



STANISLAUS COUNTY CIVIL GRAND JURY

Post Office Box 3387 • Modesto, California 95353 • (209) 558-7766 • Fax (209) 558-8170

June 20, 2012

CONFIDENTIAL

The Honorable William O'Brien
Chairman
Stanislaus County Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

Dear Supervisor O'Brien:

The Civil Grand Jury is providing the Stanislaus County Board of Supervisors with the attached copy of the portion of the Civil Grand Jury final report relating to the Stanislaus County Sheriff's Department. The Grand Jury is releasing this report to you, two working days prior to its release to the public. The Penal Code prohibits you from disclosing any contents of the report prior to their public release (Penal Code Section 933.05 (f)).

Your response to the findings and recommendations in the report must be submitted to Presiding Judge Ricardo Córdova, Superior Court - Stanislaus County, at P. O. Box 3488, Modesto, CA 95353. We are enclosing guidelines that may be helpful as you prepare your response. Please submit a hard copy of your response along with a copy on a CD in Microsoft Word or PDF format.

Sincerely,

Benny Del Re
Foreperson
2011-2012 Civil Grand Jury

Attached report: 12-06C

Hand delivery

BOARD OF SUPERVISORS
2012 JUN 21 P 2:31

HOW TO RESPOND TO FINDINGS & RECOMMENDATIONS

BOARD OF SUPERVISORS

2012 JUN 21 P 2:31

Responses

The California Penal Code §933(c) specifies both the deadline by which responses shall be made to the Civil Grand Jury Final Report recommendations, and the required content of those responses.

Deadline for Responses

All agencies are directed to respond to the Presiding Judge of the Stanislaus County Superior Court,

- Not later than 90 days after the Civil Grand Jury submits a final report on the operations of a public agency, the governing body of that agency shall respond to the findings and recommendations pertaining to the operations of that agency.
- Not later than 60 days after the Civil Grand Jury submits a final report on the operation of a County agency, the elected head governing that agency shall respond to the findings and recommendations pertaining to the operations of their agency.
- Information copies of responses pertaining to matters under the control of a county officer or agency are to be sent to the Board of Supervisors.
- A copy of all responses to the Civil Grand Jury reports shall be placed on file with the clerk of the public agency and the Office of the County Clerk, or the city clerk when applicable.
- One copy shall be placed on file with the applicable Civil Grand Jury by, and in the control of, the currently impaneled Grand Jury, where it shall be maintained for a minimum of five years.

Content of Responses

For each Civil Grand Jury findings and recommendations, the responding person or entity shall report one of the following actions:

- The respondent agrees with the finding
- The respondent disagrees wholly or partially with finding and shall include an explanation.
- The recommendation has been implemented, with a summary regarding the implemented action.
- The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame if it is to be implemented later.
- The recommendation will not be implemented because it is unwarranted or unreasonable, with supportive explanation.

Stanislaus County Civil Grand Jury
Stanislaus County Sheriff's Department
Case 12-06C

SUMMARY:

The Stanislaus County Civil Grand Jury received a citizen complaint, dated August 22, 2011 alleging the Stanislaus County Sheriff was not enforcing a standing restraining order. The original restraining order was dated May 25, 2010. It was vacated July 2010. Another hearing was held in the Stanislaus County Court on October 29, 2010 where the restraining order was reinstated to be effective until October 29, 2013. A later revision to this order was added stating the subject was not to purchase or possess any firearms. This order was filed January 28, 2011 with the court.

GLOSSARY

SCCGJ – Stanislaus County Civil Grand Jury.

Person B – The complainant

Person K – The complainant's husband.

Person D – Subject of the restraining order

Penal Code 166 (a) (4) Willful disobedience of the terms as written of any process or court order or out-of-state court order, lawfully issued by a court, including orders pending trial.

DISCUSSION

D purchased an unimproved parcel of land in a rural area in Stanislaus County. D's property abutted the east boundary of B's property. This area consists of numerous ranchette and horse properties. D made alterations to the property that B felt might alter the drainage into a common pond shared by the two properties. B asked D to stop this activity and obtain the proper permits if D was to continue alterations to the property. D declined B's request.

After this incident, B alleged being the subject of harassment, bullying, stalking, and surveillance by D. B asked for and was granted a restraining order by the court against D. Section 13 of the order states (a.) the order is based on stalking and (b) the order is based on a credible threat of violence. D was directed by the order to stay at least 100 yards from B, their property, and vehicles. This order is in effect until October 2013.

B provided the SCCGJ a detailed narrative of D's actions. The issuance of the restraining order did not seem to change D's behavior. The defacing of signs, broken truck windows, and other vandalism was alleged to have occurred. The SCCGJ interviewed witnesses that verified some D's behavior alleged by B. K's daughter stated in an interview she was afraid to stay at her father's house because of D's threatening behavior.

