THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office BOARD AGENDA # *B-3

Urgent ☐ Routine ☑ AGENDA DATE August 23, 2011

CEO Concurs with Recommendation YES ☑ NO ☐ 4/5 Vote Required YES ☐ NO ☑
(Information Attached)

SUBJECT:

Consideration and Approval of Response to the 2010-2011 Stanislaus County Civil Grand Jury Final Report

STAFF RECOMMENDATIONS:

1. Accept the responses to the Grand Jury Final Report with any modifications made after consideration by the Board of Supervisors and authorize the Chairman of the Board to forward the response to the Presiding Judge of the Superior Court by August 25, 2011.

2. Direct the Chief Executive Officer to ensure that the recommended actions by the Board of Supervisors be followed and completed by the subject County Departments and report back to the Board as appropriate.

FISCAL IMPACT:

There is no direct fiscal impact associated with this response. The Civil Grand Jury is not required to address the funding issues associated with their recommendations; however, the Board of Supervisors and County Departments recognize the broader constraints of implementing recommendations that are beyond the financial resources available to County government.

BOARD ACTION AS FOLLOWS:

No. 2011-483

On motion of Supervisor O'Brien , **Seconded by Supervisor** Withrow
and approved by the following vote,
Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

1) X **Approved as recommended**
2) _____ **Denied**
3) _____ **Approved as amended**
4) _____ **Other:**
MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk File No. M-39-M-5

DISCUSSION:

The Stanislaus County Board of Supervisors received from the 2010-2011 Stanislaus County Grand Jury Reports 11-30GJ regarding the County Jail and Temporary Detention Facilities Inspections; 11-31GJ regarding the Stanislaus County Audit; 11-32GJ regarding the Special District Audit Requirement; and, 11-43GJ regarding the Stanislaus County Coroner Facility Inspection.

The Stanislaus County Board of Supervisors was not requested to respond to the Stanislaus County Audit or to the Special District Audit Requirement. The Auditor-Controller's response to these reports is attached.

The Grand Jury has requested that the Board of Supervisors respond to the Findings and Recommendations regarding the County Jail and Temporary Detention Facilities Inspections (report 11-30GJ) and the Stanislaus County Coroner Facility Inspection (Report 11-43GJ). The Sheriff's responses to these reports are attached. The responses to the Findings and Recommendations are as follows:

Civil Grand Jury 2010-11 Case #11-30GJ Stanislaus County Jail and Temporary Detention Facilities Inspections

Stanislaus County Men's Jail

The Stanislaus County Civil Grand Jury finds the following:

Finding 1: The Sheriff's Department will be a part of the site selection committee for the newly proposed courthouse location in downtown Modesto.

Response: Agree.

Finding 2: The men's jail is within compliance of CSA and Stanislaus County Health Services Agency requirements.

Response: Agree.

Finding 3: Due to cutbacks and the federal consent decree, Sheriff officials indicated that in the past three (3) years, 424 prisoners were forced to be released early. That averages out to 141.3 inmates released annually back into the neighborhoods of Stanislaus County.

Response: Agree.

Finding 4: Not all camera monitoring systems have the ability to record.

Response: Agree. The capturing of images such as inkless fingerprinting, booking photos and, especially video require large amounts of storage space, and staff resources.

Finding 5: All three facilities have implemented a new automated calling software package designed to notify off-duty personnel of emergencies and overtime coverage.

Response: Agree.

Finding 6: Medical/mental health and dental service appears to be satisfactory.

Response: Agree.

Finding 7: Significant amounts of standing water are located in the secure portion of the jail's basement.

Response: Agree. This has been an on-going issue. Last year, the judges' parking lot adjacent to the Courthouse was re-paved, in part to address water issues in the tunnel leading from the jail to the Courthouse, which is directly below the parking lot. Although this project reduced the amount of water seeping into the tunnel, the problem continues and GSA maintenance personnel are working to stop the seepage.

Finding 8: The men's jail is due for their next CSA inspection in April of 2011.

Response: Agree.

Stanislaus County Men's Jail:

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1: The Sheriff's Department shall be part of the site selection planning authority for the location of the new courthouse and conduct a needs assessment to see if a new men's jail can be constructed at this location.

Response: Agree. The decision for the location of the new Courthouse will be made by the California Judicial Council, Administrative Office of the Courts. The County is represented on the New Courthouse Project Advisory Group by two members from the Chief Executive Office, one from the Sheriff's Office and from the District Attorney and Public Defender's Offices. The Chief Executive Office is working with the Sheriff (Administration, Court Security and Transportation units) to evaluate the impacts of a new Courthouse location once the site has been determined.

Recommendation 2: No recommendation.

Response: No response requested.

Recommendation 3: Staffing levels updates need to be upgraded to ensure public safety.

Response: The recommendation will not be implemented because it is unclear what is being recommended. It is difficult to determine if an increase in the number of staff is being requested or if an upgrade to the existing position levels is requested. The current economic status of the County would make either request cost prohibitive at this time.

Recommendation 4: Enhance the monitoring/video technology for safety/security

Response: Agreed. In coordination with Sheriff's staff and the Chief Executive Office staff are researching the advantages of using video capturing systems for inmate visiting. Video Visitation (VV) could enable the Sheriff to remain in compliance with State and local guidelines by providing visitation access to inmates by family members and friends. The installation of V/V would ensure that the movement of inmates within the Facility is kept to an absolute minimum. Such actions would result in a reduction of possible contraband movement within the Facility.

Recommendation 5: No improvement needed at this time

Response: No response requested.

Recommendation 6: CCS shall be closely monitored by County health care officials to ensure compliance, accreditation, and satisfactory service.

Response: Agree. Correct Care Solution (CCS) is the Jail health provider. The Public Health Services Division within the Health Services Agency monitors quality of care provided to inmates. A Public Health representative attends the quarterly Medical Administration Committee meetings along with representatives of the Chief Executive Office, the Sheriff's Office, and the Probation Department. The day-to-day inmate satisfaction with medical and mental health care is overseen by the Sheriff and Probation Departments.

