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September 24, 2024

Honorable Mark A. Talamantes  
Presiding Judge  
Marin County Superior Court  
3501 Civic Center Drive  
San Rafael, CA 94903

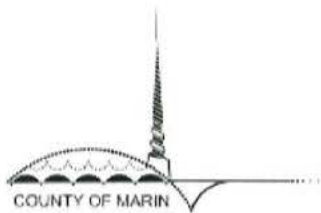
Dear Judge Talamantes,

The Marin County Board of Supervisors' response to the FY 2023-2024 Civil Grand Jury Report "*Marin County Justice Center: A Model for Change*" (June 28, 2024) is attached. The attached document responds to all the requests made for responses from the Board of Supervisors.

Respectfully submitted,

Dennis Rodoni  
President, Board of Supervisors

CC: Marin County Civil Grand Jury



## RESPONSE TO GRAND JURY REPORT FINDINGS AND RECOMMENDATIONS

REPORT TITLE: "Marin County Justice Center: A Model for Change"  
REPORT DATE: June 28, 2024  
RESPONSE BY: County of Marin Board of Supervisors

### GRAND JURY FINDINGS

- We agree with the finding numbered: **F7**
- We disagree wholly or partially with the findings numbered: **F1 – F6, F8**

### GRAND JURY RECOMMENDATIONS

- Recommendations numbered **R1 – R2**, and **R4 – R5** will not be implemented they are not warranted or reasonable.
- Recommendation numbered **R3** has not been implemented and will be in the future.

Signed: \_\_\_\_\_



President, Board of Supervisors



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## RESPONSE TO GRAND JURY FINDINGS

### **F1. The Marin County Jail is dated and is held to standards in place in 1988 but does not meet modern-day standards for a county jail.**

Response: Disagree

The Marin County Jail opened in 1994. A 2014 study by the [Public Policy Institute of California](#) found that 89 of California's 123 county jails were constructed before 1990 (updated to 116 total active county jails in 2023). In 2024, the Board of Supervisors budgeted over \$2.5 million in modernization and maintenance work to the jail facility. The Marin County Jail is well-maintained and is not considered dated by any industry standard.

The Marin County Jail has passed annual [Title 15](#) and [Title 24](#) inspections since opening. These inspections have been carried out by the [Board of State and Community Corrections](#) (BSCC), the highest regulatory authority of county jails in the State of California. BSCC updates its inspection standards regularly and our facility continues to meet updated standards. In the past five years, the County has also committed approximately \$8 million in infrastructure upgrades over nine capital improvement projects to ensure the Jail remains well maintained.

### **F2. The complex inmate classification system and the increase in the AB 109 population have significantly reduced the available programming space at the Marin County Jail because of the inability to mix various inmate classification groups both in and out of cells.**

Response: Disagree

Although [Assembly Bill 109](#) public safety realignment has affected the complexity of the [Jail Classification System](#) in California, the Marin County Jail design continues to provide incarcerated persons with adequate space for quality, comprehensive programming. The complexities created by AB109 have in some ways been mitigated by a decrease in the Average Daily Population (ADP) in the County Jail. In 2018, the ADP was 320 incarcerated persons. Currently, the ADP is averaging approximately 220 (where it has remained for at least the past six months). Marin County Sheriff Classification Deputies have developed effective methods to offer programs to all incarcerated persons across all classifications within the confines of our current facility.

### **F3. The Marin County Jail lacks the medical and mental health facilities needed to adequately address the significantly greater incidence of mental health and substance abuse conditions of the current inmate population.**

Response: Disagree

We have no evidence to suggest there is insufficient space in the Marin County Jail to address the mental health and substance use needs of the incarcerated population. The Marin County Sheriff's Office contracts behavioral health services from the Marin County Health and Human Services (HHS) Division of Behavioral Health Services (BHRS). These services exceed industry standards for mental health care in jail facilities. Collaboration with BHRS has been instrumental in proactively implementing improvements, and services are certified annually by the BSCC.





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In 2023, the Sheriff implemented updates to safety cell log sheets to align with changes to Title 15. This revision added clarity regarding individuals in safety cell placement due to risk of self-harm, with the result that safety cell placements are more comprehensively monitored.