On July 22, 2011, B, K, and K's daughter observed D leaving their property when they returned from a picnic at 8 P.M. He was seen driving out their driveway past them with the window down on his pickup. B found a door to their barn (used as an art studio) had been opened. They also observed the lights of K's pickup were flashing as if someone had tried to tamper with the vehicle. B made a citizens complaint against D for violating the court ordered restraining order. On July 27, 2011 a supplemental report was made to a Stanislaus County Sheriffs Deputy via telephone to report on a camping trip, they discovered their trailer emergency brakes had been disconnected and a fuel line to a fuel tank had been cut.

The officer that wrote the report about this incident waited at D's residence for thirty minutes and left when D did not return. He made no further attempt to interview D and ascertain D's whereabouts during the relevant time period. No follow-up investigation was requested by the deputy or his supervisor. The case was forwarded to the District Attorney's office without a complete investigative report.

There is no record that the Sheriff's Department made any contact with D during the year and a half that the restraining order was in effect.

The SCCGJ is aware of the allegations that B made about harassment by the Stanislaus County Sheriff's Department. We are also aware B walked out of an interview that was arranged by the Sheriff to discuss these issues. The Sheriff stated that he felt B lacked credibility because of this incident and numerous prior complaints involving B and D. The SCCGJ is of the opinion that many of these incidents between the two parties were precipitated by D and not B: additionally D was the subject of the restraining order.

METHODOLOGY OF INVESTIGATION

The SCCGJ investigation of this complaint took place between August 25, 2011 and January 15, 2012. During the investigation the following actions were taken by the Criminal Justice committee:

1. Reviewed a detailed narrative of the alleged violations of the restraining order provided by B.
2. Witnesses who were acquainted with B and patrons of an art studio located on B's property were interviewed by the SCCGJ to verify that some of the accounts listed in B's complaint could be verified as factual.

3. The SCCGJ reviewed 911 tapes and sheriffs reports pertaining to the restraining order and the property disputes that occurred between B&K and D.
4. The SCCGJ went to B's property to view the scene of the violations and to view D's property.
5. Interviewed the Stanislaus County Sheriff.

FINDINGS

- F1. The SCCGJ finds that the sheriff did not thoroughly and completely investigate violations to a standing court restraining order. This could be indicative of a lax attitude toward enforcing a restraining order within the Stanislaus County Sheriff's Department.
- F2. Although B's lack of full cooperation with the Sheriff's Department on some matters is troublesome, the SCCGJ is of the opinion that this is not is a basis to deny investigation and enforcement of a restraining order. These are separate issues. In this case a lack of proper enforcement has deprived both B and D equal protection under the law.

RECOMMENDATIONS

- R1. The SCCGJ recommends the Sheriff's Department institute a procedure to monitor *multiple* violations of a restraining order and give them a higher enforcement priority. Records of these violations should be available to a deputy in the patrol vehicle and continually updated. Multiple violations of restraining orders show disrespect for the law and could lead to consequences the restraining order was designed to prevent.
- R2. The SCCGJ recommends that the Sheriff's Department evaluate the policy of no follow up investigation for misdemeanor offences, such as, but not limited to, "willful disobedience of any process order lawfully issued by a court".
- R3. If appropriate conditions exist, a citation per Penal Code 166. (a) (4) should be issued and the case forwarded to the District Attorney with a proper investigation.

REQUEST FOR RESPONSE

The Stanislaus County Sheriff
Stanislaus County Board of Supervisors

This report of case 12-06c is issued by the 2011-2012 Stanislaus County Grand Jury with the following exception: three members of the grand jury volunteered to recuse themselves due to a perceived conflict of interest. These persons were excluded from all phases of the investigation including interviews, deliberations, voting, and in the writing and approval of this report.



STANISLAUS COUNTY CIVIL GRAND JURY

Post Office Box 3387 • Modesto, California 95353 • (209) 558-7766 • Fax (209) 558-8190

BOARD OF SUPERVISORS

2012 JUN 27 P 3:24

June 27, 2012

CONFIDENTIAL

The Honorable William O'Brien
Chairman
Stanislaus County Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

Dear Supervisor O'Brien:

The Civil Grand Jury is providing the Board of Supervisors with the attached copy of the portions of the Civil Grand Jury final report relating to the Stanislaus Consolidated Fire Protection District and the Detention Facilities Inspections. The Grand Jury is releasing these reports to you, two working days prior to their release to the public. The Penal Code prohibits you from disclosing any contents of the reports prior to their public release (Penal Code Section 933.05 (f)).

Your response to the findings and recommendations in the reports must be submitted to Presiding Judge Ricardo Córdova, Superior Court - Stanislaus County, at P. O. Box 3488, Modesto, CA 95353. We are enclosing guidelines that may be helpful as you prepare your response. Please submit a hard copy of your response along with a copy on a CD in Microsoft Word or PDF format.

