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Mono County Grand Jury for the Year 2011-2012
Investigation #11-03
Timely Receipt of Responses to 2010-2011 Grand Jury Report Recommendations
Final Report by Response and Accountability Committee

Introduction:

The Mono County Grand Jury is charged with reviewing county government, investigating citizen complaints, and making appropriate recommendations to county officials and agencies as part of its year-end report. Penal Code 933 stipulates that agencies named in a prior year's report have a 90-day period of time to respond to issues raised in the report. The 2011-2012 Mono County Grand Jury formed a Response and Accountability Committee to determine if the court has received these mandated responses. Responses which have been received will be placed on the Mono County Grand Jury website - http://www.monocourt.org/grand_jury.htm - for the public to read and review. The agencies and individuals who had not responded as per Penal Code 933 have been notified by certified letter and were given until June 8, 2012 to respond.

Background:

All Mono County Grand Juries write and submit a final report of their investigations, findings, and recommendations at the end of their term, usually on or before June 30th of the year in which they serve. This final report is reviewed by the Superior Court of California, Mono County, released to named agencies and individuals for accuracy, and finally distributed to the press and the public. Copies of these Final Reports can be found on the Mono County Grand Jury website - http://www.monocourt.org/grand_jury.htm. Beginning with the responses to the 2010-2011 year, responses will be included on the Mono County Grand Jury website. It is appropriate that agencies and elected officials and department heads who are named in the Grand Jury's report and who are obligated to respond, do so in a timely manner so the public may read and review these responses and reach their own conclusions about each case. The goal of the Grand Jury is to be a "citizens' watchdog." If mandated response deadlines are ignored and timely responses not made available to the public, an important part of that "watchdog" function is lost.

Methods:

The 2011-2012 Grand Jury Response and Accountability Committee reviewed the responses that were received by the Superior Court of California, Mono County and requested that the Chief Executive Officer of the court post them on the Grand Jury website. There were responses that were not completed and/or received by the court within the mandated time period. These agencies, elected officials, and department heads were notified by certified letter that they had until June 8, 2012 to make their responses to the Superior Court of California, Mono County. All notified parties responded. A list of cases from the 2010-2011 Grand Jury Final Report and their reporting status can be found in the "findings" section of this report.

Findings:

There were eight complaints and/or investigations connected with the 2010-2011 Grand Jury Final report. These complaints/investigations/recommendations were:

Complaint 10-01 regarding the Mono County Sheriff's Department:

Complaint: The 2009-2010 Grand Jury received a letter on April 12, 2010 from a citizen who complained that a Deputy Sheriff and a Deputy Safety Officer of the Mono County Sheriff's Department had harassed this individual and engaged in heavy-handed tactics on August 28, 2009.

Recommendations: Seven recommendations were addressed to the Sheriff of Mono County. The Sheriff responded to all seven recommendations in his letter of December 10, 2011 to the Honorable Judge Stan Eller of the Superior Court of California, Mono County. The Sheriff's response can be found on the Mono County Grand Jury website: http://www.monocourt.org/grand_jury.htm.

Complaint 10-02 regarding the Town of Mammoth Lakes:

Complaint: The 2009-2010 Grand Jury received a letter dated May 27, 2010 from an individual who owns a condominium in the Town of Mammoth Lakes. This property owner complained that a staff member from the Town of Mammoth Lakes Finance Department harassed and threatened arrest if said property owner refused to comply with the Town's Tourist Operational Tax (T.O.T).

Recommendations: The Grand Jury had no recommendations.

The Town of Mammoth Lakes did respond to complaint 10-02 in a letter written February 15, 2012 by Mayor Jo Bacon to the Honorable Stan Eller. The Mayor's response can be found on the Mono County Grand Jury website: http://www.monocourt.org/grand_jury.htm.

Complaint 10-03 regarding the Eastern Sierra Unified School District ("ESUSD"):

Complaint: The 2010-2011 Grand Jury received a citizen complaint regarding the budgeting, excess spending and deficit spending of the ESUSD.

Recommendations: The 2010-2011 Grand Jury had three recommendations addressed to the Superintendent of the ESUSD and one recommendation addressed to the President of the Board of Trustees.

