



SHERIFF'S DEPARTMENT
Adam Christianson, Sheriff-Coroner

*Reviewed
Judge Begen
7-3-14*

ADMINISTRATION
DIVISION

June 30, 2014

The Honorable Loretta Murphy Begen, Presiding Judge
Stanislaus County Superior Court
P.O. Box 3488
Modesto, Ca 95353

Re: Response to Grand Jury Report 14-21GJ

Dear Judge Begen;

The Sheriff's Department is in receipt of the Stanislaus County Civil Grand Jury's completed "Case # 14-21GJ Stanislaus County Jail Facilities Inspection" report dated June 23, 2014.

The Civil Grand Jury included a narrative section in the report; wherein it describes in very brief, generic terms each of the three detention facilities, including the downtown Men's Jail (CJ), Public Safety Center (PSC)-Main and the PSC-Units 1/2. The report further includes a summary of point-in-time inmate demographics, which was actually provided by the department and a reference to the recidivism rate for both adult and juvenile inmates.

The department takes issue with the 80% recidivism reported for adult males. In our opinion, the rate of recidivism should reflect only inmates sentenced to County jail or state prison terms and returned to custody after release; not the multitude of other arrestees who enter custody as a criminal suspect, pending investigation, or who are otherwise not actually sentenced to a period of incarceration.

- a. When using the time frame since the enactment of AB 109-Public Safety Realignment on October 1, 2011, as a base, 11,190 inmates were sentenced by the courts to specific periods of incarceration in the county jail or state prison.
- b. Of the 11,190 sentenced inmates, 3,060 returned to custody upon their release from incarceration.
- c. Using those actual numbers, the recidivism rate is 27%. We believe the real numbers will settle above 27% over a span of five years or more but nowhere near the 80% reflected in the Grand Jury report.
- d. The rate of recidivism for the state prison system is approximately 70%, and the county jails will certainly improve upon that number, in particular as the local inmate rehabilitative, education and intervention programs expand and grow.

Pursuant to Penal Code Sections 933(c) and 933.05 (f), the following is our response as it pertains to the Sheriff's Department Detention Facilities:



Findings (Overall):

- F1. The Policy and Procedures Manual for the Men's jail is hard to read and redundant to the Public Safety Manual.

Response: The respondent partially agrees with the finding. All Adult Detention Division policies comport with statutory and legal requirements, as outlined in Title 15-Crime Prevention and Corrections, Title 24-Minimum Standards for Local Detention Facilities the State Penal Code and all other applicable state and federal regulations and laws. Though the division has one standard policy manual, both the Men's Jail and Public Safety Center have independent procedural manuals, which fully comply with the division policy, but are necessitated by the unique physical plant and operational challenges inherent within each facility. The policy manuals are reviewed and updated annually. At the next scheduled review, the Commander of the Men's Jail will assess the need to revise the language to make it more user friendly.

Recommendations (Specific to Facilities)

Men's Jail

- F2. Regarding the 2013 BSCC report, some single occupancy cells have been converted to double occupancy, but lack the appropriate square footage required by Title 24. Section 470A.2.6.

Response: The Respondent agrees with the finding. The Men's Jail does, in fact, have inmate cells used for double occupancy that lack the square footage required in the current iteration of Title 24; however, the facility was constructed in 1954 and not subject to the more current standards. The BSCC routinely cites this issue in their audits but only for information purposes and not with the intent of actually reducing the capacity.

- F3. Regarding local inspection reports, the fire inspection report found some exit sign lights were not working. The health inspection and building grounds inspections reports found that the Downtown Jail is old but well maintained. Water leak damage was found in certain areas.

Response: The Respondent wholly disagrees with the finding. We are at a bit of a loss on this finding. The Men's Jail has no lighted exit signs anywhere in the jail, nor have we seen reports reflecting this issue. Further, we reviewed the Stanislaus County Environmental Health Official Notice dated April 23, 2014 and found no reference pertaining to water damage. The same is true of inspections performed by the Inmate Medical Quality Assurance Board, Board of State and Community Corrections and the Fire Marshal. The Men's Jail did experience water damage two years ago in the Court Tunnel and Inmate Work Quarters, but those leaks were repaired and reflected as such on the Environmental Health Report filed at that time. Staff at the jail has made notable and commendable progress in cleaning-up, painting and upgrading the facility, repairing damage to the infrastructure and enhancing security throughout. Less than two years ago, the county funded a major project to renovate the HVAC system. Any existing damage or

structural problems are addressed and corrected aggressively by the jail commander and his supervisors, as they are identified.

- F4. Although the Men's Jail was designed for short terms (less than one year), it is being used for long term incarceration (greater than one year).