Sincerely,

Benny Del Re
Foreperson
2011-2012 Civil Grand Jury

Attached report: 12-17C and 12-30GJ

Hand delivery

HOW TO RESPOND TO FINDINGS & RECOMMENDATIONS

BOARD OF SUPERVISORS

Responses

2017 JUN 27 P 3:24

The California Penal Code §933(c) specifies both the deadline by which responses shall be made to the Civil Grand Jury Final Report recommendations, and the required content of those responses.

Deadline for Responses

All agencies are directed to respond to the Presiding Judge of the Stanislaus County Superior Court,

- Not later than 90 days after the Civil Grand Jury submits a final report on the operations of a public agency, the governing body of that agency shall respond to the findings and recommendations pertaining to the operations of that agency.
- Not later than 60 days after the Civil Grand Jury submits a final report on the operation of a County agency, the elected head governing that agency shall respond to the findings and recommendations pertaining to the operations of their agency.
- Information copies of responses pertaining to matters under the control of a county officer or agency are to be sent to the Board of Supervisors.
- A copy of all responses to the Civil Grand Jury reports shall be placed on file with the clerk of the public agency and the Office of the County Clerk, or the city clerk when applicable.
- One copy shall be placed on file with the applicable Civil Grand Jury by, and in the control of, the currently impaneled Grand Jury, where it shall be maintained for a minimum of five years.

Content of Responses

For each Civil Grand Jury findings and recommendations, the responding person or entity shall report one of the following actions:

- The respondent agrees with the finding
- The respondent disagrees wholly or partially with finding and shall include an explanation.
- The recommendation has been implemented, with a summary regarding the implemented action.
- The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame if it is to be implemented later.
- The recommendation will not be implemented because it is unwarranted or unreasonable, with supportive explanation.

**2011-2012 Stanislaus County Civil Grand Jury
Stanislaus Consolidated Fire Protection District
Case 12-17C**

SUMMARY

The Stanislaus County Civil Grand Jury (SCCGJ) received a detailed complaint on February 1, 2012 alleging dereliction of duty by the Fire Chief of the Stanislaus Consolidated Fire Protection District. The majority of the complaint cited personnel issues that are outside the purview of the SCCGJ, and are not a part of this report.

GLOSSARY

SCCGJ - Stanislaus County Civil Grand Jury

District - The Stanislaus Consolidated Fire Protection District

Union - The Stanislaus Consolidated Firefighters Association Local 3339 Union

Board - The Stanislaus Consolidated Fire Protection District Board of Directors

Fire Chief - The Senior Manager of Operations for the District

MOU - Memorandum of Understanding

California Government Code 61040 (e) - A member of the board of directors shall not be the general manager, the district treasurer, or any other compensated employee of the district, except for volunteer firefighters as provided by Section 53227.

California Government Code 61045 (g) - The board of directors shall adopt policies for the operation of the district, including, but not limited to, administrative policies, fiscal policies, personnel policies, and the purchasing policies required by this division.

BACKGROUND

The District was created in March 1995 with the merger of the Stanislaus County Fire District, Riverbank Fire District, Waterford-Hickman Fire District and Empire Fire District. It currently serves the cities of Riverbank and Waterford and the communities of Empire, Hickman and LaGrange and has recently negotiated a partnership with the Oakdale Fire Department and Oakdale Fire Protection District.

The District is governed by a five-member Board of Directors, currently with one vacancy. The Board members are appointed by each city in the district (Riverbank and Waterford) with the remaining three (3) members being appointed by the Stanislaus County Board of Supervisors.

SUMMARY OF COMPLAINT

The complainant alleges that the Fire Chief is derelict in his duties for the following reasons:

- a) Improper business practices
- b) Poor financial practices
- c) Failure to comply with Generally Accepted Accounting Principles
- d) Discrimination against the Union and Union members

METHODOLOGY OF INVESTIGATION

The investigation of this complaint took place between April and June, 2012. Interviews were conducted with the complainant, the current District Board President, the current Fire Chief and the President of the Union. The SCCGJ reviewed the 2010 and 2011 financial statements and independent auditor's reports, the District's Policies and Procedures, the District's Directors Policy Manual, the Fire Chief's employment contract and California Government Codes 61040-60148 and 61060-61070 pertaining to a District Board's governance responsibilities.

