



COUNTY OF SAN LUIS OBISPO
SHERIFF'S OFFICE
Ian Parkinson Sheriff-Coroner

June 19, 2018

The Honorable Judge Ginger Garrett
Presiding Judge of the Superior Court of California
1050 Monterey Street
San Luis Obispo, CA, 93408

**RE: Grand Jury 2018 Report- Inspection Report for San Luis Obispo County
Detention Facilities**

Dear Judge Garrett:

I have reviewed the 2018 San Luis Obispo County Grand Jury Report regarding their inspection of the San Luis Obispo County Jail and Courthouse Holding Facility. My response to their findings and recommendations are attached.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ian S. Parkinson".

Ian S. Parkinson
Sheriff-Coroner

RESPONSE TO GRAND JURY REPORT

Report Title: "Inspection Report for San Luis Obispo County Detention Facilities"

Report Date: May 15, 2018

Response by: Ian Parkinson

Title: Sheriff-Coroner

FINDINGS

1. I (we) agree with the findings numbered: 1, 2, 3, 4, 14, 16
2. I (we) disagree wholly or partially with the findings numbered: 10, 11, 12, 13, 15, 17, 18, 19, 20
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons.)

RECOMMENDATIONS

1. Recommendations numbered _____ have been implemented.
(Attach a summary describing the implementation actions.)
2. Recommendations numbered 6, 7, 8 have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
3. Recommendations numbered 1, 3, 5 require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report.)
4. Recommendations numbered 2, 9, 10 will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 6-19-18

Signed: _____

Number of pages attached: 6

County Courthouse Holding Cells

F1. The use of a closed-circuit video system would cut the transportation cost to the County and State (ASH) while relieving overcrowding within the facility. **We agree with this finding (refer to R1)**

F2. The facility does not provide enough segregated cells to deal with the number of ASH inmates requiring court appearances and the changing jail population. **We agree with this finding (refer to R2)**

F3. The lack of internal restroom facilities for the employees can cause an unnecessary temporary shortage of staff. **We agree with this finding (refer to R2)**

F4. The facility often exceeds the 77-inmate capacity and should be expanded if another way to reduce the number of inmates is not implemented. **We agree with this finding (refer to R1, R2)**

San Luis Obispo County Jail

F10. The entire jail complex appears to have been built piecemeal with no master plan. **We partially disagree with this finding (refer to R5)**

F11. The parking for jail visitors is inadequate. **We partially disagree with this finding (refer to R6)**

F12. Scheduling visitation appointments is difficult for people without access to a computer or without computer skills. **We disagree partially with the findings (refer to R6)**

F13. The lack of a metal detector or other screening at the lobby presents an unnecessary risk to visitors. **We disagree partially with the findings (refer to R6)**

F14. The lack of a closed-circuit TV system between the jail and the courthouse results in trips to the courthouse for hearings where the direct presence of the inmate is not mandatory. **We agree with this finding**

F15. The jail has a strong need for a psychiatric hospital facility on-site for both felon and misdemeanor PC 1370 inmates as well as inmate WIC 5150 cases. **We disagree partially with the findings (refer to R7)**

F16. The addition of behavioral health staff would reduce the wait time for non-crisis service and could provide 24-hour capabilities. **We agree with this finding (refer to R8)**

F17. Addition of correctional deputies, beyond filling the nine current vacancies, would decrease the impact of transporting prisoners within the jail for medical, behavioral health, or programming reasons as well as reduce the burden of mandatory overtime now placed on all of the correctional staff. **We disagree partially with the findings (refer to R9)**

County Coroner's Facility

F18. The lack of on-site back-up electrical power presents an unnecessary risk. **We disagree partially with the findings (refer to R10)**

F19. The use of an administrative assistant as a medical transcriptionist places an uncompensated burden on the employee. **We disagree partially with the findings.** One of duties of the legal clerk assigned to the Coroner's Unit is transcriptions. Even though having a service for transcription would be beneficial, it is not a current priority and is unbudgeted.

F20. The lack of a foot control for the audio recording system causes unnecessary delays during autopsies. **We disagree with this finding.** The County's Pathologist does not dictate during autopsies. The dictation of the Doctor's reports are completed at the conclusion of the autopsies. All data measured or weighed is written on a white board during the procedure. The Pathologist has not requested to change procedures.