In 2024, the Sheriff approved a BHRS initiative to transform the Special Housing unit into a therapeutic milieu, an environment conducive to mental health care. This systemic change will enhance the ability to provide direct services to mental health populations and eliminate existing barriers to mental health care.

**F4. The current inmate population requires additional programming space that is not available due to the physical limitations of the Marin County Jail.**

Response: Disagree

It is inaccurate to state that the Jail does not provide adequate space for programming to serve the needs of the current inmate population. The Average Daily Population (ADP) in custody has been declining steadily since 2018, leaving more multipurpose space per individual. All housing units within the jail, except for one, have multipurpose rooms equipped with multi-media connectivity and provide adequate space for groups, meetings, and activities.

All individuals incarcerated at the jail can access tablet devices located in the unit where they reside. These tablets provide access to personal and legal visits through video call, along with educational and vocational training apps for use by jail residents while in custody. The Sheriff's Office is in the process of obtaining additional tablets with a goal to eventually have one tablet for each incarcerated individual.

In April 2024, the Sheriff implemented the [Family Re-Unification Program](#). This program facilitates meaningful contact between incarcerated individuals and their families. The Sheriff's Office recognizes the invaluable role of family relationships in fostering positive behavior and reducing recidivism. A space was created on the visitation level of the jail, furnished by local non-profit [Make It Home](#). The Family Reunification Program provides a clean and comfortable space for incarcerated persons to begin the process of reestablishing family connections.

**F5. The Marin County Jail's subterranean location precludes its expansion to build additional programming space and mental health and medical facilities.**

Response: Partially Disagree

We cannot comment on the expansion potential of the of the Marin County Jail without a proper study by facilities and construction experts. However, it should be noted that the County's responses to items F2-F4 above address the space needs mentioned in the Grand Jury's report without the prohibitive costs of new construction.

**F6. The Marin County Juvenile Hall is a dated, prison-like facility that does not create the restorative justice atmosphere of a modern-day juvenile detention facility.**

Response: Partially Disagree



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While we agree that the Juvenile Hall facility has some outdated design components, the Probation Department has created an environment conducive to restorative justice. This includes updated furniture, calming color schemes, and addition of a library and game room to the common area. It is important to note that juvenile populations in custody are extremely low in Marin, and space is not an issue.

Probation staff have extensive training in cognitive and evidence-based programing. Industry research and best practices in juvenile justice strongly support environments that emphasize restoration, individual and group counseling, personal growth, and community reintegration over punishment. We believe the expertise and commitment of Probation staff are the best tools to implement the County's commitment to restorative justice in juvenile corrections.

**F7. The small daily population of the Marin County Juvenile Hall does not justify the extraordinary expense of maintaining the existing facility.**

Response: Agree

The steadily declining population in the Marin County Juvenile Hall reflects broader trends across the state. This decline of incarcerated youths stems from an industry shift towards community-based alternatives with greater emphasis on restorative justice. On June 30, 2023, the [State Department of Juvenile Justice \(DJJ\)](#) closed, requiring youth previously committed to the DJJ to be served locally in Juvenile facilities. Marin County has only placed one youth since 2020.

A study of the Juvenile Justice landscape of Marin County is currently being conducted. Any decision regarding the future of the Juvenile Hall will have wide-ranging impacts on various stakeholders, including staff, the youth in our care, their families, and the broader community. We remain committed to engaging with these groups throughout the planning process to ensure their needs and concerns are considered.

**F8. The location of Juvenile Hall is virtually inaccessible to many of the parents and guardians of youths being held there because of the significant time and transportation problems it presents.**

Response: Disagree

Lucas Valley Road, accessed directly from Highway 101, is a major roadway leading directly to Juvenile Hall. While the facility is 10 minutes from the Marin County Civic Center by car, we agree there may be accessibility challenges using public transportation to the Juvenile Hall.



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## RESPONSE TO GRAND JURY RECOMMENDATIONS

The Grand Jury recommends that by June 30, 2025:

**R1. The Marin County Board of Supervisors should initiate a study to consider the creation of a Marin Justice Center, which would accommodate detainees charged with misdemeanors and low-level felonies. The Marin Justice Center might include mental health, medical, substance abuse, recreational, and programming facilities. Ideally, the Marin Justice Center could be located at or near the Civic Center.**

This recommendation will not be implemented because it is not warranted or reasonable.