Annually each facility is inspected by a team from Stanislaus County Public Health pursuant to Section 101045 of the California Health and Safety Code. The inspection assesses compliance with Title 15 standards as promulgated by the California Corrections Standard Authority (CSA).

Recommendation 7: Water leaks immediately be corrected.

Response: Agree. The water issue is a seasonal one. Rain travels down the side of the building, flows between the wall of the jail above the tunnel and the asphalt, and into the tunnel below. While the re-paving has significantly reduced the amount of water pooling in the tunnel during the rainy season, it has not fully corrected the issue.

GSA Facilities Maintenance has assessed this issue and recommends a nominal repair to include flashing and a small gutter install above the doorway. This will intercept any water washing down the wall surface. In addition, where the pavement and wall intersect a shallow sloped concrete trough should be constructed.

Recommendation 8: No recommendation at this time.

Response: No response requested.

Public Safety Center (PSC)

The Stanislaus County Civil Grand Jury finds the following:

Finding 1: CCS was briefly unaccredited by the State of California. CCS, is based in Tennessee and had a high turnover rate. CCS obtained re-accreditation in California, was briefly on probation with Stanislaus County and is now fully accredited. CCS is one and one-half years into a five-year contract with Stanislaus County.

Response: Agree. Correct Care Solution (CCS) was placed on six months probation in September 2010 by the Stanislaus County Public Health Officer based upon findings during the inspection site visits during the spring and summer of 2010. The facility was re-inspected by the Public Health team during March 2011, and the probation was lifted. It is also noteworthy that in December 2010 the CCS Jail Medical Program received full accreditation by the Institute for Medical Quality (IMQ), a non-profit subsidiary of the California Medical Association. The IMQ standards exceed those of Title 15 and the California Corrections Standard Authority (CSA).

Finding 2: Staffing levels are dangerously low due to budgetary cuts, The national ratio is one custodial officer for every 4.47 inmates while California's ratio is one custodial officer for every 6.46 inmates (Petersilia, J. (2006). Understanding California corrections. University of California, Irvine, Center for evidence-based corrections. http://ucicorrectionAgreeseweb.uci.edu/pdf/cprcsummary.pdf).

- Stanislaus County officials have a ratio of one custodial officer for every 9.5 inmates.

Response: Agree in part. The 2006, "Understanding California Corrections" report was commissioned by the California Policy Research Center's (CPCR) Policy Research Program. CPCR is a University of California program that applies the extensive research expertise of the UC system to the analysis, development and implementation of state policy as well as federal policy on issues of statewide importance. This report does not establish staffing ratios for County detention facilities. Chief Executive Office and Sheriff staff will continue to review staffing levels as part of the budgetary process.

Finding 3: Two (2) housing units (150 beds total) have been vacated and are not currently in use.

Response: Agree.

Recommendations for the Stanislaus County Public Safety Center (PSC)

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1: County leaders carefully monitor the services provided by CCS for continued professional health care.

Response: Agree. The services provided by Correct Care Solution (CCS) are carefully monitored by County leaders on a regular basis. This monitoring includes

monthly Medical Administration Meetings with representatives from CCS, CEO, Sheriff and Probation departments. These meetings include a detailed review of intakes, medical and dental sick calls, emergency room transfers and hospital days, and reports on mental health, pharmacy, infection control, chronic care, quality improvement, grievances and staffing. A Medical Administration Committee meets once a quarter to review these same areas. This Committee also includes the County Public Health department and the Medical Director. In addition, bi-weekly conference calls are scheduled between the County Chief Executive Office and CCS corporate headquarters to check in on overall performance and key staffing recruitments.

Recommendation 2: Increase staffing levels to ensure the safety of the staff, inmates, and the public.

Response: The recommendation will not be implemented at this time due to severe budget restraint. The Public Safety Center (PSC) is currently fully staffed with full-time employees and also with overtime hours – no positions are being left vacant as a cost-cutting measure. The criminal justice consulting firm of Crout and Sida conducted a staffing analysis in conjunction with a needs assessment for the expansion of the PSC. Due to the current economic climate, no increases in staffing levels have been made.

The Stanislaus County Honor Farm

The Stanislaus County Civil Grand Jury finds the following:

Finding 1: The Honor Farm lost half of their facility due to an accidental fire. Insurance negotiations are still in progress and pending.

Response: Agree in part. The H/F's *maximum bed capacity* before the June 2010 fire was 370. The loss of 172 beds due to the fire was approximately 46.4% of the total maximum bed capacity of the Honor Farm. Negotiations with the insurance provider were successfully completed. Representatives from the Chief Executive Officer's office and the Sheriff's Department are working in partnership to upgrade the jail facility Master Plan, including replacement of the 172 inmate beds lost in the fire at the site of the Public Safety Center.

Finding 2: A Federal consent decree mandates that no more than 1,492 inmates can be housed at the men's jail, PSC, and the Honor Farm at any given time.

Response: Agree.

Finding 3: 21 million dollars has been cut from the Sheriff's Department staff. This is a reduction of 25% to both custodial and patrol deputies.

Response: The Sheriff's Department has experienced a 25% reduction in total full-time staff positions since the presentation of the 2008-2009 Final Budget to the 2011-2012 Proposed Budget. Of these positions, custodial deputies experienced a 12% reduction. During the same time period the total budget for the Sheriff's Department experienced a $17 million reduction, equivalent to an 18% reduction. The decline in the budget for the detention programs reached nearly $4 million, slightly over 11%. Although any reductions in Public Safety services are alarming, this comparison indicates that the reductions have not impacted the detention services as severely as others in the Sheriff's Department. Detention staffing reductions have resulted in the closure of available beds at the Public Safety Center and the Honor Farm.

Finding 4: The staff at the Honor Farm, along with the involved first responders did an outstanding job of evacuating, moving, and securing inmates during the unexpected fire. The SCCGJ recognizes that the diligent work was done without warning and there were **no injuries** (emphasis added) at all. This incident is a textbook example of the immediate response times of all first responders to a remote facility in a timely manner.

A mutual aid agreement ensures allied agencies of nearby police and fire departments responded to all emergencies at any location.

Response: Agree.