Response: The Respondent agrees with the finding. All current county jails in California were designed to house inmates booked into the facilities and considered transient until they bailed out of custody; completed court proceedings or completed sentences in the county jail system. Their time in custody was measured in days or weeks. With the enactment of AB 109- Public Safety Realignment, inmates formerly sentenced to state prison are now sentenced to county jails; and, in many cases, their time is measured in years, rather than days or weeks. Many counties, including Stanislaus, are participating in partnership with the state on such bills as AB 900 and SB 1022 to add new capacity and programs to accommodate these longer-term inmates. By 2018, this county will add 840 inmate beds in modern facilities to address this very issue.

- F5 The Men's Jail was found to be over the BSCC capacity of 342. At the time of the Inspection, the MJ was housing 351 inmates. While this is out of compliance with the State of California regulations, it is compliant with the Federal regulations which set the capacity at 396.

Response: The Respondent agrees with the finding. The BSCC did rate the Men's Jail at a capacity of 342; however, the department entered into a stipulated agreement with the Federal Court in the case of Rodriguez vs. Stanislaus County in 1992, pertaining to the conditions of confinement and inmate housing capacity at all the detention facilities in the county. The Men's Jail has maintained a court-ordered capacity limit of 396 since that time. The Consent Decree is recognized by the BSCC as the legal and binding order as to the capacity of the Men's Jail.

- F6. At the time of the inspection, the facility was short of personnel by 42 staff persons.

Response: The Respondent disagrees wholly with the finding. The Men's Jail has one Lieutenant, six Sergeants and sixty-one Deputies assigned to the facility. Currently, the Men's Jail has three Deputy vacancies. We can only surmise the Grand jury somehow received inaccurate information on the number of vacant positions. The Adult Detention Division as a whole has only twenty-one vacancies and has never been as high as forty-two in the past eight years.

Public Safety Center:

- F7. The PSC was clean and well maintained at the time of the inspection. Staffing was at a reasonable level.

Response: The Respondent agrees with the finding.

Unit 1, Unit 2

F8. Both units are fairly new and well maintained.

Response: The Respondent agrees with the finding.

Recommendations (Overall)

R1. Consider combining the PSC and MJ Policy Manuals into one manual and issue to each site as policy for both facilities.

Response: The Respondent wholly disagrees with the recommendation. Please refer to the Department's response under F1.

Recommendations (Specific To Facilities)

R2. Upon completion of AB 900 Phase II Project, move the second inmate from each cell to resolve overcrowding.

Response: The Respondent wholly disagrees with the finding. The County and Sheriff's Department received a grant of \$80 million dollars from the State under AB 900-Phase II and another \$40 million dollars under SB 1022 to construct new inmate bed capacity, inmate health care beds, a health care unit, a Day Reporting Center, inmate replacement beds and a Re-Entry Alternatives to Custody Training Center. In both grants, the county was required to provide a 10% match in funds, which was accomplished. The AB 900 Projects, which include 480 maximum-security beds, 72 health care beds, a health care unit, a central control and a Day Reporting Center, are scheduled for activation in the Fall 2016. The SB 1022 Projects, including 288 replacement beds and the REACT Center, are scheduled for activation by early 2018. At that time, the Men's Jail will likely convert to a court-holding facility, with a reduced total population capacity. The double-cells do not violate state mandates due to the age of the facility and will remain in use throughout.

R3. Replace burned out bulbs in exit signs and repair leaks and water damage.

Response: The Respondent wholly disagrees with the recommendation. Please refer to the Department's response F3.

R4. Recommend that new plans for a combined downtown jail/courthouse facility be designed for longer term housing.

Response: The Respondent disagrees with the finding. The State and County have already entered a partnership to construct new and replacement detention facilities under AB 900 and SB 1022 on the current site of the Public Safety Center. The State and County also entered into an agreement to construct a new courthouse in the downtown area. The new detention facilities

will be of modern design, with available programming, to accommodate a longer-term inmate population.

- R5. Recommend that housing of inmates be in compliance with the capacity set by the State pursuant to BSCC standards.

Response: The Respondent partially agrees with the finding. The Consent Decree governs inmate-housing capacity at the Men's Jail and trumps BSCC standards. The entire existing and planned inmate housing at the Public Safety Center site comports with BSCC standards, though the maximum capacity is still governed by the Consent Decree.

- R6. Recommend to increase recruiting efforts to fill present and future staff positions.

Response: The Respondent agrees with the finding. The Department is actively engaged in the recruitment and retention of employees and is currently enjoying heightened success in filling our vacant positions. We have continuous testing for peace officer classifications and continuously seek improved strategies for recruiting classifications that are challenging to fill.

Public Safety Center

- R7. None

Units 1, 2

- R8. None

Sincerely,



ADAM CHRISTIANSON
Sheriff-Coroner
Stanislaus County

cc: Supervisor Vito Chiesa, Chairman
Stanislaus County Board of Supervisors

Judy Navarro, Foreperson
Stanislaus County Civil Grand Jury 2013-2014

Stan Risen, Chief Executive Officer
Stanislaus County