RE: 11-30GJ

CITY OF OAKDALE
CITY ADMINISTRATION

Office of the City Attorney

280 North Third Avenue • Oakdale, CA 95361 • Ph: (209) 845-3571 • Fax: (209) 847-6834

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PUBLIC WORKS DEPARTMENT
455 S. Fifth Ave.
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(209) 848-4344

POLICE DEPARTMENT
245 N. Second Ave.
Oakdale, CA 95361
(209) 847-2231
(209) 847-3790 Fax

CITY OF OAKDALE WEBSITE
www.ci.oakdale.ca.us
E-MAIL
information
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August 16, 2011

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

Re: City of Oakdale Response to Grand Jury

Dear Judge Cordova,

Pursuant to California Penal Code Section 933(c), attached hereto is the City of Oakdale's response to the findings and recommendations of the 2010-2011 Stanislaus County Civil Grand Jury. The City has noted whether it agrees with each finding in whole or in part, whether it has, will, or will not implement the recommendations of the Grand Jury, and a summary of any action which has or will be implemented.

The City Council of the City of Oakdale took this action at its regular meeting held on August 15, 2011.

Sincerely,

Tom Hallinan
City Attorney

RESPONSE TO THE CIVIL GRAND JURY'S REPORT
11-30GJ – COUNTY AND JAIL DETENTION FACILITIES INSPECTIONS

F1 – Oakdale PD has a temporary detention facility that falls under the provisions of CCR Title 15 and 24. Oakdale has not had an inspection by CSA or Stanislaus County Health Services Agency for several years.

Respondent agrees with the finding that it had been several years since the Corrections Standards Authority (CSA) or Stanislaus County Health Services had conducted inspections. However, a CSA Compliance Officer conducted an inspection and has informed the Oakdale Police Department that the lockup cell and juvenile holding room do not fall within the provisions of CVCR Title 15 and 24.

F2 – Oakdale PD was found to be in violation of State and Local Fire codes.

Respondent disagrees with this finding. On March 8, 2011, Brian Odom, a Building and Fire Inspector for the City of Oakdale, conducted a fire inspection of the police facility, including the lockup cell and juvenile holding room. He gave the entire Oakdale Police facility a fire clearance at that time. According to the inspector, there is no legal requirement that a fire extinguisher be placed outside the lockup cell.

F3 – The Oakdale Chief of Police must empower command staff to make decisions as related to their job descriptions without fear and reprisal.

Respondent agrees with this finding. On June 6, 2011, the Chief of Police reminded members of his command staff that they are empowered to make decisions related to their job descriptions.

R1 – Oakdale Police Administration contact CSA and the Stanislaus County Health Services Agency to have an inspection for accreditation purposes.

On June 9, 2011, Compliance Monitor Steve Work of the California Standards Authority inspected the lockup cell and the juvenile holding room. He informed the Oakdale Police Department that the cell and holding room do not fall within the provisions of California Code of Regulations (CCR) Title 15 or 24 and, as such, are not routinely inspected by his agency. He informed the Oakdale Police Department that pre-1978 facilities, like the Oakdale Police Department's cell and

juvenile holding room, are not routinely inspected by CSA. The Oakdale Police Department has requested that the CSA add the lockup cell and holding room to their list of sites routinely inspected for which the CSA agreed to do. Mr. Work's report is attached.

On July 6, 2011, Dr. John Walker, Stanislaus County Health Services/Public Health, inspected the lockup cell and juvenile detention room. Dr. Walker issued a report listing ten recommendations. The report is attached. Each of the recommendations has been met by the Oakdale Police Department.

R2 – Oakdale PD needs to have a detailed fire inspection and written report to verify that they are in compliance with all National Fire Protection Agency (NFPA) codes.

Brian Odom, Building/Fire Inspector for the City of Oakdale, conducted an inspection of the Oakdale Police facility and has declared in writing that the Oakdale Police facility is NFPA compliant. His report is attached.

R3 – The Oakdale Police Chief must empower command staff to make decisions as related to their job descriptions without fear of reprisal.

On June 6, 2011, command staff was provided with training to reinforce that they have existing authority to make decisions as defined by their job descriptions without fear of reprisal.

