housed at MADF due to budget constraints and a shortage of female detention staff to serve at NCDF. As a result, female inmates whose behavioral status would make them eligible for incarceration at NCDF are precluded from participation in the work force programs available to their male counterparts.

**Challenges Facing Both Adult Detention Facilities**

**Staffing**

The total current staffing is 236. The mandatory overtime worked by a correctional deputy averages more than thirty-six hours per month. This overtime is necessary due to a shortage of correctional staff and absences due to workers compensation leave or personal time off. Mandatory overtime has been linked to on-the-job injuries.

The Sonoma County Sheriff's Department recruits prospective deputies twice a year. This process produces a large number of applicants, however, fewer than 10 percent of those who apply are hired. The application and interview process is stringent and includes: an application appraisal, written exam, oral exam, background check, performance exam, physical agility exam, medical exam, psychological exam and alcohol and drug testing. The process complies with the *Sonoma County Rules of the Civil Service Commission.* The Department states that it is committed to recruiting and specifically attracting more female and minority candidates.

**Mental Health**

On average, 40 percent of the inmates at the combined adult facilities have some form of mental health issue. These inmates suffer from minor to acute mental health problems that require medications as ordered by medical professionals. MADF and NCDF have certified mental health staff on duty 24/7. Staff members include psychiatrists, licensed social workers, marriage/family therapists, a licensed vocational nurse, physician's assistants and a psychiatric technician.

The mental health modules are staffed by two deputies and medical personnel. In some circumstances, inmates require treatment that the staff cannot provide. These inmates are transferred to Napa, Atascadero or Porterville State Hospitals. Unfortunately, these transfers can be delayed three to four months while waiting for space to become available. Some of these inmates have been deemed incompetent to stand trial. The goal of getting proper treatment is to restore them to competency so they can be tried in court. There is ongoing training for staff members on how to deal with mental health issues including crisis intervention and communication skills.

A $40 million State grant has been awarded to Sonoma County for the purpose of building a new 72-bed Behavioral Health Housing Unit at MADF. The County will provide $9 million of the estimated $49 million cost of this project. Construction is expected to

be completed in 2020. This housing unit is being designed to provide the best therapeutic environment for the inmate population with the most critical of the mental health and substance abuse issues.

**Body Cameras and Overhead Video in Housing Modules**

The Specialized Emergency Response Team (SERT) is tasked with responding to incidents, riots, cell extractions, mass searches or disturbances. The SERT correctional deputies are required to be available to respond day and night. They are currently the only correctional deputies issued body cameras. Due to operational priorities, video cameras within MADF have not been in the budget for many years. Operational costs have been a higher priority, removing the funding for body cameras and video from the budget. MADF is twenty-five years old and pre-dates modern technology. Because of the age and design of the facility, installing these features is problematic. The new Behavioral Health Housing Unit will have overhead video cameras.

**Drugs and Contraband**

Jail staff report that shifting prisoners from State prisons, in accordance with the Realignment Act, has created an increase in the influx of drugs and contraband (weapons, cell phones, cigarettes) into MADF and NCDF. The Sheriff's Department has taken steps to deter this activity by installing a full-body scanning device at MADF. The scanner is designed to detect substances that have been ingested or inserted into the body. This scanner is used during the booking process before an inmate is placed into a housing unit. NCDF inmates are also scanned when they return from off-site work detail and all inmates are subjected to random pat searches. The department has deployed a Detention K-9 (canine) sniffer dog trained to detect drugs. The K-9 unit works primarily at MADF but is deployed to NCDF when requested. When off duty, the dog remains with its handler and is on-call 24/7.

**Inmate Programs and Education**

There are classes offered to the inmates at MADF and NCDF including General Education Development (GED), English as a Second Language (ESL), reading and writing, religion and anger management. The facilities have a mandatory program called Starting Point which addresses issues dealing with drugs and alcohol abuse, recovery, life skills, group and individual counseling sessions and post-release planning. The goal of the program is to build self-awareness and develop life skills so that when the inmates leave MADF or NCDF, they are better prepared for a successful reintegration into the community and less likely to reoffend. The Starting Point program also assists with placement into a Sober Living Environment.

The Grand Jury conducted confidential inmate interviews to get additional input on the custodial care, education and counseling provided at MADF and NCDF. The interview feedback was generally positive.

**Earthquake and Disaster Preparedness**

The MADF and NCDF have a comprehensive protocol to deal with the consequences of disasters. An emergency generator will maintain critical facility operations. The generator will activate automatically within eight seconds of a power failure. Evacuation routes and battery powered lighting have been installed at all emergency exits. The department conducts emergency and fire drills periodically. Mutual aid contacts have been established with other counties to transport and house inmates in the event that an evacuation is necessary.

**Juvenile Facilities**

The Grand Jury inspected the Sonoma County juvenile facilities (JJC and JPC). These are state of the art facilities, each in its own way. We also reviewed their community-based programs, educational classes and vocational opportunities. Both facilities have comprehensive protocols to deal with the consequences of disasters.