Don Clark, Superintendent of the ESUSD responded to all recommendations in his letter of June 5, 2012 to the Court. Mr. Clark's response can be found on the Mono County Grand Jury website: http://www.monocourt.org/grand_jury.htm.

Investigation 10-04 regarding the Mono County Public Works Department:

Investigation: The 2010-2011 Grand Jury chose to review the operations of the Mono County Public Works Department ("PWD") as part of its mandated review of a Mono County agency. The PWD encompasses a broad range of divisions including engineering, facility maintenance, solid waste services, fleet operations and road operations. These divisions include responsibility for park maintenance, capital improvement program, land development review, airport operations and maintenance, cemetery operations and maintenance, and the operation and maintenance of Lundy campground.

Recommendations: The 2010-2011 Grand Jury made seven recommendations addressed to the Director of PWD and/or the Board of Supervisors.

Vikki Bauer, Chair of the Board of Supervisors, responded to all recommendations in her letter of January 17, 2012 to the Court. Ms. Bauer's response can be found on the Mono County Grand Jury website:
http://www.monocourt.org/grand_jury.htm.

Investigation 10-05 regarding the Mono County Department of Child Welfare Services:

Investigation: The 2010-2011 Grand Jury also chose to review the operations of the Mono County Child Welfare Services ("CWS"). The CWS is a division of Mono County Department of Social Services, and is the major system of intervention in cases of child abuse and neglect.

Recommendations: The 2010-2011 Grand Jury made two recommendations addressed to the Director of the Department of Social Services.

Vikki Bauer, Chair of the Board of Supervisors, responded to all recommendations in her letter of January 17, 2012 to the Court. Ms. Bauer's response can be found on the Mono County Grand Jury website:
http://www.monocourt.org/grand_jury.htm.

Complaint 10-06 regarding the ESUSD:

Complaint: The 2010-2011 Grand Jury received a letter requesting investigation of the Superintendent's contract with of the ESUSD and related budgetary processes and decisions. Both topics referenced in the complaint have been investigated previously. A review of both investigations revealed that this complaint overlapped the other two investigations. The 2009-2010 Grand Jury's Final Report included a report on the ESUSD Superintendent's contract. The 2010-2011 Grand Jury found there was no need for an additional investigation. A letter of acknowledgment was sent to the complainant. This complaint was included as part of complaint 10-03 (above).

Complaint 10-07 regarding Mono County Right of Way Codes:

Complaint: The 2010-2011 Grand Jury received a citizen complaint dated October 18, 2010, regarding Mono County's ambiguous Right of Way Codes, inconsistent enforcement of Mono County Codes by county staff and the use of unwritten guidelines.

Recommendations: The 2010-2011 Grand Jury made eleven recommendations directed, variously, to the Board of Supervisors, County Counsel, the Chief Administrative Officer of Mono County, and the Director of the PWD.

Marshall Rudolph, County Counsel, responded to the recommendations in an email dated April 23, 2012. Vikki Bauer, Chair of the Board of Supervisors, also responded to the recommendations in her letter of January 17, 2012 to the Court. Both responses can be found on the Mono County Grand Jury website: http://www.monocourt.org/grand_jury.htm.

Complaint 10-08 regarding the Mono County Assessor:

Complaint: The 2010-2011 Grand Jury received a complaint dated January 2, 2011 from a concerned citizen stating that the Mono County Assessor was granting reassessment declines in value without proper justification and further complaining about internal employee dissatisfaction.

Recommendations: The 2010-2011 Grand Jury recommended that this complaint be dismissed. It was the feeling of the 2010-2011 Grand Jury that the Mono County Assessor's Department be considered as the county agency to be investigated by the 2011-2012 Grand Jury.