FINDINGS

- F1: The Stanislaus Consolidated Fire Protection District's financial statements for the fiscal years 2009-2010 and 2010-2011 are free of material misstatements. An independent CPA firm conducted an audit by testing financial records and reviewing provisions of the law, regulations, contracts and grants relevant to the District's financial performance. The audit reports state, "The tests did not disclose any instances of noncompliance that are required to be reported under Government Auditing Standards."
- F2: The Board delegates a major portion of its governance responsibilities to the Fire Chief. The Fire Chief's list of responsibilities include the writing, review and approval of District policies and procedures, business and financial matters (budget and financial reports), personnel relations and issues with the Union. The 2011-2012 SCCGJ identified eight different job functions performed by the Fire Chief:
- 1) Chief Executive/Operations Officer
 - 2) Policy Administrator
 - 3) Clerk/Secretary of SCFPD Board
 - 4) Chief Financial Officer and Board Treasurer
 - 5) Chief of Oakdale and the Oakdale Rural Fire District
 - 6) Human Resources/Personnel Administrator
 - 7) Clinical Director
 - 8) Office Manager

The scope of responsibility given to the Fire Chief is far too much for one person to handle and can lead to conflicts of interest and ineffective, biased decision making.

The Board has abdicated its District governance responsibilities. This is a major impediment to the effective functioning of the District. Consequently, the Board is not in compliance with California Government Code Sections 61040 (e) and 61045 (g).

- F3: The Fire Chief has not received a formal written annual performance review from the Board since 2008.
- F4: The Board does not have a written evaluation policy for the Fire Chief, its senior manager of operations.
- F5: The Board has been remiss in its responsibilities regarding the review and approval of all policies. Due to the numerous functions performed by the Fire Chief, he is not able to keep the Board informed about the suggested policy and procedures, submitted by employees that could help in the performance of administrative and operational tasks. This results in a disruption of an open and orderly process.
- F6: The frequent turnover of Board members is affecting the Board's ability to govern effectively and with continuity. Without consistent, informed, experienced leadership for a reasonable period of time, the job of governing and supporting the district is compromised and results in ineffective leadership. Currently only one member of the Board has more than two years of service, two are newly appointed and one position is vacant.
- F7: Administration staff is not part of the Union MOU yet are filing complaints through the Union.
- F8: The Board's Directors Policy Manual outlines the full set of responsibilities for the position of the Clerk of the Board. The 2011-2012 SCCGJ finds this position has been delegated to the Fire Chief and the Board's own policies are not being followed.
- F9: The Board's Directors Policy Manual with regards to financial responsibility is essentially non-existent. The Policy Manual states the following "The Board of Directors recognizes excellent fiscal planning as a key factor in attaining the District's goals and priorities. The Board seeks to engage in thorough advance planning of budgets to devise expenditures which achieve the greatest returns given the District's available resources." No further Board direction or definition of responsibility is provided.

RECOMMENDATIONS

- R1: The 2011-2012 SCCGJ recommends that the Board read and implement all provisions of California Government Codes 61040-60148 and 61060-61070. The authority granted to the Board are the responsibility of the Board and may not be delegated to a paid employee.
- R2: The Board should review the Directors Policy Manual to insure it is in full compliance with California Government Codes 61040-61048 and 61060-61070. The Directors Policy Manual should define the Board's responsibilities in detail.
- R3: The Board must approve all District policies. Implementation of the approved policies is the responsibility of the Fire Chief.
- R4: Final approval or rejection of new or changed policies should be completed in a timely manner and parties involved notified of their acceptance or rejection.
- R5: The Board should develop a written policy for the annual Board evaluation of the Fire Chief, its senior manager of operations.
- R6: The Board should complete and deliver a written performance evaluation to the Fire Chief annually. A "catch up" review should be completed by September 30, 2012.
- R7: The Administration Staff is not part of the Union MOU with the District. Since no in-house Human Resources position exists, any administrative staff personnel complaints should be referred directly to the Board and not through the Union grievance process.
- R8: At least three of the members of the Board should be elected (per Government Code Section 61008). One of the elected members should be named as Clerk for the Board and another be named as Treasurer. There should be a job description outlining minimum qualifications for each position. The District's Directors Policy Manual provides a full job description for Clerk of the Board. The Treasurer should understand accounting and auditing procedures and should be responsible for reviewing the budget and the quarterly financial position of the District.

This report is issued by the 2011-2012 Stanislaus County Civil Grand Jury. No members of the grand jury volunteered to recuse themselves due to a perceived conflict of interest.

The primary function of the SCCGJ is to provide unbiased oversight and to investigate complaints from citizens about the operations of county and city government, school districts and special districts, as required by law. The grand jury is one means to inform citizens that government is operating efficiently and in an ethical, honest manner. The grand jury investigates policies and procedures and makes recommendations to improve

local governmental operations. It has no power to enforce its recommendations. It only informs citizens about some of the legislative and administrative work of their local governments. All grand jury investigations and reports are approved by at least a 60% supermajority vote of the entire grand jury panel.

