

This document is an extract of a larger publication.

civilgrandjury.org is a project of UnGovr.org, a US-based 501(c)(3) nonprofit dedicated to government transparency and public accountability.



THE THIN BLUE LINE GETS THINNER

Plumas County Jail Report

EXECUTIVE SUMMARY:

The current Plumas County Jail was built in the early 1970's to house the Sheriff's Administration Office and the County Jail. Over the years it quickly became inadequate and overcrowded. In 1991, the Sheriff's Admin Office moved to a new location down the street to make room for more inmates, and the old administration areas of the jail were then modified to house a growing inmate population.

The building is one of only 3 linear, cinderblock jail structures remaining in the state. This antiquated type of construction is inefficient, costly to maintain and has numerous safety and liability issues. In 1989, Walter Pederson and Cheryl Preston filed a class action law suit in US Federal Court against the County of Plumas citing Injunctive Relief for inmate rights, privileges and immunities arising under the First, Fourth, Eighth and Fourteenth Amendments of the US Constitution. In February 1992, a settlement was reached between the County and the plaintiffs. The decision that was handed down by the Court is known as the "Federal Consent Decree" and has no expiration date. The Consent Decree allows the jail to operate provided specific conditions and rules are followed. The Decree is 17 pages in length and contains a number of issues summarized in this report.

The Recitals of the Decree sets rules for the Correctional Officer's staffing; inmates personal property storage, jail clothing, food prep, indoor and outdoor exercise time, access to dental and medical care, and most importantly a maximum population not to exceed 37 inmates. The Decree also includes establishing policies and procedures regarding mental health, access to a law library, reading material, telephones and television. In addition, female inmates were awarded equal access to programs and work opportunities as was given to male inmates.

At the time of this writing in April 2013, the Consent Decree had recently been lifted allowing the capacity of the jail to increase from 37 to 67. As a result of this action, inmate population will increase while there remains a serious lack of staffing and funding to house, feed and medically provide for the increase, resulting in a decrease of inmate and officer safety.

Assembly Bill 109 (AB-109) was signed into law by Governor Brown on April 5, 2011 and became effective on October 1, 2011. AB-109 (See Attachment AB-109) was enacted to reduce overcrowding in California state prisons. This is accomplished by housing specific high risk offenders in local and county jails instead of State prisons.

In Grand Jury interviews of the Board of Supervisors, it was found that the majority of the Board had not made a Jail tour, ride-along, or communications center tour within the past 12 months. In interviews with the Board of Supervisors, the majority of them did not have Public Safety as number one priority.

BACKGROUND:

California law mandates that the Civil Grand Jury visit correctional facilities within the county each year. This is covered within section 919 of the California Penal Code sub section (b) "The Grand Jury shall inquire into the condition and management of the public prisons within the county."

The Plumas County Sheriff's office is the primary law enforcement agency for the county. In addition to patrol and investigations, the Sheriff's office is also responsible for serving civil papers. The Sheriff's office also has divisions including animal control, search and rescue, coroner's bureau, court security, victim witness, law and fire dispatch and corrections (jail). The Plumas County Jail was designed to house both male and female inmates, some awaiting trial and some convicted and sentenced up to a year of incarceration for misdemeanor and specific felony offenses. With the passage of AB-109 in 2011, persons convicted of specific felonies within Plumas County are now serving multiple year sentences in County Jail rather than State Prison.

APPROACH:

The Plumas County Grand Jury made the first of several jail tours in November of 2012. The Grand Jury was escorted through the facility by the Sheriff and the Jail Commander. Representatives from the County Facilities Department as well as the County's Insurance representative were also present. The Grand Jury interviewed the Jail Commander, the Sheriff and the Assistant Sheriff multiple times during the course of our investigation. The Grand Jury also toured the proposed new jail site, commonly known as the Trilogy Building near the Animal Shelter (Animal Control) in East Quincy.

