

EL DORADO COUNTY 2017-2018 GRAND JURY

EL DORADO COUNTY JAILS INSPECTIONS

Case 17-03 • June 30, 2018

SUMMARY

The 2017-2018 Grand Jury conducted its annual inspection of El Dorado County jails in both South Lake Tahoe and Placerville in November 2017.

The tours were conducted by correctional staff who explained the overall operation of the jails during a comprehensive viewing and inspection of numerous areas of the facilities including: Receiving, Release, Sally Ports, Booking, Culinary, Visiting and Recreational areas, as well as Inmate Housing Units and Staff Control Booths. Correctional Staff reviewed documents with jury members covering the classification of inmates in the jail, receiving, booking and release.

Jurors were troubled by the purportedly high rate of inmate attempted suicides shown in a 2011-2017 report. In addition, the general maintenance condition of both jails did not meet expectations.

Vocational training programs are nearly nonexistent and there are no life skills training programs to help inmates re-enter society upon release. Exercise and recreation activity space was limited to 10 inmates at a time. We observed a high degree of inmate inactivity in the housing units.

The Grand Jury commends the staff and administrators in both jails for up-to-date computer database systems that track and provide statistics on each inmate during their confinement.

BACKGROUND

California Penal Code Section 919 subsection (b) requires the Grand Jury to annually inspect all County jail facilities. Sections 925 and 925(a) authorize the Grand Jury to investigate county and city jails and other detention facilities. Although a report is optional, the Grand Jury felt a report was necessary based on observations and documentation gathered during the inspections. The Grand Jury has combined both jails in this comprehensive report.

METHODOLOGY

- The Grand Jury reviewed the Board of State and Community Corrections (BSCC) Jails Inspection Handbook.
- The Grand Jury utilized the *Inspection Handbook for Grand Jurors and Detention Facility Inspection Form* for both County jails provided by the California Board of State and Community Corrections (BSCC).
- Grand Jury members toured both jail facilities interviewing staff and inmates.
- The Grand Jury reviewed the statistical accountings of the Inmate Classification System, the Disciplinary System, Special Needs Inmates, Civil Detainees, Special Management Inmates, Health Screening, and Attempted Suicides/Suicides.
- The Grand Jury reviewed the 2017 *Jail Needs Assessment for the El Dorado County Jails*, prepared for both jails by Vanir Consulting, a well-known correctional consultant.
- Grand Jury members conducted exit interviews with correctional staff about the Vanir Report statistics related to attempted and actual suicides.

DISCUSSION

The Placerville Jail is a 303-bed facility constructed in 1988. Within the jail are single occupancy cells, double occupancy cells and dormitory housing units. The South Lake Tahoe Jail is a 158-bed facility initially built in 1973 with an addition in 1992. It too has single and double occupancy cells and dormitory housing. Both facilities house male and female inmates. The number of inmates fluctuates daily.

There are four classifications for housing both male and female inmates: *General Population, Protective Housing, Maximum Security and Administrative Segregation*. Inmates identified as *Gang Members* may require special housing.

Inmates are carefully screened on arrival and classified to determine how and where each inmate should be housed. High risk inmates are identified based on their potential for violence, need for heightened security during pretrial, escape history, gang affiliation and mental health status. High risk inmates are often placed in Administrative Segregation, Protective Custody or a Medical Unit. A registered nurse and a licensed vocational nurse staff the medical unit. Both jails contract with California Forensic Medical Group (CFMG) for mental health issues on an on-call basis, with an option to video conference with mental health professionals.

AB109, enacted in 2011, requires the transfer of some prisoners from State facilities to county jails to reduce overpopulation. Inmates from State prisons are often more knowledgeable than first time inmates, understanding the prison system and ways it can be manipulated. Not all jail staff had been trained to handle these individuals, including gang members. In addition, some of the transferred state prisoners were in the Mental Health Services Delivery System (MHSDS) while in prison. County jails are not equipped to deal with inmates needing on-going mental care. Transferred State prisoners can pose a threat to the security and safety of both jail staff and other inmates.

Vocational Training Programs – Life Skills Programs – Educational Programs

The only vocational program in both jails is the certified culinary program. The South Lake Tahoe Jail Culinary Program has received numerous awards, winning recognition for service to the jail and the community. These culinary programs help inmates become employable upon release. Inmates must complete a food safety certification program and obtain a medical clearance before acceptance into the Culinary Program. Currently, only male inmates work in the Culinary Program while female inmates are limited to laundry services. Jail policy does not allow male and female inmates to commingle.