Request for Response

Stanislaus Consolidated Fire Protection District Board of Directors
Riverbank City Council
Waterford City Council
Stanislaus County Board of Supervisors

**2011-2012 Stanislaus County Civil Grand Jury
Stanislaus County Jail, Public Safety Center, Probation Department
And Juvenile Hall Inspections
Case 12-30GJ**

The 2011/2012 Stanislaus County Civil Grand Jury conducted on-site inspections of the county's jail facilities in early 2012. The Juvenile Hall and Honor Farm were also visited on a later date as well as the county probation department.

The Grand Jury is required by Penal Code 919 to "inquire into the condition and management of the public prisons within the county."

GLOSSARY

CDCR: California Department of Corrections and Rehabilitation- (Title 15): Covers all rules and regulations of adult and minor institutions, programs, and parole. Title 15 is the primary source of policy and procedures within both adult and juvenile correctional facilities.

CSA: Corrections Standards Authority

SB 109: A State Assembly Bill that among other things allows the state to transfer less dangerous prisoners from state prisons to county jails. Funding is provided by the State to counties to defer some costs for housing these prisoners.

SCCGJ: Stanislaus County Civil Grand Jury.

PSC: Public Safety Center

INVESTIGATION METHODOLOGY

The SCCGJ Criminal Justice Committee was responsible for the inspections of these facilities. All of the grand jury members were invited to attend during these visits.

The SCCGJ toured these facilities and interviewed supervisory personnel and staff officers.

The SCCGJ discussed the jail operation and plans to modernize jail facilities and the morgue in an interview with the Stanislaus County Sheriff.

Reviewed 2011 Stanislaus County Probation Department annual report.

FACILITY DISCUSSION, FINDINGS, AND RECOMMENDATIONS

STANISLAUS COUNTY MENS JAIL- 1115 H Street Modesto

This facility was built in 1954. There are three floors, a basement and a roof exercise area. There is a secure tunnel that runs from the basement of the jail to the basement of the Stanislaus County Superior Court Building. It is used to transport prisoners that have a scheduled court appearance.

The Men's Jail is an outdated facility much in need of repairs. It is in stark contrast to the Public Safety Center located on Hackett Road. The downtown jail is cramped. Many cells are small and dark. It has a restricted exercise facility located on the roof. Inmates are allowed two 3-hour exercise periods per week at this location. This facility houses men prisoners only. Female prisoners are housed at the Public Safety Center. At the present time there are upgrades that have been done to the heating and air conditioning system. A handicap ramp, an upgraded monitoring control panel, and additional recording cameras in various locations are projects yet to be completed.

The maximum capacity of this facility is 396 inmates. At the time of the SCCGJ's visit there were 380 inmates incarcerated at the downtown jail. There are 28 total deputies that staff this facility. There has been no change to staffing as a result of AB 109. There is a medical facility on the site that is staffed by Correct Care Solution (a private contractor) and a licensed nurse is on duty 24 hours a day. Prisoners with significant psychological problems are sent to a separate behavioral center for treatment at Doctors Medical Center.

There are cells to accommodate 1, 2, 6, and 12 inmates in the facility. There are television sets that are located in the cell corridors. There is a television set shared by two cells in most locations. There are two holding cells for inmates that may be suicidal or a danger to others. They are checked by deputies every 30 minutes. There are also sobering cells that are checked regularly by deputies. Large holding cells are located in the basement and on upper floors for inmates awaiting release and for lower risk prisoners that work around the prison. A classification staff determines where prisoners are housed in the facility on the basis of such factors as type of crime and gang affiliation. The striped colors of prisoner's uniforms designate these classifications.

When prisoners are booked at this facility they are given a medical, dental and psychological evaluation. The intake procedure takes about one hour. On weekends there can be thirty or more bookings per day. Personal property is inventoried and held in large bags with names attached and hung in an inventory room. Prisoners are allowed 3 telephone calls when they are booked.

There are random daily cell checks for contraband and weapons. Deputies showed the SCCGJ many types of weapons that had been made and concealed in the cells. The smuggling of cell phones into the prisons is a major problem for deputies. There are telephones located on small dollies that are rolled along corridors so prisoners can make

calls through the cell bars. They must have telephone cards to pay for calls. There appears to be no limit to telephone calls as long as prisoners can pay for the calls. Calls are randomly monitored, but the volume of calls makes it possible for deputies to listen to only a few calls. The prisoners can have unlimited amounts of money to use in the form of prison debit cards. They can use this money for purchasing snacks and condiments for their meals. Weekly bedding and clothing changes are provided for the inmates. Meals are brought in from the Public Safety Center and reheated.

Citizens can visit prisoners from 8:30-10:30 a.m. every day except Wednesday. Visit times are limited to 30 minutes and visitors must talk to inmates via a telephone that is connected on the other side of a glass partition. Some of these conversations are monitored by deputies.

At present there are no organized job training or education classes at this facility. There is a volunteer staff for some job training and a chaplain/ministry is available to prisoners. The SCCGJ was told there is an 85% recidivism rate for inmates.