On a visit to the jail on February 19, 2013, the Grand Jury found the jail to be near its capacity of 37, with 34 inmates. This included 8 sentenced felons (AB-109) and 14 un-sentenced felons, plus one high risk inmate. There were 6 sentenced misdemeanants and 2 un-sentenced inmates. Also included within the inmate populations were 4 females, 3 of which were un-sentenced felons and one was serving time for a misdemeanor.

DISCUSSION:

The Jail facility is over 40 years old. It has been renovated, modified, added to, and patched in an attempt to meet the Federal Consent Decree, the County's changing inmate demographics, and State Law.

Due to the facilities age, heating and air conditioning systems are inefficient and costly to use and maintain. The heating, ventilation and air conditioning system is a "closed" system which could accelerate the spread of air-borne pathogens. Maintenance issues are frequent and difficult resulting in even higher costs as time goes on.

The south exercise yard is in close proximity to a youth sports field; thus causing concern of potential visual and verbal communication between inmates and field users. Public right-of-ways are within five feet of the building's perimeter adding to gross inadequacies with building and perimeter security, details of which cannot be disclosed here.

Portions of the Jail were never designed or built for housing inmates. These areas were former office space when the Sheriff's Administration was located in the building. As a result, the jail lacks segregation between sentenced and un-sentenced inmates, and as the female inmate population has increased, segregation from male inmates is challenging and a growing problem.

The Corrections Standards Authority (CSA) a division of the Board of State and Community Corrections is required by law to inspect and report on the management, operation, and physical plant condition of California's county and city jails.

The CSA report dated July 31, 2012 noted two areas of non-compliance under Title 24 CCR (California Code of Regulations) which require (1) sobering cells to have padded partitions next to the toilet to provide support and (2) the toilet areas shall provide modesty consideration for the inmate.

The CSA report addresses issues of non-compliance under Title 15 CCR, including:

- A lack of sufficient staff to perform numerous routine duties, manage emergencies, conduct life safety checks and maintain a high level of security. *(Details, which may compromise the safety of inmates, correctional officers and the public, were not disclosed to the public)*
- The CSA report states a lack of life safety checks of the sobering cell. This is due to insufficient staff to complete the checks and complete other duties.
- The sobering cell is being used to monitor "medically fragile inmates" which is inappropriate.

The Facility Policies and Procedures Manual are not in place. The CSA report indicates that the facility lacks sufficient administrative staff to perform this critical activity.

Fire Marshal's inspection of May 16, 2012, noted housekeeping items such as illegal storage within 24 inches of ceiling, misuse of extension cords, obstructed access to electrical panels, obstructions in hallways and failure to provide fire extinguisher training to employees.

A fire inspection and suppression system check was scheduled at the time of the CSA inspection but has not been completed.

The Fire Marshal noted the fire sprinkler system may not be functioning properly.

FINDINGS:

Many inadequacies were found to exist in this antiquated facility.

- F1. Electronic security systems in the control center are in partial failure due to previous power surges with no funds to repair or replace.
- F2. At least three floor drains have been plugged with concrete, thereby compromising adequate drainage in food preparation areas.
- F3. The jail lacks a sufficient number of electrical circuits and outlets resulting in over loading of electrical systems.
- F4. Missing filters from the kitchen hood allows grease to accumulate in the flue. The exhaust fan was found to be pushing air into the kitchen rather than exhausting it.
- F5. The last Health Department inspection was completed 3 years ago.
- F6. The Jail's Policy and Operations Manual is still outdated as reported in previous 2010-2011 and the 2011-2012 Grand Jury Reports.