In the past, the El Dorado County Office of Education and the El Dorado Adult School had provided Adult Basic Education, English as a Second Language (ESL) and General Education Diploma (GED) programs at both jails. Currently, only the GED program is available. It was apparent during our tour of both jails that the educational GED/High School Diploma Program, restarted in 2017, has little inmate participation.

In addition, certain inmates must complete courses such as Anger Management, Narcotics Anonymous and Alcoholics Anonymous as part of mandated court sentencing.

There are currently no life skills training programs in either jail. Life skills training on topics such as filling out a job application, interviewing for jobs, budgeting and using public transportation could provide inmates with skills to more easily succeed in society after release. Life skills could be taught by vetted volunteer instructors from the community.

There are no programs for higher education. The county recently approved use of tablet computers on which on-line courses, books and recreational content can be accessed for self-paced study.

Lack of staff supervision and security concerns limits opportunities for work programs in the community that could keep inmates occupied and could benefit the community.

Receiving and Release

While inspecting the Receiving and Release area at the Placerville Jail, Jurors noticed that the full-body metal detector was not in use. Correctional staff uses hand-held wand metal detectors to search incoming inmates. The more sophisticated and costly full-body detector would be more effective and provide a greater level of safety for the staff and inmates.

Interviews with Inmates

Jurors met with an ethnically diverse group of male and female inmates at both jails. A common subject was the culinary programs. Inmates thought the food was extremely good, although several complained that starchy food was served too often.

Inmates considered the correctional staff professional in their interactions. Inmates overwhelmingly criticized the lack of viable vocational and job skills programs. Female inmates felt that they should be allowed to work in the Culinary Program.

Jail Maintenance

Grand Jury members noted the poor maintenance of ceiling tiles, which were sagging, stained and in need of replacement at both jails. There was graffiti on the walls of the Placerville jail housing units and visiting alcoves, showing possible street gang affiliation. Graffiti often denotes gang territorial sections within the jail. The wall paint throughout both jails was chipped.

The South Lake Tahoe jail could have been cleaner, and the sally ports in both jails were used for storage, causing potential safety hazards.

Suicides and Attempted Suicides

The South Lake Tahoe jail had only one actual suicide between 2011 and 2017. There were two suicides at the Placerville jail in that time, one in 2015 and one in 2016.

The number of attempted suicides during the same period is more difficult to determine. Accurate record keeping is important, so that corrective actions can be taken when problems are identified. The El Dorado County Sheriff's Office contracted with Vanir, Inc. & Criminal Justice Research Foundation of Sacramento, California to prepare a Jail Needs Assessment, for both the Placerville and South Lake Tahoe jails.

Page 95 of the Vanir report showed 2014 suicide attempts as an alarming fivefold increase from 4 attempts in 2011 and 2013. It reports 4 attempts in 2011, none in 2012, four in 2013 and 21 in 2014. The report did not cover 2015 or 2016. It is impossible to determine if the 2014 increase represents a trend or is just an aberration.

Attempted suicide numbers supplied by the County compared with Vanir are shown below. The County was unable to explain the numbers provided by Vanir. Requests to Vanir for an explanation received no response.

<u>Year</u>	<u>Vanir</u>	<u>Jails</u>
2011	4	9
2012	0	8
2013	4	12
2014	21	10
2015	NR	9
2016	NR	7

Comparison of the attempted suicide numbers between the Vanir report and the County are irreconcilable. The year 2014 is possibly overinflated in the Vanir report, and does not reflect statistics reported by the County. Follow-up interviews with correctional staff showed that lack of training in the interpretation of what constitutes an attempted suicide and a deficiency in the software used to document attempted suicides was a possible reason for the variance.

FINDINGS

- F1. Stained ceiling tiles were observed in both County Jails.
- F2. Graffiti and chipped paint was observed on interior County Jail walls, in visiting booths and other surfaces.
- F3. The full body metal detector in Placerville Receiving and Release was not working.
- F4. The culinary program is the only vocational program available in either jail.
- F5. Female inmates cannot participate in the culinary programs at both jails.
- F6. The Vanir Report has inconsistent numbers for attempted suicides in both jails from 2011 to 2016. They are inaccurate and do not correlate with County numbers.
- F7. Assembly Bill AB 109 has created a hardship to County Jails.