Recommendations:

1. All Mono County governmental agencies and elected officials who are named in Grand Jury Final Reports and charged with responding to Grand Jury recommendations should address those recommendations with a written response within the mandated 90-day period.
2. All responses to Grand Jury Final Reports should be made available to the public via postings on the Mono County Grand Jury website:
http://www.monocourt.org/grand_jury.htm.
3. All Mono County governmental agencies and elected officials who are named in Grand Jury Final Reports and who do not respond within the 90 day period should be admonished by the Court and held accountable for meeting the requirements of Penal Code 933.
4. Future Mono County Grand Juries should form their own Response and Accountability committees to monitor responses to recommendations from the previous Grand Jury and post responses on the Mono County Grand Jury website for the public to review.

Mono County Grand Jury for the Year 2011-2012

Mono County Jail and Probation Department Tours

Penal Code Section 919 (b) requires that the Grand Jury inquire into the condition and management of the public prisons within the county. To comply with that requirement, the 2011-2012 Grand Jury toured the Bridgeport Jail (the "Jail") and interviewed the Mono County Sheriff (the "Sheriff"). In addition, the Grand Jury toured the Probation Department facility in Bridgeport (the "Probation Department") and Juvenile Hall to gain a more complete picture of the local justice system.

Assembly Bill 109

In response to a Supreme Court decision finding that California's overcrowded prisons constituted cruel and unusual punishment, the state passed Assembly Bill 109 ("AB 109") in April of 2011. Through a program known euphemistically as "prison realignment," AB 109 reduces the state prison population by transferring to counties the responsibility for housing, supervising, rehabilitating and managing low-level offenders. Under the bill, up to 30,000 state prison inmates could be transferred to county jails over three years.

Prior to enactment of AB109, non-serious felons sentenced for more than one year would be incarcerated in the state penitentiary system. Now, the county must plan for dealing with prisoners for the full term of their sentences. This could run to decades in some cases.

The Grand Jury was especially interested in learning about the potential impacts of AB 109 on the Jail and any plans for dealing with those impacts.

Jail Tour March 8, 2012

Intake/Sally Port

The tour began with an introduction by the Undersheriff and the Supervising Sergeant of the Jail (the "Sergeant"). Following the introduction, the Grand Jury's tour of the facility began at the intake area or sally port where vehicles with inmates arrive. On the day of the tour, inmates were just outside the sally port area washing sheriff department vehicles. According to the Sergeant, inmates who want to work can help with washing vehicles.

Approx. 30% of inmates are Spanish speaking. About 25% of the staff knows enough Spanish to talk to these inmates. The Sergeant did not feel that language was an issue at the Jail.

There is a gun locker where all guns must be placed prior to entering the booking area.

Booking Area

The booking area is where all inmates are processed for admittance and given an orientation and a handbook of Jail rules – as required by law. The walls have various signs that are required by law and relate to the rules and procedures of the Jail. There is a booking cage where inmates are asked to sit while the officer processes the individual. The Jail uses the Department of Justice ("DOJ") livescan machine for fingerprints. The Jail also recently did a major upgrade to its ability to

collect DNA. Once fingerprints are scanned to the DOJ, the system will let the jailer know almost immediately if DNA must be collected from the inmate. DNA samples are put into a kit (which is contained in a regular size envelope) and sent to the DOJ in Sacramento for testing.

The booking area also has a DOJ breathalyzer that is linked via a T1 line to the DOJ in Fresno. This machine is used only for suspected DUIs since it costs approximately \$50 each time it is used.

If an inmate is being difficult and uncooperative, the Jail has a security chair to use where the arrestee is cuffed and immobilized (the Grand Jury did not see this chair). Everything in the holding area is video and voice recorded. This is the only area of the Jail with voice recording. The entire facility has video recording. According to the Sergeant, there is no expectation of privacy in the Jail.

The booking area also contains the library of books and periodicals that the Jail is required to have. There are three separate rooms off of this area. One room is used to strip search inmates when they are being processed. All strip searches are videotaped. The officer will only visually check body orifices. If something looks suspicious or wrong, the Jail will take the inmate to the hospital for an x-ray.

