This document is an extract of a larger publication.

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**FINDINGS:**

F1. The complainant was on PRCS at the time of the incident.

F2. The complainant was classified as a high-risk, chronic drug user and was not drug tested when taken into custody.

F3. Reasonable cause was present when complainant was stopped, searched and detained by law enforcement.

F4. For individuals on PRCS and homeless, a new policy was implemented by the Tulare County Probation Office requiring GPS monitoring.

F5. The Officer used the TASER within the guidelines of the Tulare Police Department policy.

F6. The complainant's allegations against the Tulare Police Department were not substantiated.

**RECOMMENDATIONS:**

R1. The Tulare County Probation Office complies with the court mandated order for drug testing and the use of drugs.

R2. The Tulare County Probation Office not deviate from its drug testing policy.

**REQUIRED RESPONSES:**

1. Tulare County Probation Office

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# JUSTICE FOR ALL?

**BACKGROUND:**

The Tulare County Grand Jury is a part of the California Superior Court and has the legal authority to conduct investigations into the affairs of County, City, and Special Districts under Penal Code (PC) §925 et seq. This authority is found primarily in statutes: PC §888-§940 and Government Code §3060 - §3075. Per PC §919(a): the grand jury may inquire into the case of every person imprisoned in the jail of the county on a criminal charge and not indicted. Per PC §919(b): the grand jury shall inquire into the condition and management of the public prisons within the county. Per PC §919(c): the grand jury is authorized to inquire into the willful or corrupt misconduct in office of public officers of every description within the county.

**REASON FOR INVESTIGATION:**

The Tulare County Grand Jury received a complaint on July 6, 2015, from an inmate in a Tulare County Jail. The complaint alleged physical abuse by jail staff. The complaint involved several staff members employed by the Tulare County Sheriff's Department on duty at the time of this incident.

**METHOD OF INVESTIGATION:**

The Tulare County Grand Jury began an investigation into this complaint by interviewing the complainant on two separate occasions. The Grand Jury reviewed numerous documents, videos and photographs. The Tulare County Sheriff's Department staff and Office of the Tulare County District Attorney staff were also interviewed.

**FACTS:**

1. The evidence substantiated that the complainant was involved in an incident occurring in the Tulare County Jail.

2. The Sheriff's Department has video cameras in place in the jails for purposes of safety and documentation.

3. Sheriff's Department staff is routinely provided training in the appropriate use of force.

4. On December 16, 2014, (seven months prior to the grand jury receipt of the complaint), the Internal Affairs Division of the Sheriff's Department began an investigation of this incident.

5. On January 13, 2015, the Internal Affairs Division report on the incident was completed and forwarded to the Office of the District Attorney for review and possible criminal prosecution.

6. On January 20, 2015, the Internal Affairs Division was advised by the Office of the District Attorney that criminal charges would not be pursued against Tulare County Sheriff's staff.

7. Administrative action was taken against Tulare County Sheriff's staff involved in this incident.

8. The Office of the District Attorney has the prosecutorial discretion to determine which cases will be prosecuted and those which will not.

**FINDINGS:**

F1. The Tulare County Sheriff's staff did not follow established use of force policies and procedures.

F2. The Tulare County Grand Jury found inconsistencies between written reports and video footage.

F3. Evidence reviewed by the Grand Jury did not indicate if additional training and/or discipline had been administered to all participants in the incident.

F4. Subsequent to the Grand Jury's receipt of this complaint, the Tulare County Sheriff's Department has instituted: a) comprehensive correctional officer training; b) reforms in hiring practices; c) review of disciplinary processes; and, d) upgraded technology.

F5. The Tulare County Grand Jury found misconceptions to exist on the part of the staff of the Office of the District Attorney with respect to the investigative role, jurisdiction, and responsibilities of the Grand Jury.

F6. After review of all evidence presented, the Grand Jury determined that physical abuse occurred and unwarranted force was used.

F7. The Grand Jury was not advised by the Office of the District Attorney as to the rationale for declining prosecution of this case.

**RECOMMENDATIONS:**

R1. Consider the expansion of sensitivity and stress reduction training.

R2. Expand the implementation of body cameras for custody personnel.

R3. Include audio as part of video footage monitoring system.