C: Grand Jury Findings – Response 6-15-11.doc

R-1

STATE OF CALIFORNIA – DEPARTMENT OF CORRECTIONS AND REHABILITATION EDMUND G. BROWN, JR., GOVERNOR

CORRECTIONS STANDARDS AUTHORITY
600 Bercut Drive
Sacramento, CA 95811
916-445-5073
www.cdcr.ca.gov/Divisions_Boards/CSA

Dear Chief West:

The California Corrections Standards Authority (CSA) is the designated compliance monitoring agency for the Juvenile Justice and Delinquency Prevention Act (JJDPA), and is authorized by Welfare and Institutions Code Section 209 (f) to inspect facilities that may be used for the detention of minors. Every law enforcement facility in the state that detains minors in secure detention is monitored annually. Any facility reporting that minors are held in non-secure detention only is verified triennially. The results of your agency's compliance monitoring or verification inspection are outlined below:

Juvenile Justice and Delinquency Prevention Act Compliance Monitoring Inspection/Verification Report			
Inspection Date: June 9, 2011			**County:** Stanislaus
Agency Name: Oakdale Police Department			**CSA #**
Facility Name: Oakdale Police Department			**MID #** 503
Address: 245 North Second Ave. Oakdale, CA.			**Zip:** 95361
Facility Phone: 209-847-2231		**Facility Fax:** 209-847-3790	
Facility Contact: Lester Jenkins	**Title:** Lieutenant		**Email:** ljenkins@ci.oakdale.ca.us
Agency Head: Marty West	**Title:** Chief of Police		**Email:** mwest@ci.oakdale.ca.us
Type of Secure Detention: ☐ NONE ☒ Cell ☐ Locked Room ☐ Cuffing Fixture ☐ Other _____			
Location for Secure Detention: Booking area			

Inspection/Verification Comments
Per Lieutenant Jenkins, Oakdale PD is a pre 1978 facility. No violations of JJDPA core requirements. Written policy addresses core requirements. 324.3, Deinstitutionalizations of status offenders. 324.3.2, separation of adults and minors. 324.3 and 324.42(b)3, jail removal, 6 hour.

Core Requirements Code Section/Description	Violations												
	Year	J	F	M	A	M	J	J	A	S	O	N	D
42 USC 5633 Section 223(A)(11) Deinstitutionalization of Status Offenders Status offenders, non-offenders, alien and civil-type minors are not to be held in secure detention.	2010	0	0	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0							
42 USC 5633 Section 223(a)(12) Separation Minors may not be confined or detained in any facility in which they have contact with adult prisoners.	2010	0	0	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0							
42 USC 5633 Section 223(a)(13) Jail Removal (6-hour hold exception) Minors are securely detained for a period not to exceed six hours.	2010	0	0	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0							

Corrective Action Plan (Indicate if none needed)
N/A

Follow Up Information		
Compliance Monitor: Steve Work	**Phone:** 916-202-5230	**Email:** steve.work@cdcr.ca.gov
Date Report Sent: June 17, 2011	**Corrective Action Due:** N/A	
CSA Use Only		
CSA Type: ☐ *AS* ☐ *ASC* ☐ *LU* ☒ *P78* ☐ *TH* ☐ *THJ* ☐ *TI* ☐ *TIJ*		***Fed Class:*** ☒ *LU* ☐ *NS-LU*
Distribution: ☒ *Analyst* ☒ *E-file* ☒ *Agency* ☐ *Field Representative* _____		
ANALYST: ☒ *No Changes* ☐ *Violation Changes*		

July 22, 2011

R-1

Stanislaus County
Striving to be the Best

HEALTH SERVICES AGENCY

Public Health Services
820 Scenic Drive, Modesto, CA 95350-6194

John A. Walker, M.D.
Public Health Officer

Phone: 209.558.8804 Fax: 209.558.7286
www.hsahealth.org

Medical/Mental Health Audit
Oakdale Police Department Holding Cells
July 6, 2011

PREFACE:
The Stanislaus County Health Services Agency/Public Health received a request from the Oakdale Police Department to conduct an inspection of their holding facility. Dr. John Walker, the County Public Health Officer, conducted the inspection. This was in response to a Civil Grand Jury report.

PROCESS:
1. Held entry interview with Oakdale Police Chief, Marty West.
2. Reviewed the Stanislaus County Civil Grand Jury report "Stanislaus County Jail and Temporary Detention Facilities Inspections, Case#11-30GJ" conducted February 18, 26, & 28 2011.
3. Audited the 2011 Oakdale Police Department Policy and Procedure Manual. Assessed compliance with state standards for temporary holding facilities (Title 15).
4. Discussed the facility's site visit by the California Corrections Standards Authority's (CSA) conducted by Steve Work and dated June 9, 2011. This two page form focused solely on compliance with the Juvenile Justice and Delinquency Prevention Act. No violations cited.
5. Toured of the two holding cells with Sgt. Keri Redd. One cell is for adults, the other for juveniles.
6. Provided exit briefing to Chief West and Sgt Redd.
7. Followed through with consultation to the state CSA site inspector, Steve Work, and his associate, Steve Keithley.

DISCUSSION:
This is an unusual medical/mental health audit because the Oakdale facility is exempted from Title 15 requirements for a temporary holding facility because was constructed prior to 1978. This is noted in the recent inspection by the state.