Another room is used for medical appointments (dental or medical) with the physician's assistant ("PA") who comes to the Jail four days a week from the Bridgeport Clinic. In order to see the PA, an inmate must submit a sick slip prior to the visit. The Jail charges each inmate \$3 per visit – in an effort to keep inmates from abusing or overusing the medical visits. If a doctor wants to see an inmate for a follow-up visit, the inmate is not charged. The PA will stay at the Jail for as long as necessary to see all inmates who have submitted a sick slip. According to the Sergeant, prescription costs are currently running about \$1,300 per month. Depending on the number of inmates, medical costs can run as much as \$100,000 per year. The Jail is required to pay all medical costs for inmates. The Sheriff's Department has no ability to control medical costs. In the prior fiscal year, the cost for medical services exceeded the budget allocation. For the current fiscal year, costs are down as a result of a lower inmate population. This will likely be affected by the provisions of AB 109.

The third room in the booking area is a "sobering" cell. The Jail also has two isolation cells that are used for discipline or protective custody.

Inmate Property

The Jail takes away all clothes and personal property of inmates. An inventory of these items is prepared and then the items are stored until the inmate leaves the facility or the family picks up the items. By law, inmates' property must be secured and the inmates must have access to their property. At present, property is stored in a room in the Jail but an additional offsite storage location may need to be found if the amount of stored property can no longer fit into the one room.

Mental Health

According to the Sergeant, mental health and counseling will become more of an issue when the Jail has more long-term inmates, as will happen pursuant to AB 109.

Laundry

“Trustee” inmates do all the laundry. California law stipulates how many items of clothing each inmate is entitled to each week. The Jail is required to keep in stock 2-1/2 times the amount of required clothing. The Jail just replaced its washer and dryer at an approximate cost of \$26,000. The Jail would like to have more machines, but there is not enough room.

Books

The Jail is required to buy and provide books and periodicals for the inmates. The cost is covered by the profits from the inmate store. The Grand Jury did not see this store or get any information on what is available to inmates through the store.

The Jail used to maintain a law library at a cost of \$10,000 per year. But, then a judge ordered that the Jail only had to retain a small number of law books (costing only \$1,000 per year). The Jail also has a service from Berkeley to provide up to date legal information to those inmates who request it.

Kitchen

The kitchen is inspected once a year by the California Corrections Department and again by the Mono County health department. The Jail just spent \$18,000 for a new fryer, stove and charbroiler. According to the Sergeant, the kitchen is rated one of the cleanest kitchens in the state. And, indeed, the kitchen did look exceptionally clean. Inmates use a plastic “spork” for eating. Breakfast is served at 7 am, lunch (the heaviest meal) at noon, and dinner (usually soup and sandwich) at 6 pm. All menus must be approved by a state dietitian.

The Sergeant said that 2-1/2 years ago, when there was serious flooding in Mono County, the ceiling of the kitchen came down. About half of the inmates at the time were released early and the other half had to be temporarily relocated to El Dorado County while repairs were done.

The Jail has two paid cooks. They would like to hire a third cook, but that position has not been approved. (When one cook is on vacation or sick, the remaining cook has to be on duty every single day.) Years ago, the Jail had two instances of salmonella poisoning.

The kitchen has a huge walk in freezer and walk in fridge. The Jail keeps about a month’s worth of food on hand in case of road closures. The Sergeant also pointed out the Inergen fire system sensor that is in the corner of the kitchen storage area. This new system cost approximately \$18,000 and is a non-toxic replacement for Halon as a fire suppressant.

The Jail is not required to accommodate special diets, such as religious diets. However, pregnant inmates are required by law to have a modified diet, with additional dairy, for example.

The Grand Jury ate the same lunch that was served to inmates. The lunch consisted of a burrito, refried beans, corn, pudding and half an apple.

Yard

There is a small yard vestibule that leads to the secure yard. (That vestibule is also used as a second “sobering” cell if needed.) The yard is all cement and has a roof. The sides are completely enclosed in mesh wire. The yard is actually pretty grim. The Jail removed the basketball hoop and the weights because the inmates would try to pick them apart. The Jail is required to offer each inmate three hours per week in the yard, though not all inmates use the full three hours. The Sergeant thinks the yard will become more dangerous once state prison inmates are moved to the Jail.