County Courthouse Holding Cells

R1. The Sheriff should petition the court for the addition of a closed-circuit AV system between the courthouse and the jail (potentially ASH can tie into the system) to reduce transportation cost and resolve overcrowding at the holding facility.

This recommendation requires further analysis. Penal Code section 825 requires that a defendant shall in all cases be taken before the magistrate without unnecessary delay, and, in any event, within 48 hours after his or her arrest, excluding Sundays and holidays. To ensure that this requirement was met the Superior Court implemented a video arraignment procedure conducted each afternoon of inmates recently arrested.

The 6th Amendment to the United States Constitution requires that criminal court proceedings be open to the public and that the accused have access to legal counsel in any criminal proceeding, including arraignments. To meet the requirements of the 6th Amendment the video arraignments were conducted in Department 11, which at that time was used on a part time basis for hearing traffic and small claims matters. In 2009 the Court determined that Department 11 had to be placed into fulltime use as a family law court and the traffic and small claims calendars were transferred to courtrooms in Paso Robles and at the Veteran's Hall in San Luis Obispo.

In placing Department 11 into full time use, the Court examined the video arraignment process and found that it was not an efficacious use of court resources; it was difficult to locate attorneys who would attend the late afternoon arraignments as defense counsel and this necessitated a second arraignment on the next court day. Additionally, the Court found that bringing inmates to the courthouse for arraignment allowed them to confer with defense counsel and in many instances resolve the criminal matter that day. Because of their findings the Court discontinued the use of video arraignments.

The Sheriff's Office is in support of any system or procedure that would be more efficient and reduce the use of crowded holding. Over the past few years, technology has improved significantly. The Sheriff's Office will exam systems in use today that might be a viable option for the Court and Sheriff's Office.

If the Judges approve the use of a closed-circuit AV system between the jail and the court, for hearings, additions or modifications in R2 are no longer recommended.

R2. The facility needs an expansion to house the current inmate traffic. The expansion should add segregation cells (for ASH patients or mental health jail inmates), employee restrooms, and a regular holding cell. This would improve the safety of both inmates and staff. In light of the increase in mental health jail inmates coming to the courthouse, this expansion is needed immediately.

This recommendation will not be implemented. The Judicial Council of California recognizes the inadequacy of the existing courthouse in San Luis Obispo and lists the construction of a new courthouse as a critical priority. The projected cost of a new courthouse is currently \$148 million dollars. Although the Judicial Council recognizes our courthouse as being in critical need of replacement there are currently 22 other courthouses that have been identified as needing replacement ahead of San Luis Obispo County.

The Grand Jury identified the need of an expansion of the existing courthouse holding facility to improve the safety of both inmates and staff. To understand the obstacles to undertaking an expansion project it is necessary to understand the relationship between the County of San Luis Obispo and the Superior Court.

The Trial Court Facilities Act of 2002 (Govt. Code 70301) was enacted to address the transfer of ownership of courthouse facilities from the counties to the State of California. The Act addresses the ownership of "shared use" facilities like the San Luis Obispo Courthouse Annex building. The Act defines rooms used for secure holding of prisoners attending court sessions as part of the court facility.

The Act states that in "shared use" facilities if the Court occupies 80% or more of the facility the Judicial Council on behalf of the Court may require the other entity to vacate the building. Ownership of the building would then transfer to the State of California. Currently the Superior Court occupies approximately 49% of the floor space of the courthouse annex building with the County occupying the remaining space.

Following the opening of the new county government center the County agreed to relocate the jury commissioner's office space to the old board of supervisors chambers so that that floor space was available for a new courtroom and to relocate the Sheriff's Civil Division. The relocation of the civil division allowed the expansion of the court holding facility which doubled its capacity. This expansion project occurred in 2006.

To further expand the existing court holding facility Department 12 would have to be moved to other space in the courthouse annex building and currently no space is available for this relocation idea. Additionally, a relocation of a courtroom and the expansion project would change the ratio of floor space occupied by the Court towards the 80% threshold which the County would like to avoid.

With the Judicial Council's focus on funding new courthouses and with San Luis Obispo identified as being in critical need of a new courthouse it is unlikely the State would make available funds from the Trial Court Capital Plan to expand a court holding facility in a courthouse they intend to replace.

R3. In addition to either of the first two alternatives, the Grand Jury also recommends that cameras be added in the stairwells leading to the courtrooms and to the fenced area outside the sally port.