Recommendations for the Stanislaus County Honor Farm

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1: Shut down the Honor Farm Operation and use the two vacated housing units at PSC to house the remaining inmates. Current custodial staff can also be placed at PSC. Insurance settlements can be placed into the public facilities fund for future expansion plans at PSC.

Response: Existing Public Safety Center Master Plan anticipates the closure of the Honor Farm upon the expansion of the inmate housing capacity at the Public Safety Center. An update of the inmate projections and profile (determining the security level and type of segregation of persons in custody required in the proposed facilities) is currently underway.

Recommendation 2: Custodial staff must remain mindful of complying with the Federal consent decree.

Response: Agree.

Recommendation 3: Staffing levels are well below what is appropriate for the community members of Stanislaus County.

- Stanislaus County shall adhere to the standards contained within the U.C. Irvine report of one custodial deputy for every 6.46 inmates.

Response: Agree in part. The recommendation requires further analysis. The ratio as stated in the report is an average of inmates per correctional officer and was used as a comparison to the national average. It is unclear as to whether the California Department of Corrections and Rehabilitation has accepted this ratio as a standard. Staffing levels are subject to available funding.

Civil Grand Jury 2010-11 Case #11-43GJ Stanislaus County Coroner Facility Inspection

The Stanislaus County Civil Grand Jury finds the following:

Finding 1: The current Coroner's Facility is approximately 32 years old. The current facility is meeting current mandated requirements. Recent upgrades to heating, cooling and ventilation systems are limited "stop gap" measures at controlling odor. Based on the size and construction of the current facility, there are no available solutions for reducing noise levels or improving sound insulation.

Future operational mandates, as determined by the Department of Justice, and projected workloads are undetermined at this time.

Response: Agree.

Finding 2: The Coroner's Office pathologists are performing estimated 450-500 autopsies per year. According to N.A.M.E., Board Certified Pathologists should be performing **no more** than 250 autopsies per year. Based on N.A.M.E. standards, caseloads exceeding 350 autopsies per year increase the risk of error and the quality of the autopsies can be sacrificed. In addition, more than 400 autopsies, performed by one pathologist, is considered a "phase 1" deficiency if accreditation is sought through N.A.M.E.

Response: Agree. The National Association of Medical Examiners (N.A.M.E.) Accreditation Standards have been prepared and revised by NAME for the purpose of improving the quality of the medicolegal investigation of death in this country. The standards represent minimum standards for an adequate medicolegal system, not guidelines.

The NAME Accreditation Program is a peer review system. Its goal is to improve office or system performance through objective evaluation and constructive criticism. The accreditation program is intended to evolve over time. Procedures ensure the review of standards and procedures and a mechanism is established for setting standards.

It is the goal of the Stanislaus County Sheriff's Coroner's Office to be accredited through N.A.M.E. However, due to staffing shortages, workload demands, and an aging outdated facility, the application has not been made for accreditation.

Finding 3: The Stanislaus County Coroner's Division **is not** prepared/equipped to respond to a large-scale multi-casualty disaster. At current capacity, the Coroner's Office facility is only capable of adequately holding approximately 15-20 human remains.

Response: Agree. While our current facility has been identified as one that needs to be replaced, in the event of a natural disaster or intentional terrorist incident, there are resources available to local agencies either through the California Emergency Management Agency (Mutual Aid) or from the United States Federal Government through the Office of Emergency Services.

Recommendations for the Stanislaus County Coroner Facility Inspection

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1: The Coroner's Division/Stanislaus County Sheriff's Department continues with the proposed renovation of the Medical Arts Building in an effort to re-locate the Coroner's Division.

The proposed move would allow the Coroner's Office to operate in a more up to date facility, improve and enlarge available work spaces and upgrade and/or add essential equipment.

These improvements would improve the efficiency of the Coroner's Office and subsequently benefit the current and future needs of Stanislaus County residents.

Response: Agree. The County Chief Executive Office and the Sheriff's Department are currently preparing plans for the replacement of the existing Oakdale Road Coroner office. The existing office occupies approximately 3,520 net (usable) square feet in a total building area of approximately 4,700 gross square feet.

The original Public Safety Center Master Plan designated a site for a new Coroner's facility at Hacket Road adjacent to the Sheriff's Operations Center. Funds are not available for the construction of a new facility. As a result, the Chief Executive Office, and the Sheriff and his staff are developing facility replacement options to be considered by the Board of Supervisors in the early fall of 2011. Re-use of the former Medical Arts Building is an option that may result in a lower cost alternative to provide an expanded, modern and efficient new Coroners facility to meet current and future needs for this important public function.

Recommendation 2: Increase current staffing levels in an effort to conform to the performance standards as recommended by N.A.M.E.

Response: Agree in part. The recommendation will not be implemented at this time due to severe budget restrictions but steps are being taken to improve staffing levels.

In order to attain the N.A.M.E. recommended performance standards the Coroner's Office has applied for the Paul Coverdell Forensic backlog reduction grant which is funded by the National Institute of Justice. This would allow the Office to increase staffing and improve service levels. As the economy improves and more revenue becomes available, additional staff will be pursued with the desired outcome of an application for N.A.M.E. accreditation.

Recommendation 3: Dedicate use of increased space to an area prepared/equipped to adequately respond to multi-casualty incident.

Response: Agree. The recommendation has been implemented in part. Currently the Coroner's Office and the County Capital Projects division are working to develop recommendations for future Board of Supervisors consideration for a larger facility. Options include the re-use of an existing County facility that would allow additional space for responding to larger scale, multiple casualty incidents. In the meantime, the County's Office of Emergency Services has operating plans in place for large scale incidents and resources are available through the California Emergency Management Agency or through the Federal Government's Office of Emergency Services.

POLICY ISSUE:

Pursuant to California law, the Board of Supervisors must respond to the Presiding Judge of the Superior Court no later than 90 days after submittal of the Final Report of the Civil Grand Jury. Adoption of this response meets this requirement.

STAFFING IMPACTS:

County Departments that are subjects of the Grand Jury Reports are required to prepare a response to the findings and recommendations of the Grand Jury. Existing staff has prepared the recommended response.

CONTACT PERSON:

Patricia Hill Thomas, Chief Operations Officer Telephone: (209) 525-6333.