RECOMMENDATIONS

- R1. Stained ceiling tiles should be replaced immediately after leak repairs are accomplished.
- R2. Graffiti removal and repainting of chipped paint should occur on a continuous basis.
- R3. In the Placerville Jail Receiving and Release, the full body scanner should be operational and used during inmate intake.
- R4. The jails should institute life skills and vocational programs.
- R5. The culinary program should allow both male and female inmates to participate.
- R6. Jail staff should be trained to better classify and document attempted suicide for more accurate record keeping.

REQUEST FOR RESPONSES

This Grand Jury report is an account of an investigation or review. It contains findings and recommendations, and names those who should respond to each finding and each recommendation pertaining to matters under the respondent's control.

Responses are requested in accordance with California Penal Code §933 and §933.05.

Responses to all findings and recommendations are requested from the El Dorado County Sheriff.

The written response of each named respondent will be reprinted in a publication to the citizens of El Dorado County. Each must include the name of the Grand Jury report along with the name and official title of the respondent.

California Penal Code Section 933.05 mandates specific requirements for responding to grand jury reports. You are advised to review the Penal Code sections and carefully read the pertinent provisions included below before preparing your official response. Each respondent must use the formats below for each separate finding and recommendation identified above.

Please pay attention to required explanations and time frames. Incomplete or inadequate responses are likely to prompt further investigative inquiries by the grand jury and/or the court.

Response to Findings

Finding F# *[Retype the text of the finding as written in the Grand Jury report, # is the finding number in the report.]*

Response: *[Review California Penal Code section 933.05 (a) (1) and (2). Respondents must specify one of three options – a) Respondent agrees with finding, b) Respondent disagrees wholly with finding or c) Respondent disagrees partially with finding. If respondent uses option b or c then the response shall specify the portion of the finding that is disputed and shall include an explanation.]*

IMPORTANT NOTE ABOUT GRAND JURY FINDINGS

Grand Jury Findings are derived from testimony and evidence. All testimony and evidence given to the Grand Jury is confidential by law, and it is the Grand Jury's responsibility to maintain it. California Penal Code §929 provides "... the name of any person, or facts that lead to the identity of any person who provided information to the grand jury, shall not be released." Further, 86 Ops. Cal. Atty. Gen. 101 (2003) prohibits grand jury witnesses from disclosing anything learned during their appearance including testimony given. This is to ensure the anonymity of witnesses and to encourage open and honest testimony.

Response to Recommendations

Response R# [*Retype the text of the recommendation as written in the Grand Jury report, # is the recommendation number in the report.*]

Response: [*Review California Penal Code section 933.05 (b) (1) - (4). Respondents must specify one of four options – a) recommendation has been implemented, b) recommendation has not been implemented but will be implementing noting a timeframe, or c) recommendation requires further analysis or study noting a timeframe not to exceed six months from date Grand Jury Report was issued or d) recommendation will not be implemented because it is not warranted or reasonable, with an explanation.*]

Response Times

The California Penal Code specifies response times.

PUBLIC AGENCIES

The governing body of any public agency (also referring to a department) must respond within 90 days from the release of the report to the public.

ELECTIVE OFFICERS OR AGENCY HEADS

All elected officers or heads of agencies/departments are required to respond within 60 days of the release of the report to the public.

Failure to Respond

Failure to respond as required to a grand jury report is a violation of California Penal Code Section 933.05 and is subject to further action that may include further investigation on the subject matter of the report by the grand jury.

Where to Respond

All responses must be addressed to the Presiding Judge of the El Dorado County Superior Court.

Honorable Suzanne N. Kingsbury
Presiding Judge of the El Dorado County Superior Court
1354 Johnson Blvd, Suite 2
South Lake Tahoe CA 96150

Response via Email to courtadmin@eldoradocourt.org is preferred.

The Court requests that you respond electronically with a Word or PDF document file to facilitate economical and timely distribution.

California Penal Code Section 933

933.

(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

California Penal Code Section 933.05

933.05

(a) For purposes of subdivision (b) of Section 933, 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) For purposes of subdivision (b) of Section 933, 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 timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe 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 timeframe 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) However, 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 decisionmaking 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.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

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