**REQUIRED RESPONSES:**

1. Tulare County Sheriff's Department

2. Office of the Tulare County District Attorney

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# TULARE COUNTY JAIL TOUR
# "WE WILL BE THE DIFFERENCE"

**BACKGROUND:**

The Tulare County Sheriff's Office (TCSO) currently operates four (4) detention facilities for confinement of individuals awaiting trial, being held for another agency, or incarcerated for conviction of a criminal offence. A fifth location planned to be built on a portion of a 60-acre parcel southwest of the City of Porterville is projected to begin construction this year.

There are many facets to the administration of detention facilities within the county. Logistics, facility maintenance, managing bed space, inmate supervision, recidivism reduction, and financial constraints are important issues administered by TCSO staff. The current and proposed programs within the County are the key to a successful operation of the correctional system now and in the future.

**REASON FOR INVESTIGATION:**

California Penal Code §919(b) mandates the Grand Jury to inquire into the condition and management of the public prisons within their respective counties. The Tulare County Grand Jury annually reviews the facilities within the County to comply with this requirement. This constitutes a report on the 2015-2016 Tulare County Grand Jury annual jail inspection.

**METHOD OF INVESTIGATION:**

The Tulare County Grand Jury toured the four existing facilities. Additional visits and inquiries were made in regard to various detention facilities, operations and programs. Staff was interviewed and documents were reviewed.

**FACTS:**

<u>Initial Grand Jury Review</u>

1. The Grand Jury noted the Main Jail is dated, but adequately maintained. Paint, flooring and fixtures were reasonably clean and in good working condition.

2. Air quality at the main jail is adequate. There were no offensive odors detected.

3. Bob Wiley Detention Center, Men's Correctional Facility and Pre-trial Facility appeared adequately maintained. Paint, flooring and fixtures were clean and in good working condition.

4. No lighting or plumbing maintenance issues were observed in any of the facilities.

5. A sample check of fire extinguishers was noted to be within expiration date.

6. Kitchen and laundry facilities at Bob Wiley were clean, organized and well-maintained.

Investigation of TCSO Inmate and Farming Programs

7. The TCSO operates a farming program within the County. This program provides a significant portion of the food consumed by the inmates within the County's detention system.

8. The TCSO served approximately two million meals annually at the County's detention facilities from Fiscal Year (FY) 2012-2013 to FY 2014-2015.

9. The cost per inmate, per meal dropped from $1.48 in FY 2007-2008, to $1.36 in FY 2014-2015.

10. Two mobile chicken coops were designed and built for the TCSO. They provide approximately one thousand eggs per day. This accounts for half of the eggs consumed by the inmates.

11. The initial savings in the cost of eggs was $1,530 per week. Annual savings is estimated at $53,000.

12. The TCSO is in the process of acquiring two additional mobile chicken coops.

13. All beef and pork consumed by the inmates is completely produced by the TCSO farming program. About 4,000 lbs. of hanging meat (beef and/or pork) is provided weekly.

14. By not purchasing outside-sourced beef and pork, there is an approximate $320,000 annual savings.

15. Approximately 120,000 pounds per year of tomatoes, bell peppers, squash, eggplant, okra, sweet corn, potatoes, broccoli, cauliflower, lettuce, onions, cabbage, Fresno chilies, Jalapenos, watermelon, and cantaloupe are grown by the farming program. This results in significant annual cost savings.

16. Excess fruits and vegetables are traded to packing houses and gleaning organizations for other produce not grown by the TCSO farming program.

17. The farming program also has benefits by teaching agricultural and pastoral trades to inmates. Some of the County's programs provide competency certificates to participating inmates.

18. The TCSO operates six (6) inmate work crews. There are two (2) litter removal crews, one (1) tire abatement crew, one (1) gleaning crew, one (1) garden and farming crew and one (1) beef and hog crew.

**FINDINGS:**

F1. The detention facilities within Tulare County appear to be adequately maintained.

F2. The farming program is innovative and is a significant cost-savings measure.

F3. To realize greater self-sufficiency and provide greater cost savings, the TCSO is proposing to acquire two more mobile chicken coops. This would essentially double the savings in egg supply costs.

F4. The detention facility beef and pork production has multiple advantages, especially in cost savings and providing work experience for inmates.

F5. The farming program training for agricultural and pastoral trades to inmates provide valuable skills and, in some cases, certificates to increase the chance of employment of inmates after release. Stable jobs aide in decreasing recidivism.

**RECOMMENDATIONS:**

R1. None

**REQUIRED RESPONSES:**

None

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