Stanislaus County
Striving to be the Best

AUDITOR-CONTROLLER

Lauren Klein
Auditor-Controller

1010 10th Street, Suite 5100, Modesto, CA 95354
PO Box 770, Modesto, CA 95353-0770
Phone: 209.525.6398 Fax: 209.525.6487

BOARD OF SUPERVISORS
2011 JUN 27 P 2:15

June 23, 2011

Presiding Judge Ricardo Cordova
Superior Court – Stanislaus County
PO Box 3488
Modesto, CA. 95353

SUBJECT: AUDITOR-CONTROLLER RESPONSE 2010-2011 STANISLAUS COUNTY CIVIL GRAND JURY FINAL REPORT

This letter will serve as the Auditor-Controller's response to the Grand Jury Final Report for the 2010-2011 year.

We have included the Grand Jury findings and recommendations followed by our response.

Special District Audit Requirement – Grand Jury Case number 11-32GJ

Findings

F2: Of the thirty-six special districts, seven are not in compliance with their audit requirement. The following special districts are in the process of completing their audit.

- West Port Fire
- Woodland Fire
- Riverdale Park Community Service

The following are not in compliance and do not have a plan of correction in place as of March 31, 2011:

- Knights Ferry Community Service
- Monterey Park Community Service
- East Stanislaus Resource Conservation
- Sand Creek Flood Control

The respondent agrees with the finding.

F3. There has not been an audit conducted of the Monterey Park Community district since 1995.

The respondent agrees with the finding.

Recommendations

R2. The Stanislaus County Auditor-Controller contacts the following Special Districts and develop a timeline to ensure the completion of the required audits.

- Knights Ferry Community Service
- East Stanislaus Resource Conservation
- Sand Creek Flood Control

The recommendation has not been implemented, but will be implemented within the next year. The three districts listed above have been contacted. The Stanislaus County Auditor-Controller will monitor the progress of these required audits to ensure completion.

R3. The Stanislaus County Auditor-Controller hire a qualified forensic accounting firm to complete an audit of the Monterey Park Community District.

The recommendation has not been implemented, but will be implemented within the next year. The Stanislaus County Auditor-Controller will be attending a District meeting and working with the District to determine a plan of correction. In addition, the Stanislaus County Auditor-Controller has contacted a public accounting firm with preliminary information regarding the audit. The Stanislaus County Auditor-Controller will monitor the progress of and facilitate the completion of the audit.

Lauren Klein

Lauren Klein, CPA
Auditor-Controller

C: Honorable William O'Brien, Supervisor – District 1
Honorable Vito Chiesa, Supervisor – District 2
Honorable Terry Withrow, Supervisor – District 3
Honorable Dick Monteith, Supervisor – District 4
Honorable Jim DeMartini, Supervisor – District 5
Rick Robinson, Chief Executive Officer

STANISLAUS COUNTY *Keeping the Peace Since 1854*

SHERIFF'S DEPARTMENT
Adam Christianson, Sheriff-Coroner

BOARD OF SUPERVISORS
2011 JUN -9 P 11:06
ADMINISTRATION DIVISION

June 10, 2011

The Honorable Ricardo Cordova, Presiding Judge
Stanislaus County Superior Court
P.O. Box 3488
Modesto, CA 95353

Re: Response to Grand Jury Report 11-30GJ

Dear Judge Cordova;

The Sheriff's Department is in receipt of the Stanislaus County Civil Grand Jury's completed 2010/2011 County Jail and Temporary Detention Facilities Inspections report (case 11-30GJ), as mandated by California Penal Code Section 919 (b). Included in the report are findings and recommendations regarding three Sheriff's Department facilities: the downtown Men's Jail, Public Safety Center and Honor Farm.

Pursuant to Penal Code Sections 933 (c) and 933.5, the following is our response to the 2011 Civil Grand Jury Report from the Adult Detention Division, as it pertains to the three detention facilities.

Stanislaus County Downtown Men's Jail Findings:

F1. The Sheriff's Department will be a part of the site selection committee for the newly proposed courthouse location in downtown Modesto.

Response: The respondent agrees with the finding.

Lieutenant C. Harper and Sergeant M. White currently represent the Sheriff's Department on the selection committee.

F2. The men's jail is within compliance of CSA and Stanislaus County Health Services Agency requirements.

Response: The respondent agrees with the finding.

F3. Due to cutbacks and the federal consent decree, sheriff officials indicated that in the past three (3) years, 424 prisoners were forced to be released early. That averages out to 141.3 inmates released annually back into the neighborhoods of Stanislaus County.

Response: The respondent agrees with the finding.

As noted, a large number of inmates have been released into the community before completing their sentences. The Sheriff's Department continues to work diligently to ensure those who are released pose the least amount of risk to the community. The Sheriff's Department is also working to expand opportunities for inmates to participate in beneficial programs. Representatives from the Chief Executive Officer's office and the Sheriff's Department are also planning for an expansion of inmate beds.

F4. Not all camera monitoring systems have the ability to record.

Response: The respondent agrees with the findings.

California Government Code Section 34090.6 states that recordings of routine video monitoring must be retained for at least one year. Due to the large number of cameras inside the facility, the storage capacity required to retain all recordings for one year is cost prohibitive.

F5. All three facilities have implemented a new automated calling software package designed to notify off-duty personnel of emergencies and overtime coverage.

Response: The respondent agrees with the findings.

F6. Medical/mental health and dental service appears to be satisfactory.

Response: The respondent agrees with the findings.

F7. Significant amounts of standing water are located in the secure portion of the jail's basement.

Response: The respondent agrees with the finding.

This has been an on-going issue. Last year, the judges' parking lot adjacent to the Courthouse was re-paved, in part to address water issues in the tunnel leading from the jail to the Courthouse, which is directly below the parking lot. Although this project reduced the amount of water seeping into the tunnel, the problem continues and GSA maintenance personnel are working to stop the seepage.

F8. The men's jail is due for their next CSA inspection in April of 2011.

Response: The respondent agrees with the findings.

Stanislaus County Men's Jail Recommendations:

R1. The Sheriff's Department shall be part of the site selection planning authority for the location of the new courthouse and conduct a needs assessment to see if a new men's jail can be constructed on this location.