This recommendation requires further analysis. The Sheriff agrees with the benefit of having cameras in the stairwells. Because the building and camera system are State property the Sheriff's Office will research the addition of cameras for the stairwells with the Presiding Judge. The fenced area outside and east of the sallyport has no inmate activity or movement so there is no benefit of installing cameras in this area. The fenced area is restricted and secured parking.

County Jail

R5. The Sheriff should formulate a long-term plan to deal with the problems associated with the condition and layout of the main jail. This plan should include the replacement of the current main jail facility.

This recommendation requires further analysis. The Main Jail was built in 1973 and housed both male and female inmates at that time. Comparative to other jails of this age, the Main Jail has been well maintained. The layout of the new Kansas jail and new medical building were well planned and laid out appropriately. Even though the Main Jail has been well maintained, it is 47 years old and in need of replacement as the infrastructure and old-style layout no longer meet the needs of the current population, which have longer sentences and a higher level of sophistication. A long-term plan will be researched and developed to replace the Main Jail with a more modern facility to meet the needs of the new inmate population.

R6. The jail administration should improve the visitor process including adding more parking, the ability to register for visits over the phone or on-site, and screening of visitors as they enter the facility.

This recommendation has not yet been implemented, but will be implemented in the future. With the Kansas Jail and Medical Programming Unit, the parking lot for jail visiting has been impacted for the past 3 years. Once the Medical Programming Unit construction is complete (July 2018) staff will once again be able to park their personal vehicles behind the Kansas Jail facility. This will free up numerous parking spaces in front of the Main Jail and Intake and Release facility for visitor parking.

Visitors can currently register on site for visits utilizing the kiosk located in the lobby. They cannot do it the same day but they can register for future visit while here. Custody Sergeants are giving the authority to approve a visit if someone travels a significant distance for a visit and was unaware they had to preregister. We are currently in the process of replacing our Jail Management System (JMS) which includes the scheduling program. The new JMS system will be easier to navigate and register for visits. Visitors are not physically screened or searched because they do not enter secured areas of the jail for visiting purposes.

R7. The Sheriff should construct a psychiatric hospital (jail bed competency treatment facility) on the jail campus or elsewhere within the County.

This recommendation has not been implemented but will be implemented in the future. A Behavioral Health Unit is currently being designed to encompass the previous medical/behavioral health facility (Stahl Hall) and the Modular buildings. The newly remodeled Behavioral Health Unit is expected to be available by January 2019. Both privately raised funds from community members and partners as well as County General fund will be utilized for the remodel.

The Behavioral Health Unit will be designed to provide improved on-going services as well as the ability to house a Jail Based Competency Treatment (JBCT) program contracted with the State. The JBCT program will provide treatment on site for 1370 felony inmates so they will not have to wait or be transported to a State Hospital bed. The facility can also be used to assist with some 1370 Misdemeanor inmates which might help with crowding issues at the County Psychiatric Health Facility (PHF). The facility is not compatible with, designed for or properly licensed under the Lanterman-Petris-Short Act (LPS) to house or treat subjects being detained for Welfare and Institutions Code 5150. Subjects detained for W&I 5150 are considered detained and not arrested.

R8. The Sheriff should increase the staffing for the jail mental health workers to reduce the wait time for appointments from five days to one day or less.

This recommendation has not yet been implemented, but will be implemented in the future. The County is currently out with a Request for Proposal (RFP) for jail medical and behavioral health services. Proposals are due to be returned May 25, 2018. The proposals will address proper staffing levels that meet National Accreditation standards.

R9. The Sheriff should increase the staff in excess of the nine positions currently unfilled.

This recommendation will not be implemented at this time. Currently all Custody Deputy positions have been filled with someone either hired and in training or involved in the final stages of the hiring process. More Custody Deputy positions would be welcomed when the County Budget has the ability to fund more positions.

County Coroner's Facility

R10. The County should procure and install a back-up generator (fixed or portable) on site to provide back-up power in case of an outage.

This recommendation will not be implemented at this time. The County has several portable generators on trailers that could be utilized should the Coroner's Office lose power. A generator on site not only requires the outlay of initial cost but also a preventive maintenance and testing plan to ensure the generator is properly maintained and will work when needed. The current Sheriff and County generators already have this in place and are available if needed. Adding another generator at this time is not currently budgeted but will be considered in the future when the County budget has the appropriate funds.