The last Corrections Standards Authority (CSA) biennial inspection of this facility took place on August 25, 2011. The facilities were inspected for compliance with the minimum standards for local detention facilities as outlined in Titles 15 and 24 of the, California Code of Regulations. Some highlights of this report by CSA and other agencies:

- Title 24 section 470A.2.6: Single-Occupancy Cell- This regulation limits the occupancy of a single occupancy cell to a maximum of one inmate. At the time of the CSA inspection 29 single-occupancy cells were occupied by two inmates. The department has acknowledged this long term practice, but prefers to recognize the federal cap for cell area rather than the more restrictive CSA rated capacity.
- A fire inspection was completed by the Modesto Fire Department of the men's jail on March 3, 2011. After some minor discrepancies were corrected, the men's jail received fire inspection clearance on April 12, 2011.

The County Health Officer is mandated by statute to annually investigate the health and sanitary conditions of each detention facility. (Sec. 101045 H&S Code). The most recent Health Department report of their inspections found no significant areas of non-compliance with Title 15 minimums.

Environmental health inspections were conducted by staff from the County Department of Environmental Resources. No significant issues of non-compliance were noted in the most recent inspection.

FINDINGS

- F-1. There was one death in the prison this year. A 22-year-old prisoner hung himself with bed sheets in one of the two man cells. The other prisoner claimed to be asleep at the time. The deceased had been put on suicide watch after his arrest, but after an evaluation by the medical staff, he was released to a regular prison cell.
- F-2. The 2012 SCCGJ agrees with previous SCCGJ reports that the men's jail is an outdated and aging facility. The PSC on Hatch Road has a direct supervision design that allows better monitoring of prisoners.
- F-3. An exercise period of two 3-hour periods per week for prisoners does not seem to be adequate for the restricted space some prisoners are required to live in. This is especially true of prisoners that double up in cells designed for one man.
- F-4. The staff at the prison in the opinion of the SCCGJ, seem competent and professional in the conduct of their duties.

RECOMMENDATIONS

- R-1. The suicide prevention procedures should be reviewed both in psychological evaluations of the prisoners and changes that can be made to cells that are used for at risk prisoners. The SCCGJ observed that the cell used in the last prisoner suicide made it easy for a prisoner to stand on a bed and reach a horizontal cross bar that separated two cell segments. Prisoners are able to stand on a bed and wrap a bed sheet around the upper bars and have enough vertical space to hang them selves. It seems some modification can be made to these cells to make it more difficult for at-risk prisoners to hang themselves in this manner. Title 15 Section 1046- Inmate Death requires that a team with specified composition review each in-custody death and submit a report to the CSA.
- R-2. As many prisoners as possible should be transferred to the Public Safety Center as new construction is completed.
- R-3. The SCCGJ recommends that exercise time be increased for prisoners.

REQUEST FOR RESPONSES

The Stanislaus County Sheriff
The Stanislaus County Board of Supervisors

PUBLIC SAFETY CENTER – 200 East Hackett Road Modesto

This facility was constructed in 1992. It is a modern prison facility and the comparison with the downtown jail is striking. The facility is composed of 6 “pods” or cell areas. Each cell pod has a large open area that prisoners can read and watch television in an open central area. Prisoners may get up to 8 hours per day in this area depending on behavioral issues. Some prisoners get much less. This area is surrounded by two stories of cell blocks. There is a floor-level observation platform where deputies can monitor activities of inmates. There are 40 deputies assigned to the PSC. At the time of the SCCGJ’s visit there were 698 inmates with a total capacity of 726. All prisoners are separated by a classification staff and wear different colored uniforms to denote the type of inmate. The visiting hours are the same as the downtown jail. Female inmates are housed in two separate pods away from male prisoners. There are 4 female prisoners to a cell. The compound has a large outdoor grass recreational area for some prisoners to exercise. There are programs available for inmates that include both GED degrees and college AA courses.

Prisoners with mental health problems are housed in separate cells and monitored by deputies. When their problems can no longer be dealt with by jail personnel they are sent to a mental health facility that is contracted to Doctors Medical Center. Beds are limited at the medical center facility so inmates have to wait until space is available up before they are transferred. Depending on their classification, some severely mentally handicapped prisoners are sent to state mental health facilities. The SCCGJ was told funds have become available to add one deputy each to the PSC and downtown jail to help deal with prisoners with mental health problems.

A separate building at this location houses a modern kitchen and laundry facility. There is a large storage area that contains large amounts of food, laundry and personal supplies. Snacks and condiment items are stored here that can be purchased by prisoners. This facility prepares 4,000 meals per day. The SCCGJ was told that the food meets guidelines for nutritional needs. Condiments for meals must be purchased by inmates. Coffee is no longer provided as part of the meals. There are special meals provided for those with special needs such as diabetes. There is a large laundry facility that does laundry for all prison facilities. Some prisoners work in the laundry and kitchen facility. This appears to be a well run and managed operation.

