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September 13, 2022

The Honorable Michael Jurkovich
Supervising Judge of the Grand Jury
Madera County Superior Court
200 S. G Street
Madera, CA 93637

Subject: Response to the 2021-22 Grand Jury Report entitled "Penal Institutions in Madera County"

Honorable Judge Jurkovich:

Pursuant to the California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2021-22 Madera County Grand Jury report entitled "Penal Institutions in Madera County" See Attachment #1.

The following are the Grand Jury's findings and recommendations and the Board of Supervisors' responses to Part I of the report, "Madera County Juvenile Detention Facility":

Finding 1:

The MCGJ finds that the Madera County Juvenile Detention Facility provides structure to reduce the recidivism rate of youth participating in the Cadet Academy Program.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 2:

The MCGJ finds that the faculty and staff provide a supportive encouraging environment for youth.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 3:

The MCGJ finds that with the passage of SB 823, Madera County faces new challenges with the realignment population.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).



Recommendation 1:

The MCGJ recommends that the administration, teachers, and staff continue to provide a rigorous and nurturing structure of academics and activities.

Response

Respondent agrees with the recommendation per California Penal Code 933.05.

Recommendation 2:

The MCGJ recommends that the administration, teachers, and staff continue to provide social and emotional support.

Response

Respondent agrees with the recommendation per California Penal Code 933.05.

Recommendation 3:

The MCGJ recommends that administration continue to work with community stakeholders to meet the needs of the realignment population.

Response

Respondent agrees with the recommendation per California Penal Code 933.05.

The following are the Grand Jury's findings and recommendations and the Board of Supervisors' responses to Part II of the report, "Madera County Department of Corrections (Jail)":

Finding 1:

The MCGJ finds that in housing areas of the jail, staffing levels are not adequate to ensure the safety of the staff and inmates.

Response

Respondent partially disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, Madera County Sheriff, Tyson Pogue, has responded to this finding and stated:

"Staffing shortages are an issue for nearly every county correctional facility state-wide. Though public safety has inherent associated risks, and staffing shortages will increase those risks, we do utilize overtime and contracted security to supplement the deficit to ensure the safety of our staff and inmates.

I agree that additional staffing is necessary based on a number of factors. With realignment, we are housing increasingly sophisticated inmates as well as inmates that have been convicted and sentenced that would have previously served their sentences in state prison. We continue to have more requirements and regulations added to our workload each year. Our facility has grown over the years, but we struggle with recruitment and retention. We are seeing several correctional officers taking positions with the California Department of Corrections. Others take positions in the private sector unrelated to public safety and corrections for a higher paying career and/or better schedules. Though we can bridge the gap with overtime temporarily, this is a short-term mitigation and will ultimately result in burn-out compounding the problem."

Sheriff Pogue further states:

"I disagree with what may likely be an unintentional inference that we are not currently able to safely manage our facility or ensure the safety of staff and inmates. I believe a more correct findings statement would be that we will have long term negative impacts to the facility and programs should the staffing levels remain at their current level for an extended period of time. "

The response of the Sheriff to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 2:

The MCGJ finds that the custody areas lack routine maintenance.

Response

Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, Madera County Sheriff, Tyson Pogue, has responded to this finding and stated:

"I would encourage the MCGJ to tour other county facilities state-wide. Our facility is clean and well maintained in comparison. We have three maintenance personnel who work around the clock ensuring the facility remains in good working order. They access routine maintenance requests daily. Per staff, they handle around 10 routine maintenance requests daily and consistently keep up with demands. There are always opportunities for improvement, but I am unable to agree to a blanket statement that the entire facility lacks routine maintenance."

The response of the Sheriff to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 3:

The MCGJ finds that a lack of a daily structured regimentation contributes to a lack of self-pride by inmates.

Response

Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, Madera County Sheriff, Tyson Pogue, has responded to this finding and stated:

"Inmate schedules are very consistent and must meet state mandates. Each inmate is afforded the opportunity to shower, recreate, socialize, and take care of basic needs. Not all inmates take advantage of these opportunities. Under normal circumstances, we are unable to force an inmate to come out of their cell, nor force them to shower. We are not able to force them to socialize, shave, brush their teeth nor take care of basic hygienic needs. The inmates own mental wellness and personal decisions, or preferences primarily contribute to their hygiene and appearance within the facility.

Several of our inmates are suffering from substance abuse and mental health disorders. It has been a challenge to get these inmates to shower properly. We provide free hygiene supplies and schedule regular shower days. We recently purchased 250 new mattresses as well as replaced the clothing for inmates in the entire facility.

I believe the modules visited in the limited time available to the MCGJ were not an accurate representation of all inmates."

The response of the Sheriff to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 1:

MCGJ recommends that staffing levels in housing areas be increased to ensure the safety of both the staff and inmates.

Response

The recommendation has not yet been implemented but will be implemented in the future. Under separate cover, Madera County Sheriff, Tyson Pogue, has responded to this recommendation and stated:

"I agree with this recommendation. Over the past year, at one point, we filled nearly every vacant funded position. However, due to challenges in Human Resources, as well as many departures, we have lost as many as we gained. County correctional officer recruitment and retention is a state-

wide challenge. I have had discussions about our challenges with Human Resources, our team, and Madera County Administration, strategizing ways to improve the situation. We will aggressively attempt to implement this recommendation."

The response of the Sheriff to the above Recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 2:

MCGJ recommends that long-deferred maintenance issues be immediately addressed.

Response

The recommendation has been implemented. Under separate cover, Madera County Sheriff, Tyson Pogue, has responded to this recommendation and stated:

"I agree, and this recommendation is already implemented. Maintenance issues should be prioritized and addressed as soon as practicable. Like any facility, some projects are a massive undertaking. The MCGJ specifically mentioned the rubber shower flooring. We agree this is a project that needs to be completed. Replacement of this rubber matting will cost around \$78,600 and will be a major project within the facility. This is not a simple project that can be handled by County maintenance staff and must be contracted out. This is one of our major projects currently pending. Around the first of the year, we will begin a 24-million-dollar expansion and renovation project which will provide needed facility expansions. Most importantly this expansion will add a mental health module, expand the intake area, and retrofit an older area of the jail turning the space into classrooms. "

The response of the Sheriff to the above Recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 3:

MCGJ recommends that immediately a daily regulated schedule be implemented for inmates.

Response

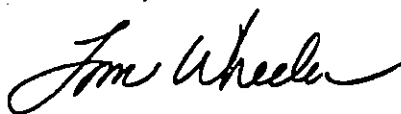
The recommendation has been implemented. Under separate cover, Madera County Sheriff, Tyson Pogue, has responded to this recommendation and stated:

"I agree, and this recommendation is already implemented. We offer daily programming on a consistent basis to inmates. Though sometimes emergencies and uncontrollable circumstances interrupt that schedule, we strive to keep their environment consistent, and predictable."

The response of the Sheriff to the above Recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

The Board acknowledges the Grand Jury's review and time involved in this matter and appreciates the opportunity to respond to the findings and recommendations.

Sincerely,

A handwritten signature in black ink that reads "Tom Wheeler". The signature is fluid and cursive, with the first name "Tom" and last name "Wheeler" clearly distinguishable.

Tom Wheeler
Chairman of the Board of Supervisors