Response: The respondent agrees with the recommendation.

As noted previously, the Sheriff's Department has two representatives on this committee. Additionally, representatives from both the Chief Executive Officer's office and the Sheriff's Department are working together to update the jail Master Plan, which includes the new courthouse site.

R2. No recommendation.

R3. Staffing level updates need to be upgraded to ensure public safety.

Response: The respondent agrees with the recommendation.

This is a budgetary issue the Sheriff's Department will continue to monitor and address as the local economy improves.

R4. Enhance the monitoring/video technology for safety/security.

Response: The respondent agrees with the recommendation.

The Sheriff's Department has made improvements to the monitoring system, including new monitors placed in Control and the installation of several new cameras.

State mandates require retention of routine video recordings for at least one year. With the large number of cameras inside the facility, storage capacity required to retain all recordings for one year is cost prohibitive.

R5. No improvement needed at this time.

Response: The respondent agrees with the recommendation.

R6. CCS shall be closely monitored by county health care officials to ensure compliance, accreditation, and satisfactory service.

Response: The respondent agrees with the recommendation.

R7. Water leaks immediately be corrected.

Response: The respondent agrees with the recommendation.

As noted previously, the judges' parking lot adjacent to the Courthouse was re-paved to address water seepage in the tunnel, which is located directly beneath the parking lot. Although the project reduced the seepage, the problem continues and GSA maintenance personnel are working toward a resolution.

R8. No recommendation at this time.

Stanislaus County Public Safety Center Findings:

F1. CCS was briefly unaccredited by the State of California. CCS is based in Tennessee and had a high turnover rate. CCS obtained re-accreditation in California, was briefly on probation with Stanislaus County and is now fully accredited. CCS is one and one-half years into a five-year contract with Stanislaus County.

Response: The respondent agrees with the finding.

F2. Staffing levels are dangerously low due to budgetary cuts. The national ratio is one custodial officer for every 4.47 inmates, while California's ratio is one custodial officer for every 6.46 inmates. (Petersilia, J. (2006). *Understanding California Corrections*. University of California, Irvine, Center for evidence-based corrections. http:ucicorrections.seweb.uci.edu/pdf/cprcsummary.pdf).

- Stanislaus County officials have a ratio of one custodial officer for every 9.5 inmates.

Response: The respondent agrees with the finding.

The Sheriff's Department, in conjunction with the Chief Executive Officer's staff, will monitor this issue and address it as the local economy improves.

F3. Two (2) housing units (150 beds total) have been vacated and are not currently in use.

Response: The respondent agrees with the finding.

Stanislaus County Public Safety Center Recommendations:

R1. County leaders carefully monitor the services provided by CCS for continued professional health care.

Response: The respondent agrees with the recommendation.

Currently, a Public Safety Center Sergeant is assigned to attend weekly CCS correlation meetings to discuss inmate care, health issues and scheduled inmate appointments outside the facility. This information is shared with the Facility Commander, who also confers with

supervisors from CCS. Any deficiencies or problems noted are forwarded to CCS and also to a Sheriff's Lieutenant, who oversees the CCS contract and confers with other county leaders who have an interest in CCS and the overall care provided to the inmate population.

R2. Increase staffing level to ensure the safety of the staff, inmates and the public.

Response: The respondent agrees with the recommendation.

Based upon the existing allocation of staffing, the Public Safety Center is fully staffed with fulltime employees and also overtime hours; no positions are left unfilled. An independent firm conducted a staffing analysis of the facility, which is consistent with the Grand Jury's recommendation to increase staff. The Sheriff's department will monitor this issue and work closely with the Chief Executive Officer's staff to address the staffing shortages as the local economy improves.

Stanislaus County Honor Farm Findings:

F1. The Honor Farm lost half of their facility due to an accidental fire. Insurance Negotiations are still in progress and pending.

Response: The respondent agrees with the findings.

Negotiations with the Insurance Provider reached a successful settlement. Representatives from the Chief Executive Officer's office and the Sheriff's Department are working in partnership to upgrade the jail facility Master Plan, including the replacement of the 172 inmate beds lost in the fire at the site of the Public Safety Center.

F2. A federal consent decree mandates that no more than 1, 492 inmates can be housed at the men's jail, PSC, and the Honor Farm at any given time.

Response: The respondent agrees with the finding.

F3. 21 million dollars has been cut from the Sheriff's Department staff. This is a reduction of 25% to both custodial and patrol deputies.

Response: The respondent agrees with the finding.

F4. The staff at the Honor Farm, along with the involved first responders did an outstanding job of evacuating, moving, and securing inmates during the unexpected fire. The SCCGJ recognizes that the diligent work was done without warning and there were **no injuries** (emphasis added) at all. This incident is a textbook example of the immediate response times of all first responders to a remote facility in a timely manner. A mutual aid agreement ensures allied agencies of nearby police and fire departments respond to all emergencies at any location.

Response: The respondent agrees with the finding.

In response to the statement, "During 2010, 13 escapes were reported but records could not conclusively provide details on how many of those were captured," at the end of the second paragraph under **The Honor Farm** – 8224 West Grayson Road Modesto" on page 7 of the Civil Grand Jury's Report 11-30-GJ:

The Honor Farm was designed to be a low risk, minimum facility for non-violent, non-risk offenders. It was never designed to house the classification of inmate being housed today. While staff are very aware of the conditions and are ever vigilant, there are occasions when inmates escape or walk away from work crew assignments. An escape from custody is charged as an additional offense and an arrest warrant is issued. In 2010, all but four of the fifteen inmates were captured (see attachment A).

Stanislaus County Honor Farm Recommendations:

R1. Shut down the Honor Farm Operations and use the two vacated housing units at the PSC to house the remaining inmates. Current custodial staff can also be placed at the PSC. Insurance settlements can be placed into the public facility fund for future expansion plans at the PSC.

Response: The respondent disagrees partially with the recommendation.