Cell Blocks

Cell block A is a minimum to light medium security block that currently contains 10 male inmates. The inmates sleep in a large bunk room that contains several bunk beds. The inmates are not allowed to have many personal items – 3 photos, 3 books, writing material and one TV that is shared by all inmates in the block. Inmates get library call once a week. Some inmates work and are outside of the Jail during the day. Other inmates don’t want to work and, according to the Sergeant, spend over 50% of their time sleeping.

Cell block B is the heavier security block that contains inmates who have come from state prison or are on their way to state prison. The inmates are kept in separate cells and there is an open area with a table, TV and chairs. Each cell can be separately locked.

Cell block D has four beds for female inmates. Currently, there is only one female in the Jail and she is being held in one of the isolation cells. Finally, there is a small cell for the two inmates who serve as “trustees” and two isolation cells that are typically used for discipline and/or for protective custody (for ex., any inmate charged with or convicted of sex crimes is placed in an isolation cell).

An officer is required by law to enter each of the cell blocks at least once an hour to check on all inmates. Any inmate in detox (or sobering cell) must be checked every half hour, and inmates on suicide watch must be checked every 15 minutes. Visitors are allowed every day except on Tuesday, which is a heavy court day).

Program and Control Area

This area contains the 911 dispatch center as well as video feeds from the entire facility. The camera system is apparently quite new and videos are retained for 18 days. The Sergeant said that the videos can be very helpful as evidence in the case of any big fights.

All Jail employees must learn to be both correctional officers and 911 operators. If the 911 operator is needed to assist with a female inmate, another officer must take over the 911 dispatch. The Jail is required to have a female employee at the Jail at all times. The 911 dispatch serves as the dispatch center for the entire county, including Mammoth Lakes. Dispatch must be staffed at all times. The dispatcher may never leave the post, even to assist another officer with a problem inmate. According to the Sergeant, the number of calls for service is off the charts – thousands of calls a year.

Everything in the control area is done electronically. The operator in the control area can toggle

between various law enforcement agencies, Jail door controls, electrical systems, water, etc. The Jail purchased this electronic system 15-17 years ago. The system is getting old and it is getting more difficult to acquire parts when the system needs to be repaired. The Sergeant said that the whole system will eventually need to be replaced.

This area also contains the Inergen fire control panel. The system has various heat sensors around the facility.

Services

There are no religious services, although now and then someone will come to the Jail to do services. There also is no one who comes to the Jail to do haircuts and the inmates have to give each other haircuts.

The Jail is currently having meetings with mental health professionals and educators to figure out how to handle the long-term inmates who will be coming to the jail pursuant to AB 109. Currently, education is hard to provide because the Jail population is so transient.

Classification of Inmates

The Sergeant explained that various things are taken into account when classifying inmates. Once certain parameters are entered into the computer, the computer issues a classification. However, the Sheriff's Department can override a classification. The recidivism rate is about 30%, which is very low. The Sergeant attributes this to the transient nature of the inmate population.

Three Things Most Needed by the Jail

In response to questions from the Grand Jury, the Sergeant identified the following items as the things most needed for efficient functioning of the Jail.

1. A third cook.
2. Separate the dispatch area from the control room, although the Sergeant didn't think that would happen anytime soon. Staffing, especially at night, can be difficult as sometimes there are only two people staffing the Jail. One has to be on dispatch at all times. The dispatch computer system is old and would cost approximately \$225,000 - \$250,000 to replace. The telephone/radio system is also old and would cost approximately \$50,000 to replace.
3. Electronic consoles in the control room need to be updated.

Budget

The Undersheriff said that the current budget is adequate. Right now, food and medical costs are low because the Jail only has 21 inmates. The Jail will likely return about \$100,000 to the county this year. However, medical costs are variable and could change very quickly. All medical costs are paid in cash to the hospitals.

The Undersheriff puts together a proposed budget every spring and then meets with county officials to determine if any cuts are necessary. Last year, the Sheriff's Department was asked to

cut 5% from its budget. According to the Undersheriff, the Board of Supervisors can (i) determine the Sheriff's Department budget, and (ii) determine the number of allotted positions in the Sheriff's Department. Otherwise, the Board cannot tell the Sheriff how to run his department. According to both the Undersheriff and the Sergeant, this applies to all departments headed by elected officials.