The jail has a work release program that allows low risk inmates to serve out their sentence by working in public works programs. A classification unit selects inmates for participation. This program used to be comprised of 300 inmates, but has grown much larger because of lack of jail space. In the past inmates that did not meet their work commitments were returned to custody. Because of lack of jail space this is no longer possible. Inmates in this program work in public works programs such as parks clean up and graffiti removal. There are over 40 sites that are part of this program.

A major change occurred in 2011 for the Stanislaus County Jails and Probation Department. Assembly Bill 109 mandated that some low risk prisoners in state prisons be relocated to county jail facilities. This was a result of a federal court ruling that sought to correct over-crowding in the state prisons system. Stanislaus County jails received the first of these inmates in the fall of 2011. The State of California provided funds to help counties with the costs of housing these inmates, but they are of a temporary nature and further funding for staffing is in question. Two pod areas that had been closed in the Public Safety Center were reopened to house these inmates and deputies were rehired to staff these facilities.

There are major expansion plans for this facility. In June of 2010 a fire destroyed two of the four buildings of the Stanislaus County Honor Farm. Money from an insurance settlement will be used to construct additional capacity at the Public Safety Center. Constructions of three new pods are scheduled to begin in July of 2012 and be completed a year later. This will allow the housing of 192 additional inmates and possible transfer of honor farm inmates.

Stanislaus County received a grant from the California Corrections Standards Authority for \$80 million that must be used for construction of new facilities. These funds will be used for further jail expansion that will house an additional 384 inmates. A medical and mental health wing will provide a much needed capacity of 72 beds. A day reporting center and central control station will also be constructed. Additionally, these funds will be used to pay for the relocation of the morgue to the vacant Medical Arts Building in downtown Modesto.

FINDINGS

- F-1. Staffing levels that were previously reduced were restored by realignment funds received from the State of California. The continued receipt of these funds is questionable. This makes future planning for staffing these facilities difficult.
- F-2. The jail in the opinion of the SCCGJ appears to be well run and managed.

RECOMMENDATIONS

- R-1. The SSCGJ recommends that the Board of Supervisors and Community Corrections Partnership Executive Committee for Stanislaus County (1) update the realignment plan for Stanislaus County, and (2) proactively work with professional organizations (including the California State Sheriffs Association, California State Association of Counties, Chief probation Officers of California, and County Mental Health Directors Association) to lobby the governor and legislators representing Stanislaus County for adequate and reliable multi-year funding for county level corrections and rehabilitation.

REQUEST FOR RESPONSES

The Stanislaus County Sheriff
The Stanislaus County Board of Supervisors

PROBATION DEPARTMENT'S JUVENILE FACILITY (JUVENILE HALL) 2215 Blue Gum Ave. Modesto

The Probation Department has three divisions, Adult Field Services, Juvenile Field Services, and Juvenile Hall. It is managed by a Chief Probation Officer. There is a Division Director in charge of each division. The SCCGJ interviewed the Chief Probation Officer and the Division Director of the Adult probation department. They stated there are 250 total staff with 175 sworn officers in the department. Ninety of these individuals are assigned to Juvenile Hall. Officers for adult probation have a large case load of parolees. Several years ago the department head realized they would have to reduce staffing by attrition because of looming budget cuts. Recently they have received funds to hire 15 new staff using funds from AB109. Many applicants are disqualified because of prior drug use.

Juvenile Hall is a detention facility for inmates less than 18 years of age. It has a bed capacity for 158 inmates. Inmates are processed within one hour of arrival. They are classified by type of violations and problems including chemical dependency, and mental health needs. There is a full time nurse on duty 24 hours a day. There is a separate area for maximum security inmates; these inmates are locked down in single cells. At the time of our visit six inmates were being held in the maximum security area on murder charges, including one female. Staff stated it costs about \$181 a day to house inmates. Parents are charged \$24 per day after the time their children are charged and detained in the facility. There are 87 full-time and 15 part-time staff members. There is a new 60 bed modern facility under construction next door. It is scheduled to open May of 2013.

There were a total of 3,141 arrests referred to the juvenile department in 2011. Of these 819 were booked for crimes and 2,322 were citations. The SCCGJ was told 83% of the inmates were being held for felony charges. Gang members comprise approximately 50% of the juvenile hall population. It is very rare to have a juvenile released on bail. In spite of education programs and the efforts of a dedicated staff, there is a 75% recidivism rate. Juvenile inmates when released, return to the same environment and influences that initially caused their arrest and detention. Juvenile caseloads average 36 per probation officer.

