

EL DORADO COUNTY GRAND JURY 2018-2019



JAIL AND JUVENILE DETENTION CENTERS INSPECTIONS

CASE 18-03 • MAY 15, 2019

Public Release

MAY 20, 2019

EL DORADO COUNTY 2018-2019 GRAND JURY

JAIL AND JUVENILE DETENTION CENTERS INSPECTIONS

Case 18-03 • May 15, 2019

The 2018-2019 Civil Grand Jury conducted its annual inspections of the County jails and juvenile facilities located in South Lake Tahoe and Placerville. The inspections included both a physical inspection of the facilities as well as interviews with staff members, inmates and wards (juvenile offenders).

BACKGROUND

California Penal Code Section 919(b) mandates that the grand jury must inquire into the condition and management of *public prisons* within the county. That includes inspections of county jails and juvenile halls.

METHODOLOGY

- Interviewed the facility staff and inmates
- Followed the guidelines for the inspection from the Detention Facility Inspection Form
- Reviewed the Board of State and Community Corrections (BSCC) Jails Inspection Handbook
- Reviewed latest documentation of the Fire Marshal inspection for Placerville Jail
- Inspection of the South Lake Tahoe Juvenile Treatment Center (JTC) was conducted on Nov. 13, 2018.
- Inspection of the South Lake Tahoe Jail was conducted on November 20, 2018.
- Inspection of the El Dorado County Jail in Placerville was conducted on January 2, 2019.
- Inspection of the El Dorado County Juvenile Hall in Placerville was conducted on Jan. 2, 2019.

OVERVIEW OF JAILS OPERATIONS

Inspections of both jails included housing and medical units, culinary facilities, indoor gym, library, control room, booking room and the sally port, a secure entrance where inmates enter and exit the jail.

County jails were first built for pretrial detention and to house criminals sentenced to no more than one year. Those committing more serious crimes subject to longer sentences were sent to state prison, sometimes for many years or even the remainder of their lives. County jails were simply not designed to house prisoners serving long-term sentences.

The California Public Safety Realignment Act of 2011 (AB-109) resulted from a Federal Court Order to reduce the State's overcrowded prison system. This legislation intended to reduce the State prison population by moving lower-level offenders to county jails. Counties became financially responsible for incarceration, parole and parole revocation including all ancillary services related to long-term incarceration, transferring responsibility for a large segment of the state prison and parole system to the county system. Prior to AB-109, criminals were sent to state prison or county jail based mostly on length of sentence.

Since the initial shifting of inmates from prison to local county jails, the county Superior Court Judge determines the location of the facility when the criminal is sentenced.

The housing unit (pod) to which an inmate will be assigned is made by jail staff depending on an inmate's ability to associate with others. Some inmates are housed in isolation and are only allowed out of their cells periodically. They do not have direct contact with others at any time. Rival gang members are not housed together, and informants and white-collar criminals are generally housed separated from other inmates. All the pods are monitored by officers in the control room, which has many monitors showing activity in each pod. Officers can give inmates direction, such as when to come out of their cells for mealtime or exercise, or when to return to their cells.

The El Dorado County Office of Education (EDCOE) offers a wide range of educational classes at both facilities including court-ordered narcotics, alcohol and anger abuse management. Some inmates have completed General Educational Development (GED) tests, giving them an alternative to a high school diploma. Computer tablets are available to inmates to use when pursuing educational options. Tablet use is restricted but does allow communication with families and legal teams. Tablets are very popular and inmates must share them, as there are not enough tablets for everyone.

Both jails offer two vocational programs: waste water treatment and culinary skills. The wastewater treatment plant vocational program is an independent study program provided through EDCOE, and both programs provide job skills for inmates when they are released.

The culinary programs at both jails have received many awards. The food inmates in the program prepare is served daily to all the inmates. In addition, inmates have prepared many meals that have been served at a variety of County functions. Violent inmates cannot participate in the culinary program. Those that do participate are proud to be a part of it. Inmates must complete a Food Safety class in order to participate in the culinary program. Food storage areas at both jails are very clean. The refrigerated areas are well maintained, clean, neat and well organized. Cleaning fluids and chemicals are properly labeled and stored safely.

Workers in the culinary program are organized into teams of six inmates. Until recently, all participants in the culinary program were men. Jail policy does not allow men and women to commingle, and until recently, neither jail housed six women eligible to participate in the program. This year, several female inmates at the Placerville jail transferred to South Lake Tahoe, joining with other women to make the first team of women to participate.

Medical Services are provided at both facilities by Wellpath (previously California Forensic Medical Group, CFMG), a medical provider used at many jails throughout the State. There is a Registered Nurse at the jail during the day and a Licensed Vocational Nurse at night. Psychiatric/Psychological services are also available.

A registered dietitian reviews all menus and meal plans but is not on duty at the jail. A civilian staff cook oversees the day-to-day operations and management of the kitchen and inmates. Knives and other sharp instruments are counted and locked up when not in use. The goal is to provide three meals per day, two of which are hot. When a lockdown is in place, a *bagged meal* is provided.

Inmates can attend regular church services and are allowed a visit from their clergy by request. Inmates at both facilities exercise in an indoor yard for one hour two to three times per week.

SOUTH LAKE TAHOE (SLT) JAIL

The jail, originally built 46 years ago, has now been expanded to a 158 bed facility. At the time of our inspection it was at 88 percent capacity with 117 male and 20 female inmates. Classifications for housing inmates are: General Population, Administrative Segregation, Protective Custody and Maximum Security.