The Sheriff can move current employees around without Board involvement even if it involves a classification change. When there is cost to send an employee to an academy (at an approx. cost of \$15,000-\$20,000), the Sheriff's Department will include this cost as a line item in the budget. According to the Undersheriff, the problem with hiring a third cook is that there is no additional allotted position at this time.

Currently, it is costing the county approximately \$168 per day per inmate for the Jail.

New Jail

A company did a survey last year and concluded that a new jail should go where the old medical clinic is. According to the Sergeant, it currently costs approx. \$280,000 per bed to build a new jail.

Work Crews

The Jail has a number of work crews comprised generally of only sentenced inmates. Some inmates go out to work almost every day. Inmates are sent out in striped black and white uniforms. They help with things such as county landscaping, set up for community events and cemetery upkeep. The inmates do not get paid.

Meeting with the Sheriff on April 12, 2012

Background: The Sheriff was elected in November 2006 and took office in January 2007. He started his career with the Mono County Sheriff's Department where he worked for 4 years as a deputy sheriff. He then went to the San Diego police department in 1979 and spent 3 years there. He returned to Mono County in 1982 and worked as a patrol deputy and detective for the Sheriff's Department and then the Town of Mammoth Lakes. He moved back to San Diego in 1997 and stayed there until 2006, working in real estate and piloting corporate jets.

Budget: The Sheriff's Department is staying within its allocated budget. The department is currently making some changes to downsize somewhat and has eliminated some positions.

Holding facility at Mono County Superior Court Mammoth Lakes: The Sheriff's Department operates the holding facility at the courthouse, but the Court owns and pays for it. The company that built the courthouse had never done that and weren't familiar with how to do the holding facilities.

The Sheriff said there had been an issue recently with the secured elevator. This elevator is also used by the staff. If it is in use by the Sheriff, the staff cannot access the elevator. There was a glitch in this process which the Sheriff thinks has been resolved.

In the last 3 years, the Court has started doing a lot of video arraignments, so the number of holding cells at the courthouse may be more than currently needed. Arraignments are still done in

person on Tuesdays in Bridgeport. It is more efficient because often there are more than a dozen inmates that need to be in Court on Tuesdays.

New facility: The Sheriff would like to see a new justice center over by the Bridgeport clinic. There are some draft drawings. Assembly Bill 900, the Public Safety and Offender Rehabilitation Services Act of 2007 ("AB 900"), provides funding for new jail facilities. In order to apply for that funding, the Sheriffs Department had to do a needs assessment, which cost \$70,000. AB 900 also required a 25% match from the county. Mono County, which was low on the priority list, did not receive the funding. The Sheriff subsequently applied for phase 2 of AB 900 funding – where county match was lowered to 10%. However, in deciding which counties would receive funding, the state looked mainly at the number of inmates that counties sent to state prison. The state is now coming out with phase 3 of AB 900. The Sheriff said that the county is supportive, and there is also discussion of building a facility in the south county. However, the location of property owned by the county to use for the new facility is important since that property can be used for part of the matching funds.

Female inmates; The Jail has a 4-person cell for females. The Jail can also add cots, if necessary. Sometimes a female will be segregated if she is deemed suicidal.

911 system upgrade: An upgrade to the 911 system will be a significant cost to the county. The Sheriff will be going to a conference in Reno where he will have a chance to review some of the new systems. The Sheriff's Department can get some Homeland Security funding, but will still need county help. The Sheriff's Department has been stockpiling parts and pieces for the old system, and can probably hang on for another 2 years, before being forced to buy a new system. Mono County does not have a replacement reserve fund. According to the Sheriff, the county does not like to do that. But, the county gets about \$500,000 a year in rural sheriff funding, some of which rolls over to other years. This funding is often used to purchase new vehicles, although the county now has a separate vehicle replacement fund.

Third cook: The Sheriff said that a third cook would be very helpful. Sometimes, one of the cooks has to work 30 or more days straight (for ex., when one of them is on vacation or out for other reasons). The county would like the Sheriff's Department to hire someone on a part time basis to come in when needed, but that is hard to do since most people want a set commitment on hours, and the Sheriff would also have to reduce hours for the existing cooks. When unforeseen scheduling conflicts arise, the Jail can purchase food from one of the local restaurants. For the most part, this issue is manageable.