Since the completion of the Grand Jury report, the Insurance Provider and the county reached a successful settlement agreement pertaining to the two inmate housing units destroyed by fire. Representatives from the Chief Executive Officer's office and the Sheriff's Department are in the midst of updating the Master Plan for jail facility expansion, which will include future plans to close the Honor Farm facility as it currently exists and expand available beds on the current site of the Public Safety Center. The funds generated by the insurance settlement will be used to replace the inmate beds lost in the fire with a modern housing unit at the Public Safety Center.

The Sheriff's Department is currently negotiating an Inter-Governmental Service Agreement with the U.S. Department of Immigration and Customs Enforcement to house immigrant detainees in the existing vacant beds at the Public Safety Center. This agreement will afford the Sheriff's Department the opportunity to re-hire employees previously subject to a reduction in force due to the economic crisis and generate revenue for the county.

Though two units are currently vacant at the Public Safety Center, the Sheriff's Department is hesitant to close the Honor Farm and re-house inmates in those vacant units until replacement beds are constructed and available. In effect, nearly 200 current beds at the Honor Farm would be permanently lost if the facility was closed now because this dated

facility would not meet current code standards to re-open if the current economic crisis subsided before replacement beds were readily available.

R2. Custodial staff must remain mindful of complying with the federal consent decree.

Response: The respondent agrees with this recommendation.

R3. Staffing levels are well below what is appropriate for the community members of Stanislaus County.

- Stanislaus County shall adhere to the standards contained within the U.C. Irvine Report of one custodial deputy for every 6.46 inmates.

Response: The respondent agrees with this recommendation.

The Sheriff's Department will monitor this issue and work with closely with the Chief Executive Officer's staff to address staffing shortages as the local economy improves.

Sincerely,

ADAM CHRISTIANSON
Sheriff – Coroner
Stanislaus County

cc: Dick Montieth, Chairman
Stanislaus County Board of Supervisors

Rick Robinson, Chief Executive Officer
Stanislaus County Chief Executive Office

Denis D. France, Foreperson
2010-2011 Civil Grand Jury

Re: Civil Grand Jury Report 11-30-GJ

Attachment A

Stanislaus County Sheriff's Department
Honor Farm Escapes - 2010

Date	Inmate Name	Bkg #	Charges	Return Date	Dispo
03/22/10	Especer, Angel	1257925	ICE. 460(b) PC	3/17/2011	Pending
04/23/10	Sanders, Vernon	1258205	245a1,273.5,243e1 PC	4/27/2010	180 Days
04/30/10	Kennon, Eston	1260075	666, 653k PC	5/18/2010	7 Yrs. CDC
05/28/10	Muniz, Jaime	1260723	ICE. 459, 664 459 PC	Still at large	
05/28/10	Camarillo, Jesus	1248090	ICE. 23153a&b CVC	9/8/2010	8 Mon. CDC
05/28/10	Sanchez, Procopio	1258337	ICE. 11352(a) H&S	Still at large	
05/28/10	Chaparro, Mauro	1256790	ICE. 11351,11352H&S	Still at large	
06/26/10	Ivy, Richard	1264378	245,459 PC 11377 H&S	6/27/2010	180 Days
07/24/10	Brooks, Jesse	1262037	459,148.9 PC	7/31/2010	365 Days
07/25/10	Cruz, Juan	1264581	ICE. 11378,11379 H&S	Still at large	
07/25/10	Perez, David	1264046	ICE. 11377 H&S	9/2/2010	4 Mon. CDC
07/25/10	Amescua, Jesus	1264394	ICE. 11379 H&S	3/29/2011	2 Yrs. 4 Mon.
08/08/10	Lopez, Walter	1261660	ICE. 148.9 PC 23152	10/23/2010	NCF
08/18/10	Guzman, Jose	1263890	ICE. 245a1, 242 PC	3/7/2011	150 days
08/27/10	Phillips, Marion	1260094	11350,11377 H&S	8/27/2010	8 Mon. CDC

SHERIFF'S DEPARTMENT
Adam Christianson, Sheriff-Coroner

ADMINISTRATION DIVISION

June 24, 2011

The Honorable Ricardo Cordova, Presiding Judge
Stanislaus County Superior Court
P.O. Box 3488
Modesto CA 95353

Re: Response to Grand Jury Report 11-43GJ

Dear Judge Cordova:

I am in receipt of the Stanislaus County Civil Grand Jury's completed report "Stanislaus County Coroner Facility Inspection" dated June 24, 2011.

Pursuant to Penal Code Sections 933(c) and 933.05 the following is my response.

Findings:

F1. The Stanislaus County Civil Grand Jury finds the current Coroner's Facility is approximately 32 years old. The current facility is meeting current mandated requirements. Recent upgrades to heating, cooling and ventilation systems are limited "stop gap" measures at controlling odor. Based on the size and construction of the current facility, there are no available solutions for reducing noise levels or improving sound insulation. Future operational mandates, as determined by the Department of Justice and projected workloads are undetermined at this time.

Response: The respondent agrees with the finding.

F2. The Stanislaus County Civil Grand Jury finds the Coroner's Office pathologists are performing as estimated 450-500 autopsies per year. According to N.A.M.E., Board Certified Pathologists should be performing no more than 250 autopsies per year. Based on N.A.M.E. standards, caseloads exceeding 350 autopsies per year increase the risk of errors and the quality of the autopsies can be sacrificed. In addition, more than 400 autopsies, performed by one pathologist, is considered a "phase 1" deficiency if accreditation is sought through N.A.M.E.

Response: The respondent agrees with the finding.

We provided this exact information to the Civil Grand Jury in a letter dated April 25, 2011.

F3. The Stanislaus County Civil Grand Jury finds the Stanislaus County Coroner's Division is not prepared/equipped to respond to a large-scale multi-causality disaster. At current capacity, the Coroner's Office facility is only capable of adequately holding approximately 15-20 human remains.

Response: The respondent agrees with the finding.

While our current facility has been identified as one that needs to be replaced, in the event of a natural disaster or intentional terrorist incident, there are resources available to local agencies either through the California Emergency Management Agency (Mutual Aid) or from the United States Federal Government through the Office of Emergency Services.