RECOMMENDATIONS:
1. Even though the facility is exempted from Title 15, strive to become compliant with the requirements and use CSA Form 357 as a template and guideline to maintain and operate the two cells.

2. Consider limiting detainees to two hours or less since the current facility does not have all the elements necessary for a temporary holding facility. Be especially cognizant of the suicide risks of juvenile detainees. They require direct observation at all times.
3. Revise the "Temporary Holding Facility" policy. It is written for a Title 15 compliant holding facility and should be modified to reflect the operational status as "holding cells". Specifically identify those areas where Title 15 compliance exception is warranted.
4. Consult with the Turlock Police Department for policy development. Their temporary holding facility is fully compliant with state requirements.
5. Consider also having the facility inspected by the Stanislaus County Department of Environmental Resources. This report is a medical/mental health audit, not environmental. The findings of the Civil Grand Jury inspection cited environmental concerns.
6. Add a question regarding food allergies to the current "Classification/Medical Screening" form. This is to minimize an adverse reaction to food provided to detainees.
7. Maintain a training log of all officers regarding the policies for the holding cells. Document training on universal precautions and aerosol-transmissible diseases.
8. Ascertain that sufficient alcohol-based hand cleanser is available for staff assigned to the holding cells.
9. Consider structural revisions to the juvenile cell. Currently it is windowless, and more consistent with an interview room.
10. HSA/Public Health will utilize the CSA Form 357 Medical/Mental Health Temporary Holding Facility form for any future inspections of the facility.

Sincerely,

John A. Walker, M.D.
Public Health Officer
Stanislaus County

CC: Mary Ann Lee, Managing Director, Health Services Agency
Colleen Woolsey, Assoc. Dir., Public Health, Health Services Agency
Sonya Harrigfeld, Director, Department of Environmental Resources

DEPARTMENT OF ENVIRONMENTAL RESOURCES
3800 Cornucopia Way, Suite C, Modesto, CA 95358-9492
Phone: 209.525.6700 Fax: 209.525.6774

July 29, 2011

Oakdale Police Department Holding Cells
Environmental Health Evaluation

PREFACE:
The Stanislaus County Department of Environmental Resources (DER) received a request from the City of Oakdale Police Department to perform an inspection of their holding cells. The inspection was conducted by Tom Wolfe, Sr. Environmental Health Specialist on July 28, 2011.

PROCESS:
1. Held entry interview with the City of Oakdale Police Chief, Marty West.
2. Reviewed the audit conducted by Dr. John Walker from the Stanislaus County Health Services Agency dated July 6, 2011.
3. Inspected the two holding cells with Chief West.
4. Left an Official Notice with Chief West outlining the findings of the inspection.

DISCUSSION:
The City of Oakdale's Police Department Holding Cells were constructed prior to 1978 and are exempt from Title 15 Regulations.

RECOMMENDATIONS:
1. A blank copy of the Corrections Standard Authority form # 357 Environmental Health Evaluation was left with Chief West to be used as an environmental health guide.
2. Limit the use of the second holding cell as it lacks a toilet and hand sink.
3. Finalized the drafting of the "Temporary Holding Facility" policy. Have all appropriate staff read it. Maintain an electronic copy and update it yearly or as necessary to reflect changes in policy or procedure.
4. Install a Sharp's Container for the collection and disposal of hypodermic needles.
5. Finish the installation of the base coving in the first holding cell.

During the inspection of the holding facility, it was observed that Officers have access to alcohol based hand sanitizer. Encourage the staff to utilize this frequently as a hand wash sink is not immediately accessible. In addition, surfaces are disinfected with a product called Re-Juv-nal. The holding facility was found in a clean and sanitary condition.

Stanislaus County
Striving to be the Best

OFFICIAL NOTICE

DEPARTMENT OF ENVIRONMENTAL RESOURCES
3800 Cornucopia Way, Suite C, Modesto, CA 95358-9492
Phone: 209.525.6700 Fax: 209.525.6774

Name City of Oakdale Police Dept Date July 28, 2011
Address 245 N. 2nd Street Purpose Evaluation of Holding cells.
Oakdale, CA zip
Time In 10 Am Time Out By Tom Wolf
Environmental Health Specialist

Met with Oakdale Police chief, MARTY WEST on-site at his request to evaluate environmental health conditions of holding cells.

- Holding / Lock-up cell
- Textured walls, recently repainted. Toilet flushes okay.
1. Replace missing base coving.

Juvenile Detention Room
- Lacks a toilet & sink.

Both holding cells / Rooms found clean + sanitary.
Hand Sanitizer is available for officers.
Surfaces are disinfected with Re-Juv-Nal.
- Submit Copy of Procedure manual - Lock out Procedure.
Building maintenance and cleaning is performed by City Public Works Depts. Extermination services every other month, (ON-STAR).
Exempt from T15 + T24 - Pre-1948 Facility.