The inmates are given many counseling sessions during their stay in the facility. The inmates are kept busy attending regular educational classes for GED diplomas and college courses. They must keep their sleeping areas clean and bedding is to be folded in a military fashion. They are also given classes on life skills. During the SCCGJ's visit inmates were attending a large class where they were practicing for a job interview in

front of their peers. The dedication of the staff was impressive as they try and give as much help as they can to the inmates during their time in the facility.

The SCCGJ was told that the Superior Court decides which adult prisoners are released from jail. The court decides the probation conditions for each inmate. The management goal of the Probation Department is to provide maximum monitoring to the most dangerous parolees. Many of the probation department's sworn officers are armed and will arrest probation violators when necessary. The sheriff has the option to require probationers to wear ankle bracelets for monitoring. This monitoring is contracted to a service that informs the Department about violations of probation. The terms of probation end when an arrest warrant is issued. At the present time no arrests are being made for misdemeanor offenses because of manpower constraints.

New sentencing guidelines result in 75% of new offenders with less serious offenses, spending custody time in County Jails. Judges decide the terms of prison time and probation time. In the past these individuals would have been sent to state prison for at least one year and then returned to serve one to five years of supervised probation in their county of residence.

FINDINGS

- F-1. The probation department as well as the sheriff's jail staff is coping with the ramifications of AB 109 that required the county jails to accept prisoners transferred from state prisons. There is an additional burden because some new prisoners that would have been sentenced to state prison are now sentenced to serve their time in county jails. The county received SB 678 realignment funds from the state that is shared by the sheriff and probation departments. The status of these funds on a continuing basis however, is in question because of state budget constraints. There is a concern that prisoners that would normally be incarcerated would have to be released due to lack of funding to staff jail facilities.
- F-2. The Probation Department staff told the SCCGJ the California Youth Authority (CYA) facility is scheduled to be closed by 2014. This is another casualty of the State of California's budget crisis. The SCCGJ feels that closing the CYA can have a significant impact on Stanislaus County which may not have facilities to house these dangerous young inmates.
- F-3. The SCCGJ found that the Juvenile hall is clean, well maintained, and staffed with personnel that are highly motivated to help youthful prisoners.

RECOMMENDATIONS

- R-1. The SCCGJ recommends the Stanislaus County Board of Supervisors and the Chief Probation Officer proactively work with professional organizations (including the California State Association of Counties and Chief Probation Officers of California) to lobby the governor and legislators representing Stanislaus County for adequate and reliable multi-year funding for the county probation department.
- R-2. The SCCGJ recommends the Stanislaus County Board of Supervisors and Chief Probation Officer express to the State of California, that California Youth Authority (CYA) facilities remain open to house dangerous juvenile prisoners.

REQUEST FOR RESPONSE

The Stanislaus County Board of Supervisors
The Stanislaus County Chief Probation Officer

THE HONOR FARM- 8224 West Grayson Road Modesto

The Honor Farm is used to house minimum security prisoners. At the time of the SCCGJ's visit there were 85 inmates housed with a maximum capacity of 86. A fire in 2010 burned down two of the facilities barracks. Before the fire the capacity was 300 inmates. There is one officer supervisor, two compound deputies, one transportation deputy, and one operations deputy. The operations deputy also handles maintenance and repairs, sometimes with the help of inmates. Inmates wear two colors of uniform that denote their status either as a convicted prisoner or one awaiting sentencing. Visiting hours are Saturday morning, divided into two one-hour periods. Visitors meet inmates in the chow hall under the observation of guards. A nurse comes to the facility twice-a-day for inmate care.

There is a work program where four inmates work in the kitchen and 4-8 work in general maintenance. A few inmates participate in a GED program. Volunteer chaplains conduct services for inmates that want to participate. The SCCGJ was told by officers about 51% of the inmates are contesting cases, while the remainder of the inmates are serving sentences. No misdemeanor offenders are housed in this facility. Deputies stated that most inmates are not the most sophisticated criminals. Assaults among inmates have gone down, but smuggling of contraband especially cell phones, has increased.

FINDINGS

F-1. The Honor Farm is an outdated facility; however it does have capacity to house prisoners. It could continue to be used as an overflow facility until the construction of future prison facilities is complete.

RECOMMENDATIONS

R-1. The SCCGJ recommends the Sheriff keep the Honor Farm open and functional even after the expansion of the Public Safety Center. The Honor Farm will give the County space for 86 inmates that may be needed until the ramifications of AB 109 are fully realized.

REQUEST FOR RESPONSES

The Stanislaus County Sheriff.
The Stanislaus County Board of Supervisors

THE COUNTY MORGUE

The SCCGJ did not visit this facility. Plans are in place to close it and move to a new location in downtown Modesto at the vacant Medical Arts Building. State grants will pay for modernizing this facility at the new location.

FINDINGS

None

RECOMMENDATIONS

None