Recommendations:

R1. It is the recommendation of the Stanislaus County Civil Grand Jury that the Coroner's Division/Stanislaus County Sheriff's Department continue with the proposed renovation of the Medical Arts Building in an effort to re-locate the Coroner's Division. The proposed move would allow the Coroner's Office to operate in a more up to date facility, improved and enlarge available work spaces and upgrade and/or add essential equipment. These improvements would improve the efficiency of the Coroner's Office and subsequently benefit the current and future need of Stanislaus County residents.

Response: The respondent agrees with the recommendation.

Staff at the Sheriff's Office continues to work with the Stanislaus County Chief Executive Office and the Capital Improvements Team, with the goal of relocating the Coroner's Division to the Medical Arts Building as presented to the Board of Supervisors in the Capital Improvements Projects report.

R2. It is the recommendation of the Stanislaus County Civil Grand Jury to increase staffing levels in an effort to conform to the performance standards as recommended by N.A.M.E.

Response: The respondent agrees with the recommendation.

Unfortunately, due to drastic budget cuts and a decrease in appropriations, the current economic climate does not allow for an increase in staffing or services. Our hope is that once the current economic challenges improve; we will be able to hire additional staff and apply for N.A.M.E. accreditation.

R3. It is the recommendation of the Stanislaus County Civil Grand Jury to dedicate use of increased space to an area prepared/equipped to adequately respond to a multi-causality incident.

Response: The respondent agrees with the recommendation.

Sincerely,

ADAM CHRISTIANSON
Sheriff-Coroner
Stanislaus County

cc: Supervisor Dick Monteith, Chairman
Stanislaus County Board of Supervisors

Denis D. France, Foreperson
Stanislaus County Civil Grand Jury

Richard W. Robinson, Chief Executive Officer
Stanislaus County

STANISLAUS COUNTY *Keeping the Peace Since 1854*

SHERIFF'S DEPARTMENT
Adam Christianson, Sheriff-Coroner

ADMINISTRATION
DIVISION

April 25, 2011

Denis D. France, Foreperson
Stanislaus County Civil Grand Jury
P. O. Box 3387
Modeso, CA 95356

Re: Stanislaus County Sheriff's Department, Coroner Division

Following a recent tour of the Stanislaus County Sheriff Coroner's Division, we received a request for additional follow-up information. Each of the questions provided to us via e-mail are detailed below.

What are the current staffing levels and positions occupied at the Coroner's Office?

One (1) full time Forensic Pathologist
One (1) part time Forensic Pathologist
One (1) Chief Deputy Coroner – Manager II
One (1) Legal Clerk IV
Four (4) Deputy Sheriff–Coroners
Two (2) part-time Deputy Sheriff–Coroners

What is the annual budget for the Coroner's Office?

The Fiscal Year 2010-2011 annual budget for the Coroner's Division is $1,407,173

Please explain how the annual budget is established (i.e.: Do other communities contribute to the budget? Solely funded by the county?)

1) The Coroner's Division is part of the Operations Budget Unit and is one of thirteen budget units within the Sheriff's Department.
2) The Coroner's Division is funded primarily with general fund appropriations.
3) Approximately $126,000 in other revenue is generated through contractual services with Mariposa County in the amount of $1,500 per post mortem case for all services which includes up to 100 autopsies per year. If our pathologist testifies in Court on any Mariposa County case, $300 per hour is invoiced to Mariposa County.
4) The Board of Supervisors previously approved Coroner fees in the amount of $175 per case unless the case involves a child under the age of 14, homicide or the decedent is proven to be indigent.

Stanislaus County
STRIVING TO BE THE BEST

250 East Hackett Rd. • Modesto, CA 95358
(209) 525-7216 • FAX (209) 525-7106
www.StanislausSheriff.com

How has the Coroner's Office workload and/or level of responsibility grown since the current building was dedicated in 1979?

In 1979, staff simply removed decedents from the scene and assisted with the autopsy.

1) Today, the Coroner's Division is an investigative unit responsible for carrying out the statutory duties of the Coroner.
2) Those duties include investigation into the circumstances surrounding all deaths falling within the Coroner's jurisdiction for the purpose of determining the identity of the deceased, the medical cause of death, the manner of death, and the date and time of death.
3) Medicolegal death investigations are now conducted countywide on all homicides, suicides, accidents, suspicious and unexplained deaths.
4) Other duties include notifying the next of kin, safeguarding personal property, collection of evidence, and completion of mandatory records and documents.
5) The Division is also proactive in the community, participating in programs geared towards preventing drunk driving and drug use; identifying consumer products causing fatal injury; domestic violence, child abuse and elder abuse; and providing educational services for medical, legal and law enforcement professionals.
6) Other contributions to the community include cooperative relationships with non-profit organ and tissue procurement agencies to enhance the quality of life and save lives.
7) We continue to provide our own transport at a significant savings to the County. Of the 58 counties in California, 53 have a transport service assisting the coroner staff.
8) We also continue to provide our own autopsy assisting; most counties have specific job classifications for an autopsy assistant or forensic technician. We are the only county in California where Deputy Sheriff-Coroners are expected to assist the doctor during autopsy.

It is our goal to be accredited through N.A.M.E. (National Association of Medical Examiners). However; due to staffing shortages, workload and an aging outdated facility, we have not applied for inspection.

1) As an example, the national standard according to N.A.M.E is that each Board Certified Forensic Pathologist shouldn't be performing more than 250 autopsies per year, which is considered a phase I deficiency.
2) More than 400 is a phase two deficiency.
3) On a short term basis, a doctor can perform autopsies at an annual rate of 300-325.
4) By the time the caseload exceeds 350 autopsies, mistakes can be made and the quality of the autopsy is being sacrificed.
5) Our pathologist is performing approximately 450-500 autopsies per year.

Please provide any statistical data available regarding county population and the Coroner's Office workload in 1979 as compared to 2010/2011 population and workload.

The population of Stanislaus County has more than doubled since 1979. The most recent population figures show the County has 510,385 residents.

1) In calendar year 2010, 3,999 people died in Stanislaus County.
2) Approximately 2,200 deaths were referred to the Coroner's Division in 2010.
3) Out of those, 700 were investigated as Coroner's cases.
4) The remaining 1,500 were referred back to primary case physicians for their signature on death certificates.