Jail: The state does an annual inspection and has always given the Jail very high marks. the Sheriff said his staff does a great job.

State inmates: The Sheriff said that he and the other sheriffs are still trying to figure out how AB 109 will be implemented. It used to be that inmates could serve up to one year only in county jail. Now, there is no cap on the number of years they can spend in county jail. New inmates will now stay in the county unless they are violent offenders, sex offenders or repeat offenders. The state is now placing all sorts of requirements on county jails, including ADA standards (which are hard to meet), mental health counseling, alcohol and drug treatment programs, domestic violence training, etc. the Sheriff said that the Mono county mental health department is now more receptive to working with the Sheriff's Department. There is a group of state sheriffs who are

working on this issue.

Jail costs: Currently, in terms of funding from the state, the Jail gets \$77 per day for 3 inmates, which is the number of inmates the state anticipates Mono County will have to accept pursuant to AB 109. The county will have to pick up the extra costs if more state prisoners are sent to the Jail. The Jail is currently at its lowest prisoner count in 5-1/2 years, even with 2 or 3 long term inmates who would have gone to state penitentiary prior to the enactment of AB 109. The number of inmates, however, does not change staffing levels at the Jail – so, in fact, it may not be costing substantially more per additional inmate. This would only be true only as long as total inmate numbers do not exceed the capacity of the existing facility. Nonetheless, the state formula for reimbursement is well below the average daily inmate cost.

The Sheriff thinks people may have to start changing their mindset about how we incarcerate people – and be less aggressive about immediately incarcerating people when a citation might suffice. This is already being done in some states. He says that the governor has “guaranteed” funding for county jails, but this really depends on voters approving the tax raises that will be on the ballot in November. Other sources of money for the Sheriff’s Department include grants – but the Sheriff likes to use those grants to enhance the Jail, not replace county funds.

Staffing: As far as staffing, the Sheriff said that there is a constant turnover and the salaries are relatively low. Things always appear to be on the “ragged edge.” He thinks the staffing level is good as long as the Sheriff’s Department can keep people. Every time a corrections officer is hired, that person has to go through training and which takes time and money. So far, the department has been doing a satisfactory job of hiring for the corrections officer/dispatcher position. Most turnover happens in the first couple of years after hiring.

Probation Department Tour March 8, 2012

Introduction

Under the direction of the Presiding Judge of the Superior Court (the “Court”), the Probation Department administers adult and juvenile probation programs. The Probation Department’s goals are to protect the community, rehabilitate probationers and prevent crimes and delinquency.

It is the duty and responsibility of the Probation Department, as officers of the Court, to provide programs of investigation and supervision for adult probationers. In addition, the Probation Department provides a program of intake, investigation and supervision of all juveniles referred by the city and county law enforcement agencies.

Mono County maintains probation offices in Mammoth Lakes and Bridgeport. Office hours are Monday through Friday from 8:00 a.m. through 5:00 p.m. The Mammoth office is located on the 3rd floor of the Sierra Center Mall, Old Mammoth Road, Mammoth Lakes. The Bridgeport office is located at 57 Bryant Street in Bridgeport.

The Mono County Juvenile Hall is located at 57 Bryant Street, Bridgeport. This is a 96-hour special purpose juvenile hall. Minors arrested in Mono County are temporarily detained at this facility. When juveniles are in custody, the facility is staffed 24 hours a day. No staff is on duty when juveniles are not in custody.

Tour

The Grand Jury was given a tour of the Probation Department and Juvenile Hall by the Interim Chief Probation Director (the "Interim Chief").

The Probation Department has one interim chief, one assistant chief (now vacant), four probation officers and one probation aide. The department in Bridgeport is housed in a single building across from the Jail. There is an entry area with a receptionist desk and several offices for the chief and probation officers. Further down the hall is the Juvenile Hall.