RECOMMENDATIONS:

- R1. The Grand Jury recommends that the Plumas County Board of Supervisors make Public Safety their number one priority for Plumas County. The Grand Jury requests the Board of Supervisors respond to this recommendation.
- R2. The Grand Jury strongly recommends the Board of Supervisors support the Sheriff in the acquisition of a new Correctional Facility and Administration Office, and submit a plan for public comment that will move this much needed project forward. The Grand Jury requests the Board of Supervisors respond to this recommendation.
- R3. The Grand Jury recommends that the Board of Supervisors increase the Sheriff's Jail budget when requested by the Sheriff, specifically targeting staffing and essential inmate needs. The Grand Jury requests the Board of Supervisors respond to this recommendation.
- R4. The Grand Jury recommends that the Board of Supervisors make an annual tour of the Jail Facility when requested by the Sheriff. The Grand Jury requests a response to this recommendation.
- R5. The Grand Jury encourages the Board of Supervisors to do a ride-along with a Deputy when requested by the Sheriff, within three months of this report. This would enable the Board of Supervisors to have a clearer understanding of what Deputies are facing with the implementation of AB-109, the Federal Consent Decree and the effects on Officer Safety, both on the street and within the Jail. The Grand Jury requests the Board of Supervisors respond to this recommendation.
- R6. The Grand Jury recommends that the Sheriff's request from the Board of Supervisors of additional funding for additional staffing to enable the Jail's Policy and Procedure Manual be updated and in place by no later than 31 December 2013. The Grand Jury requests the Sheriff respond to this recommendation.

REQUEST FOR RESPONSES:

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:
From the following governing bodies:

- The Plumas County Board of Supervisors
- The Plumas County Sheriff's Department

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

CONCLUSION:

It is painfully obvious that Plumas County needs a new jail. The Sheriff and staff are working tirelessly to acquire a USDA loan and grant monies to purchase the property formally known as the Trilogy building in East Quincy near the Animal Shelter for a new jail facility. The Trilogy building is large enough to accommodate the Sheriffs' current needs and their projected needs far into the future. This modern facility has additional space to house the Probation Department, the daily reporting center and the Emergency Operations Center (EOC) better serving all parties if located in the same building. The building is in near move-in condition and has a backup generator, and a large modern computer server room that is currently up to date and functional. The 4.5 acre parcel is also large enough to accommodate the construction of a modern modular jail facility. This would meet current Uniform Building Code (UBC) and CSA requirements and thereby likely result in the removal of the Federal Consent Decree for inmate population. This site also provides the opportunity for the installation of photo voltaic energy system (solar energy) to offset the cost of utilities.

Should the acquisition of the Trilogy property fall through, the Board of Supervisors should be prepared to move forward in purchasing property away from parks, ball fields, and schools in an area recommended by the Sheriff. Any monies put forth for the existing jail is putting good money after bad. The current jail would still be in proximity to public roads and the little league field. It is still a linear facility which lacks segregation; is not ADA compliant, and is a threat to public safety.

The Grand Jury again reiterates that continuing to allow the jail to operate in non-compliance and a known unsafe manner leaves the County of Plumas open to litigation and extreme financial risk. Above all the Plumas County Grand Jury is factually concerned that the jail in its failing condition presents a great risk to public safety.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

ATTACHMENT AB-109:

California Assembly Bill 109

California Public Safety Realignment – aka AB-109

BACKGROUND:

On January 20, 2011, pursuant to the California Constitution, the California State Legislature declared a fiscal emergency.

In May 2011, the U.S. Supreme Court ordered California to fix its overcrowded prison problem. Citing constitutional protections against cruel and unusual punishment the Supreme Court gave California a two-year deadline to drastically cut inmate population in its 33 prisons to 137.5% of capacity by May 2013.

Seen as a way to address both problems, AB-109 came into existence to address the fiscal emergency and to comply with the Supreme Court order.

Touted to the public as historic legislation to close the “revolving door” of low-level inmates cycling in and out of state prisons, AB-109 was signed into law by Governor Edmond ‘Jerry’ Brown on April 5, 2011 and became effective on October 1, 2011.

AB-109 was enacted against the backdrop of a severely overcrowded California state prison system, but the statute says it was enacted to combat recidivism and not because of overcrowding.