You are hereby notified to correct the above violations of the ——— immediately.
A reinspection will be made on ———. Failure to correct the violation(s) may result in legal action.
Stanislaus County Ordinance requires a charge of $ ——— per reinspection of your facility if violations are not corrected by the referenced date.
Accepted by Marty West Date 7/28/2011

4019-80 L

Adm. 29

R-2

CITY OF OAKDALE
COMMUNITY DEVELOPMENT

CITY OF OAKDALE COMMUNITY DEVELOPMENT DEPARTMENT

120 South Sierra Avenue • Oakdale, CA 95361 • Ph: (209) 845-3625 • Fax: (209) 845-3592

CITY ADMINISTRATION & FINANCE DEPARTMENT
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(209) 848-4344

CITY OF OAKDALE WEBSITE
www.ci.oakdale.ca.us
E-MAIL
info@ci.oakdale.ca.us

June 13, 2011

RE: 245 N. 2nd Ave, Police Department Fire Clearance.

On March 8th 2011, a Fire Inspection for Final was conducted at the Police Department for general life / safety requirements and general compliance as warranted by the construction remodel plans and scope of work administered. Those present included myself and the Project Manager for the contractor; Gavin Thayer of Applegate Johnston.

Prior to the Final Walk / Inspection; all emergency egress, lighting and corridors were inspected and either found acceptable and or brought into compliance with current standards / Codes and regulation.

At the time of inspection all fire extinguishers were inspected throughout the facility and were found installed and maintained in accordance with the 2007 CFC and Title 19 CCR.

Section 906.8 of the 2007 CFC exception # 2 allows fire extinguishers in group I-3 to be located at staff locations.

A group I-3 is defined as an occupancy that includes buildings or portions of buildings and structures which are inhabited by one or more persons who are under restraint. An I-3 facility is occupied by persons who are restrained. This group shall include, but not be limited to, the following:

Correctional centers
Detention centers
Jails
Juvenile halls
Prisons
Reformatories

Attached for review is a color copy of the Inspection Ticket and Inspection Records.

Brian Odom
Building / Fire Inspector
City of Oakdale
120 South Sierra Ave
Oakdale, CA 95361
209-845-3644
209-845-3592 fax

Cc: file.
Attachment: inspection ticket.

Bd017

INSPECTION TICKET

(Post In a conspicuous place)

CITY OF OAKDALE
120 S. SIERRA AVE
OAKDALE, CA 95361
(209) 845-3626

Permit No.	2010 000237	Application No.	2009 014286
Print Date	9/1/2010		
Project Address	245 N SECOND AVE		
Parcel No.	130-003-0049-000		
Project Description	COMMERCIAL ADDITIONS and REMODELS		
Property Owner	OAKDALE CITY OF	Phone:	
Mailing Address	-		
Contractor's Name	OWNER	Phone:	
Mailing Address	-		
Project Manager		Phone:	
Comments	POLICE DEPARTMENT REMODEL (city project, fees excempt)		
Applicant Name	DAVID MYERS CITY ENGINEER	Phone:	(209) 845-3600

Inspection Group / Item Desc.	Insp. Init.	Date	Result (A,R,N,D)	Comments
ELECTRICAL				
ROUGH ELECTRICAL				
FINAL ELECTRICAL				
FINAL				
FINAL				BUILDING FINAL OK cc 4/12/11 SMOKE DAMPERS ON B.O 2/23/11 FIRE FINAL OK B.O 3/8/11
FOUNDATION				
LOT LOCATION				
FORMS	DK	09/27/10	OK	
FOOTINGS				
PPE SITE				
SANITARY FACILITY				
FRAME				
WALLS				FORMS @ ADA RAMP ON B.O. 12/23/10
FLOORS				
ROOF				
ROOF SHEATHING				
SHEAR WALLS				
INSULATION				
WALL				
FLOOR				
CEILING				
MECHANICAL				
ROUGH MECH.	DUCTWORK OK TO ROOF	EP	11/3/10	SEE MECHANICAL PLAN
FINAL MECH				
ROUGH PLUMBING				
UNDER FLOOR PLUMBING	DF	09/23/10	OK	
PLUMBING TOPOUT				
FINAL PLUMBING				
SANITARY FACILITY				
SHEET ROCK				
NAILING				10/06/10 1ST LAYER UPPER WALLS @ 124, 125, 126, 127
GAS TEST				
STUCCO WIRE				

2ND LAYER OK cc 12/2/10
SPRK @ ADA RESTROOM & STORAGES cc 12/6/10

(DO NOT LOSE THIS CARD)