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## **CAUGHT IN JAIL!**

### **BACKGROUND:**

The Tulare County Main Jail was built in the 1960's in a linear style with all cells in a row. It is a four story building with a fenced exercise yard on the fourth floor. The cell doors are mechanical and operated by an officer at a central location on each floor. Escorting of inmates requires the officers to continuously open and close the doors.

### **REASON FOR INVESTIGATION:**

The Tulare County Grand Jury received a citizen's complaint on September 18, 2015, alleging an injury by a moving cell door and the lack of medical treatment provided within a timely manner at the Tulare County Main Jail.

### **METHOD OF INVESTIGATION:**

All correspondence received by the complainant was reviewed. Members of the Grand Jury visited the Main Jail on two separate occasions to observe the site where the injury was sustained. Complainant and Main Jail staff was interviewed. The complainant's requests for medical treatment were reviewed. The Inmate Orientation Handbook and inmate grievance processes were reviewed.

### **FACTS:**

1. Staff operating the cell doors cannot see the cell doors opening and closing from their central location.
2. The Tulare County Sheriff's Office has a procedure for medical requests.
3. The Tulare County Sheriff's Office has an inmate grievance process.
4. When booked into custody, inmates receive an Inmate Orientation Handbook describing processes and procedures.

### **FINDINGS:**

- F1. Cell doors are not visible to the staff operating the cell doors during operation.
- F2. The grievance process was followed as required.
- F3. Complainant was seen by medical staff in a timely manner.

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# **TULARE COUNTY GRAND JURY REPORT 2015-2016**

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F4. An Inmate Orientation Handbook is issued to each inmate at booking and additional copies may be requested as needed.

## **CONCLUSION:**

The Tulare County Grand Jury has investigated this complaint and finds safety measures should be initiated to warn the inmate population of possible injury from the cell door operation.

## **RECOMMENDATIONS:**

- R1. On duty custody staff to announce the closing and opening of cell doors prior to activation.
- R2. Safety mirrors be placed in each cell block corridor to improve visualization of the cell doors.
- R3. Warning signs regarding cell door operations to be posted in clear view of all inmates.
- R4. Warnings of cell door operations to be printed in the Inmate Orientation Handbook.

## **REQUIRED RESPONSES:**

- 1. The Tulare County Sheriff

### **Disclaimer**

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).

## **CAUSE AND EFFECT**

### **BACKGROUND:**

The Tulare County Grand Jury received a complaint on July 6, 2015, from a citizen alleging that he had been unlawfully tased and that his family had been harassed by the Tulare Police Department. He also alleged that he was falsely jailed and as a result, missed a civil court date.

Assembly Bill (AB) 109, Public Safety Realignment, was implemented in 2011 and shifted the supervision of non-violent, non-serious, non-sexual inmates on probation from the State to the various counties. As part of AB 109 and pursuant to Penal Code §3450, individuals on Post-Release Community Supervision (PRCS) are supervised by county probation officers. Individuals on PRCS are required to comply with all release conditions mandated by the court and are subject to revocation if not in compliance. At the time of the incident, it was determined the complainant was on probation. This knowledge gives law enforcement the legal right to detain and search.

### **REASON FOR INVESTIGATION:**

The Tulare County Grand Jury investigates all citizen complaints which involve city and county agencies. The review of all police departments in Tulare County fall under the jurisdiction of the Grand Jury.

### **METHOD OF INVESTIGATION:**

The Tulare County Grand Jury reviewed all documentation. Interviews were conducted with the complainant, staff of the Tulare Police Department and Tulare County Probation Office.

### **FACTS:**

1. Any individual on PRCS, early release per AB-109, can be detained and searched by law enforcement.
2. Per PRCS, court mandated random drug testing is at the Probation Officer's discretion. However, the Tulare County Probation Office requires that high risk drug offenders be tested a minimum of every thirty (30) days.
3. Individuals on PRCS are responsible for notifying their Probation Officer of any address changes.
4. The complainant was homeless at the time of the incident.
5. Tulare Police Department has a written policy regarding the use of TASERS.