Approximately 23 percent of the detainees in the South Lake Tahoe jail are AB-109 Public Safety Realignment inmates. They are in custody for violating their parole or violating their Post-Release Community Supervision (PRCS), that may include charges for violent behavior. However, most are in custody for violating the terms of their Parole or PRCS. Many inmates within the jail system have mental health problems, but are not segregated unless a safety and/or behavioral issue arises.

Since the previous Grand Jury inspection in November 2017, no inmates have committed suicide, although there have been four attempts. There have been no deaths, no escapes and no attempted escapes.

A full body metal detector was visible in the lobby. We were advised that it was newly-acquired and fully functional at the time of the inspection. However, it was not being used to screen visitors because administrators had not yet provided procedural training to staff. Since the inspection, training has been completed and the full body metal detector is now being used.

One of the sobering cells had been converted to a transitional cell last year to accommodate those inmates who had been removed from a safety cell but still required enhanced observation. During inspection of the medical unit, some over-the-counter medicines were past their expiration dates.

Other than a water stain on the ceiling tiles in the conference room, the facility seemed to be in good condition. During the tour, we noted the interior walls were clean and free of graffiti. Floors, drains, and plumbing fixtures were all in working order. We did notice, however, that the hood and vent in the kitchen did exhibit a noticeable buildup of grease.

INTERVIEWS WITH INMATES

Grand Jurors interviewed two female and two male inmates. Topics discussed were food, availability of religious services, library services, medical services, and educational opportunities within the jail. The inmates interviewed had positive comments about the facility and correctional officers. They reported that the food is outstanding, especially compared to other facilities. One of the inmates was soon to be released and was extremely happy that he already had a job waiting for him.

PLACERVILLE JAIL

The 31-year-old jail in Placerville is a 303-bed facility with 202 male and 40 female inmates. The classification and number of each of the inmates is as follows: General Population (142), Maximum Security (30), Administrative Separation (44), Disciplinary Separation (1), Special Needs Separation (22), not yet classified (3).

Since the last inspection in November 2017, no inmates have committed suicide, although there have been three attempts. There have been no deaths, no escapes and no attempted escapes.

The full body metal detector was plugged in and working properly. One of the jurors with an artificial knee set it off while walking through it. We were informed the metal detector has been working and used since the previous visit by the Grand Jury.

The overall appearance of the facility was clean and found to be in good condition. During the inspection we did notice a small amount of graffiti visible in the visiting area. Cameras and monitors are not allowed in the visiting areas so correctional officers are not always aware of the placement of graffiti being in the area.

The interior of the jail is painted twice a year by trusted inmates.

A new building is planned for construction adjacent to the existing jail. It will include multi-use space, medical beds and mental health services. There will also be two female housing units, for a total of 54 beds for women.

FACILITIES INSPECTIONS JUVENILE HALL

The Juvenile Treatment Center (JTC) in South Lake Tahoe is a 40-bed facility. The JTC contracts with Wellpath (previously California Forensic Medical Group, CFMG). They have a Registered Nurse on duty six mornings per week Monday thru Friday, 7:30 – 12:30, and Saturday for Medication Pass/Sick Call (usually a couple of hours). There is also a Nurse Practitioner who makes rounds at the JTC once per week.

A Mental Health Program Coordinator works full time for the Probation Department. She is a licensed therapist working with medical staff on mental health care, coordinating with the psychiatrist.

The juvenile hall in Placerville is an older facility that needs to be updated. The correctional officers and staff work well with the wards to see that all their physical and mental health needs are met. Educational classes with all the necessary books, tablets, teachers etc. are held daily so everyone can keep up with their individual level of education, making it easier for them to return to school when they are released.

INTERVIEWS OF WARDS

We interviewed two male and two female wards. Topics included food, library, books, medical services and the educational system available to them.

FUTURE JUVENILE FACILITIES PLANS

The County Board of Supervisors (BOS) has approved the construction of a 20-bed replacement juvenile hall in Placerville. The facility will be constructed on the site currently occupied by the Sheriff's Department on Fair Lane. The Sheriff will be moving to a new site in July of this year.

To finance the facility construction, the current Placerville Juvenile Hall will be closed effective June 30th of this year and the savings from that facility's closure will be used to pay the County share of construction costs. A \$9.6 Million State construction grant will pay the majority of construction costs. As of mid-June, all juvenile detention operations will be moved to the Juvenile Treatment Center (JTC) in South Lake Tahoe.

The Board of Supervisors also directed that the County provide recommendations for the use of the JTC building in SLT, after the newly constructed facility in Placerville is opened in 2021. The BOS expressed a desire to continue juvenile services in South Lake Tahoe, but understands it may not be financially viable.

FINDINGS

- F1. Some over-the-counter medicines at the South Lake Tahoe jail had expired.
- F2. The hood and the vent at the South Lake Tahoe jail kitchen had a noticeable buildup of grease on it.
- F3. Metal detectors are working and being used at both jail facilities.

RECOMMENDATIONS

- R1. All expired over-the-counter medicines at the South Lake Tahoe jail should be discarded.
- R2. Grease should be removed from the hood and the vent in the South Lake Tahoe jail kitchen.
- R3. Continue to use full-body metal detectors for all visitors.

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**
- **Responses to all findings and recommendations are invited from the El Dorado County Probation Chief**

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 responses to 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 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.

(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.