The Grand Jury identifies issues many county jails in California face due in part to growing populations of incarcerated persons with mental health and substance use disorders. However, the proposed solution of a new justice center in Marin does not adequately address the underlying issues behind these changes in the jail population.

The construction of a new jail facility or justice center would be cost-prohibitive and would not address the ineffectiveness of incarceration as a tool to treat addiction and mental illness in the community. Marin County HHS continues to work with community and nonprofit partners to address the social, health, economic, and other factors that contribute to crimes committed by persons suffering from addiction or mental health disorders. These solutions represent a better investment of resources as compared to the costs for construction of a new justice center as described by the Grand Jury.

As noted in the County's responses to previous Grand Jury findings above, the County's adult and juvenile facilities provide adequate space and environment to address the health and substance use needs of incarcerated persons in Marin.

**R2. In the study for a Marin Justice Center, the existing Marin County Jail should be used for incarcerated individuals with classifications that pose a significant security risk to Sheriff's deputies, staff or other detainees. This would also allow for better access to programming spaces for this segment of the incarcerated population.**

This recommendation will not be implemented because it is not warranted or reasonable.

The current facility safely houses and treats this demographic of the incarcerated population. In most cases, incarcerated persons who pose the most significant risk to staff are not eligible for programming due to safety concerns.

**R3. To safeguard the lives of the general jail population, the Marin County Board of Supervisors should fund and direct the immediate removal of the ligature points in the Marin County Jail.**

This recommendation has not been implemented and will be in the future.

The Marin County Sheriff's Office, supported by Behavioral Health and Recovery Services, and in partnership with the Department of Public Works, is actively exploring Jail facility improvement projects to enhance safety and mitigate harms to incarcerated persons. While we cannot at this time commit to a specific timeline given the planning required for replacement or





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retrofitting of furniture, fixtures, and/or structural components of the jail until this analysis is complete, we agree the furniture should either be retrofitted or replaced.

**R4. The Marin County Board of Supervisors should include a small juvenile facility in its study for a Marin Justice Center campus. This would be a separate facility for juveniles, but with access to the food, recreational, medical, mental health, educational, and other facilities on the Marin Justice Center campus.**

This recommendation will not be implemented because it is not warranted or reasonable.

As noted in the County's response to item F6 above, the current juvenile hall facility is adequate for providing comprehensive restorative justice programming to the small number of incarcerated youth in the county. As described in R1, a study of the Juvenile Justice environment in Marin County is currently being conducted. The Marin County Probation Office has assembled a committee of collaborative stakeholders, including members of the Board of Supervisors, Health and Human Services, the Marin County Office of Education, the Superior Court, the Marin County Public Defender's Office, and others, to map current services, identify gaps and needs to address behavior trends, and to leverage services that work to safely transition youth from detention and the juvenile delinquency system in general. A justice center as recommended by the Grand Jury would be cost-prohibitive and would not provide additional benefit for justice involved youth or the community in Marin.

Further, under [federal law](#) detained juveniles "*shall not have sight or sound contact with adult inmates... and may not be held in any jail or lockup for adults.*" This separation requirement allows states to define the terms "juvenile" or "minor." The California [Board of State and Community Corrections](#) oversees adherence to this federal mandate for County Jails in California, defining "minor" as any person under the age of 18. A single facility serving both youth and adult populations in custody would likely present unnecessary challenges to meeting this requirement.

Finally, the recommendation may conflict with the State Legislature's intent, codified per [Senate Bill 823](#) in 2021, that 'community-based placements, rather than secure carceral settings, better support positive youth development for system-involved children.'

**R5. The Marin County Board of Supervisors should close the existing Juvenile Hall when the new juvenile facility is opened.**

This recommendation will not be implemented because it is not warranted or reasonable.

The Probation Department, along with other justice partners in Marin, adhere to a restorative justice model in youth corrections that focuses on rehabilitative and pro-social placement in the community. This strategy is shown to improve outcomes for justice-involved youth, and reduces the overall cost of youth corrections.

We disagree that youth or adult jail facilities in Marin do not meet modern day standards or have insufficient space to address the mental health and substance use needs of the incarcerated population. Current juvenile facilities adequately serve the needs of the small population of incarcerated youth in Marin.