**Juvenile Justice Center**

The California Welfare and Institutions Code Section 850 stipulates that:

> The board of supervisors in every county shall provide and maintain, at the expense of the county, in a location approved by the judge of the juvenile court or in counties having more than one judge of the juvenile court, by the presiding judge of the juvenile court, a suitable house or place for the detention of wards and dependent children of the juvenile court and of persons alleged to come within the jurisdiction of the juvenile court. Such house or place shall be known as the "juvenile hall" of the county. Wherever, in any provision of law, reference is made to detention homes for juveniles, such reference shall be deemed and construed to refer to the juvenile halls provided for in this article.

The Grand Jury inspected JJC and met with staff. JJC provides housing for both pre- and post-sentenced juveniles. The facility is modern and efficient and is administered by the County Probation Department. It is considered a state of the art facility and has been toured by Probation Departments from other States.

The Grand Jury observed JJC to be clean, well-lighted and secure. Each housing unit has natural light through windows and skylights. There are three large covered outdoor gymnasium-sized courts for group sports in all weather conditions and an outdoor recreation field for soccer, running and other active sports.

The maximum capacity of this facility is 140 juveniles. JJC houses both boys and girls ranging in age from thirteen to eighteen. A small percentage of juveniles apprehended by law enforcement agencies are detained at JJC. Juvenile detainees enter the system through either arrest, court order or by turning themselves in. Most are released to the custody of their parents or guardians. A Judge of the Juvenile Court determines whether a juvenile will be held at the JJC or released to their parents or a guardian.

On the day of our inspection there were sixty-three residents, fifty-two boys and eleven girls. There are seven housing units, each of which is self-contained. Each contains sleeping quarters, a classroom, medical exam room, a small outdoor recreation yard, and program and activity spaces to support a decentralized operational program. This design affords the highest level of security for the juveniles. Juveniles remain in the housing units except for recreational activities, court appearances or attorney meetings. Meals are prepared on-site in the facility's central kitchen and delivered to the housing units.

Residents are assigned to a housing unit based upon age, gender, risk factors and severity of charges. Each resident is assigned a counselor who works with the resident, his or her family, Probation Department and community based organizations such as the Boys and Girls Club, scouting and fitness programs. JJC offers a range of educational programs and activities including drug and alcohol services, aggression replacement training, teen parent support groups and book and writing clubs. These innovative programs are designed to achieve positive behavioral changes, develop good moral character and support the youth in re-entering the community with skills and resources in place.

**Juvenile Probation Camp**

The JPC was established by the County Board of Supervisors in 1955, making it one of the oldest programs of its kind in California.

The Grand Jury observed JPC housing unit to be clean and well-lighted and the surrounding grounds beautiful. The occupational shops appeared clean and safe and the relations between residents and staff seemed to be cooperative and congenial.

The camp has the capacity to house twenty-four young males, ages sixteen to eighteen. A Juvenile Court Judge assigns residents to JPC based on his or her assessment of each resident's ability to benefit from the JPC program. Due to facility and staffing limitations, there are no female residents. There are no equivalent programs available to females within the juvenile detention system.

On the day of our inspection, JPC had twelve residents. The housing facility has dormitory style sleeping arrangements, common areas for games and relaxation and a kitchen and dining area. The camp offers daily academic classroom instruction in collaboration with the Sonoma County Office of Education. The camp also offers training in welding, woodworking, fork-lift operation and culinary arts. Instructors in the vocational programs are accredited. Residents can earn money by making products such as park benches, tables, fire pits and BBQ's for use at state, county and city parks. Residents' earnings are applied to pay any court-ordered restitution.

The average stay at JPC is eleven to twelve months. A caseworker is assigned to each resident and conducts weekly meetings to discuss the resident's progress. A five-step program allows the resident to achieve goals at each step, affording him increasing privileges and access to the vocational training workshops. These

privileges may include a brief furlough with family. The goal of the JPC is to work with the young men and their families in order to give them skills needed for a successful reintegration into the community.

The Grand Jury conducted confidential interviews with residents to get their perspective on the custodial care, education and counseling provided. The feedback was generally positive.

## FINDINGS

F1. Programs and opportunities available to men are not available to women who would be eligible for transfer to NCDF.

F2. Programs and opportunities available to boys at the Juvenile Probation Camp are not available to girls who would otherwise be eligible for transfer to a similar probation camp.

## RECOMMENDATIONS

The Grand Jury recommends that:

R1. The Sheriff's Department develop and prioritize a plan to accommodate female residents at the NCDF.

R2. The Probation Department develop and prioritize a plan to provide vocational opportunities and family-oriented rehabilitation programs for girls at the JJC.

## REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses as follows:

R1. The Office of the Sonoma County Sheriff.

R2. The Sonoma County Probation Department.

## RESOURCES

Assembly Bill 109, the Public Safety Realignment Act

California Penal Code Section 919

California Proposition 47

California Welfare and Institutions Code Section 850

NIJ Journal Issue No. 252: Reentry Programs for Women Inmates (http://nij.gov/journals/252/Pages/reentry.aspx )

Psychology Internship Program United States Medical Center for Federal Prisoners 2016-2017 (https://www.bop.gov/jobs/docs/cpdipspg.pdf )

Sonoma County Rules of the Civil Service Commission, Effective November 15,2015 (https://hr.sonoma-county.org/documents/civil_service_rules.pdf)

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.