DISCUSSION:

For cost-saving purposes, AB-109 allows non-violent, non-serious, and non-sex offenders to serve their sentence in county jails instead of state prisons. By keeping these low-level offenders out of state prisons, the state claims it can save almost half a billion dollars (10% of its budget) annually. However, it does so at the expense of the 58 counties in California. Transferring the responsibility and expense of managing prisoners from the State to the counties has placed a tremendous financial load on the counties. The state does provide some revenue to the counties to cover costs associated with the implementation of AB-109, but nowhere near the amount needed to house, feed, medicate and rehabilitate these prisoners as directed by the law.

Realignment:

The 600 + page Bill was part of the state budget process in early 2011, and as such, it was not open to the legislature for debate and was passed in a 48 hour frenzy to meet the state budget deadline. AB-109, now being called “prison realignment” is really a cost saving effort by the California legislature as it shifts the responsibility for incarcerating many low-risk inmates from the state to its counties.

Realignment describes the process of significant change in the California criminal justice system. The legislation changed the penal code and sentencing laws to allow new offenders to be sentenced to local jails rather than to state prison.

Realignment makes huge changes in California criminal law, with more than 500 statutes being amended. However, for the most part realignment does not change how things work for serious crimes, violent crimes or sex crimes. People who commit those kinds of offenses will still be eligible for state prison.

Realignment adds nearly 60 additional crimes that are not defined in the Penal Code as serious or violent offenses but at the request of law enforcement were added as offenses that would be served in state prison rather than in local jails.

Realignment means that thousands of less-serious felony offenders now face a jail sentence or out-of-custody supervision (similar to probation), while before they would have been eligible for state prison.

Realignment means that the state will continue to incarcerate offenders who commit serious, violent, or sexual crimes, but the counties will supervise, rehabilitate and manage low-level offenders.

Critics of AB-109:

Critics of AB-109 say it saves money at the expense of public safety. AB-109 allows non-violent, non-serious and non-sexual offenders to serve their sentences in county jails and not in state prisons. However, the law only considers the criminal’s last offense in determining if he/she qualifies as a low risk offender, not the individual's entire criminal history. Thus a gang member or a child molester with a history of assaults and/or robberies could be arrested for possession of a small amount of Methamphetamine “meth” and instead of the court taking his/her ENTIRE criminal record under consideration, this person could magically become a “low risk” offender based on JUST the meth charge. These offenders are deemed as "low risk" to the community despite their proven history of involvement in more serious criminal activity.

Sentencing more serious offenders to jail rather than state prison has forced counties that already have crowded jails to release less serious offenders who are serving time for crimes such as auto theft, burglary, grand theft, forgery, illegal drugs and counterfeiting.

Many of the county jails in California are faced with significant capacity issues. Seventeen counties, including Plumas County, already operate under court orders limiting how many inmates that can be held in their local jails. Ninety-three percent of all county jails were already operating at their full capacity, prior to realignment.

Since AB-109 has been enacted, many non-serious offenders that are being paroled do not report to Parole Officers because they no longer fear "Parole Violations" that would send them back to state prison. If they do receive a parole violation, their sentence is served in a local jail under the jurisdiction of the Probation Department. Serious offenders that are paroled have to commit a serious parole violation to be sent back to state prison. AB-109 transfers responsibility for supervising certain kinds of felony offenders and state prison parolees from state prisons and state parole agents to county jails and probation officers. This is burying the Plumas County Sheriff's Department and the Probation Department in extra work.

APPENDIX:

State Prison Population Reports:

http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Population_Reports.html

AB-109 & AB 117 An Overview:

http://www.cdcr.ca.gov/layoffresources/docs/realignment/AB_109-PowerPoint-Overview.pdf

<http://www.ca-public-safety-realignment-act.com/pdf/Realignment-Fact-Sheet-CDCR.pdf>