In 1979 the population of Stanislaus County was approximately 250,000.

1) It was reported that 2,085 people died that year.
2) There were 788 deaths referred to the Coroner's office.
3) Of those, 760 were investigated as Coroner's cases.
4) The remaining 1,297 were referred back to primary case physicians for their signature on death certificates.

In 1979 the Coroner's Division annual budget was $278,158.

1) There were five (5) allocated positions which included a secretary, three deputy coroners (coroner's aides) and a sergeant or lieutenant.
2) The pathologist was paid $96,000 annually and $60,000 annually was allocated for mortuary services.
3) Responsibilities and investigative services have increased in the last decade due to expanded federal and state legislative mandates, guidelines and a greater focus on forensics and advances in technology and science.

Any anticipated "need" changes; i.e.: updating equipment, addition of more specialized equipment, space requirements, etc?

1) We are currently working with the County/Capital Projects in order to renovate the Medical Arts Building in downtown Modesto, located at "G" & 17th Street.
2) This proposed move would address the immediate need for a larger modern facility.
3) The move would also address aging infrastructure to include HVAC systems and other concerns about the existing facility.
4) For example, we're not prepared to respond to a large scale multi-causality disaster. Our facility will only hold approximately 15-20 human remains appropriately and storage for remains is inadequate.
5) Adequate staffing and pathology/forensic services based upon population and the demand for services is always a priority.
6) In order to provide an excellent medicolegal investigation we need resources; an adequate facility is number one, and we must be provided sufficient space, with an appropriate floor plan, electrical, plumbing and lighting.
7) More than one autopsy station is needed; with our autopsy suite the size that it is, only one autopsy may be performed at a time for safety reasons.
8) Basic x-ray equipment is needed and the facility to provide for it.

9) On-going training of staff is critically important. The U.S Department of Justice has published national guidelines for death investigations. The American Board of Medicolegal Death Investigators which certifies death investigators based on their education, level of expertise and experience provides guidelines for death investigators. NAME accreditation and certified investigators provide credibility in Court and would benefit the community we serve.

With a larger facility and assistance with grant writing, we believe we could expand the Coroner's Division with possibilities of revenue in storage of cadavers for local medical training programs, facilities for organ & donor procurement for lease, fellowship and residency programs for forensic pathologists, a well trained forensic technician that could assist with quality control, organization of morgue facilities and autopsy assisting.

During our visit to the Coroner's Office facility, there was some discussion from the staff about the need for scented candles to quell the odor. There was also a stated concern about the sound of the saw from the examination room that could be heard in the public areas. Has there been any research done on how these issues could be resolved?

1) There is no available solution regarding the "sound of the saw." The facility is too small and in order to sound proof, we would need to do a significant remodel, including asbestos abatement, which is cost prohibitive.
2) There is also the issue of space and the correlation of space and smell. There are now two separate systems for heating and air between the autopsy suite and our administrative sections.
3) We purchased a Genano Air Purification system located in the autopsy suite and we open the front and back door for air ventilation during decomposition cases. This has always been a concern but there is no viable solution given the age, size and design of the current facility. In the last three years with the modifications, the smell has reduced significantly.
4) We also installed automatic air fresheners in several locations.

The only option at this point, even with all of the preventative measures taken, is to move out of the current location which is outdated and is no longer adequate for our current population, as well as is in need of major renovation.

One of the government code sections that govern the Coroner's Office is California Health and Safety Code section 10250. Please provide a copy of that code section as it pertains to the Coroner's Office.

CALIFORNIA CODES, HEALTH AND **SAFETY CODE** SECTION 102850-102870

102850. A physician and surgeon, physician assistant, funeral director, or other person shall immediately notify the **coroner** when he or she has knowledge of a death that occurred or has charge of a body in which death occurred under any of the following circumstances:

(a) Without medical attendance.
(b) During the continued absence of the attending physician and surgeon.
(c) Where the attending physician and surgeon or the physician assistant is unable to state the cause of death.
(d) Where suicide is suspected.
(e) Following an injury or an accident.
(f) Under circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another.

Any person who does not notify the **coroner** as required by this section is guilty of a misdemeanor.

102855. The **coroner** whose duty it is to investigate such deaths shall ascertain as many as possible of the facts required by this chapter.

102860. The **coroner** shall state on the certificate of death the disease or condition directly leading to death, antecedent causes, other significant conditions contributing to death and other medical and health section data as may be required on the certificate, and the hour and day on which death occurred. The **coroner** shall specifically indicate the existence of any cancer, as defined in subdivision (e) of Section 103885, of which he or she has actual knowledge.
The **coroner** shall within three days after examining the body deliver the death certificate to the attending funeral director.

102865. In any case involving an infant under the age of one year where the gross autopsy results in a presumed diagnosis of sudden infant death syndrome, the **coroner** shall, within 24 hours of the gross autopsy, notify the local health officer, as defined in Section 123740.

102870. (a) In deaths investigated by the **coroner** or medical examiner where he or she is unable to establish the identity of the body or human remains by visual means, fingerprints, or other identifying data, the **coroner** or medical examiner may have a qualified dentist, as determined by the **coroner** or medical examiner, carry out a dental examination of the body or human remains. If the **coroner** or medical examiner with the aid of the dental examination and other identifying findings is still unable to establish the identity of the body or human remains, he or she shall prepare and forward the dental examination records to the Department of Justice on forms supplied by the Department of Justice for that purpose.
(b) The Department of Justice shall act as a repository or computer center, or both, with respect to dental examination records and the final report of investigation specified in Section 27521 of the Government **Code**. The Department of Justice shall compare the

dental examination records and the final report of investigation, if applicable, to records filed with the Violent Crime Information Center (Title 12 (commencing with Section 14200) of Part 4 of the Penal **Code**), shall determine which scoring probabilities are the highest for purposes of identification, and shall submit the information to the **coroner** or medical examiner who submitted the dental examination records and the final report of investigation, if applicable.

If you have any questions or need further assistance, please do not hesitate to contact me directly and I'd be happy to meet with you.

Sincerely,

ADAM CHRISTIANSON
Stanislaus County Sheriff - Coroner

Kristi Ah You
Chief Deputy Coroner