Juvenile Hall: The Probation Department building houses a 96-hour hold juvenile detention facility. It is comprised of (i) two cells – one "wet" with a toilet and sink, the other "dry" without a toilet or sink, and (ii) a day area with a table, couch, kitchen and full bathroom. The probation aide has a desk in the day room and is responsible for supervising the juvenile area. The "dry" cell is now mainly used for storage. The facility is inspected by the state every two years. The most recent inspection was done this past year.

The juvenile case load is approximately 30 to 50 cases per year, with a majority being in Mammoth Lakes. The juvenile cases are handled by one probation officer.

The Probation Department no longer uses the juvenile facility frequently. Rather, the department mainly runs a transportation program, transporting juveniles to Inyo or Trinity counties where there are larger juvenile facilities. The department has two transportation vans, one in Mammoth Lakes and one in Bridgeport. The department generally has 1-3 juveniles at the Inyo county facility at any one time. The Inyo County juvenile hall has an office of education program and school records are transferred there. Juveniles who need to be held for a longer period of time generally go to Trinity County because they have a much more in-depth counseling program. The department may send one juvenile a year to Trinity County.

The focus in the juvenile system is to keep the juveniles with their family and to work with the family. The Probation Department works closely with mental health – using a "wrap around" program that allows agencies to "wrap" the family and do whatever is needed to keep juveniles in their homes. The Interim Chief did not foresee any future change to the county's needs for juvenile facilities. In the past, the department staffed a couple of on call workers, but that is no longer done. The Interim Chief also mentioned that a probation officer must always be at the facility with the probation aide. The youngest child that the Interim Chief has seen at the juvenile facility was 14 years old.

The Interim Chief explained that an officer brings the juvenile into the facility through the back door. There is a gun lock where all officers have to put their guns before entering the facility.

An electronic GPS and alcohol monitoring program has been implemented. There are three types of bracelets. One is a home monitoring bracelet that can be adjusted to allow a juvenile to go to school. This type of bracelet is small and can't really be seen. The second type of bracelet is a full GPS which is a bigger device and allows the juvenile to be tracked at all times. The third type of bracelet is an alcohol SCRAM bracelet. The juveniles wearing these bracelets can go to any school.

The juvenile continuum of supervision involves (i) local services, (ii) a group home, or (iii) for a high risk juvenile offender, the California Department of Juvenile Justice (state juvenile prison) ("DJJ"). The state wants to close all of its DJJ facilities. There used to be 12,000 to 13,000 kids in 13 different facilities. Several years ago, the state started moving juveniles out of DJJ facilities. Now, there are only 1,100 juvenile offenders in three DJJ facilities. Once all of these facilities are closed, the juveniles will be transferred back to county supervision. The Interim Chief said this is likely to cause a big problem for counties who don't have other facilities or services available for these juveniles. This could cost the counties huge amounts of money. Any local juvenile who is currently sentenced to a DJJ facility will be returned to Mono County for parole.

Adults: The Probation Department's workload is mostly focused on adults and has a case load of 300 to 500 cases. These cases are handled by three probation officers.

The Probation Department runs various groups and programs, such as drug and alcohol programs. The department will assign a person to one or more groups according to the perceived need for that person.

The Probation Department is transitioning to what the Interim Chief called an evidence-based supervision model for adults. The program is based on a risk assessment tool purchased by the county in consortium with 8 other counties. This is new program and it was evident that the Interim Chief was pretty excited about it. The program involves adjusting the adult supervision levels depending on whether a person is rated (by the assessment tool) as being at a low, medium or high risk to reoffend. The same system will be implemented for juveniles in June.

The Interim Chief said that the Probation Department has approximately 30-35 violent offenders and about 60 low risk offenders. Of the 300 to 500 cases in the dept., 25% are "warrants."

The Interim Chief admitted to being a little nervous about using the risk assessment tool for juveniles, most of whom will likely be assessed as low offenders. Research suggests that it is best to leave those types of juveniles alone, but the tool will indicate that they should not be left unattended.

AB 109: Pursuant to AB 109, which began in July 2011, any parolee released from state prison who has not been convicted of a violent crime or a sex offense, will return to the county probation department for supervision. (The choice of county depends either on where the offense took place and was adjudicated and/or where the offender is from.) This type of supervision is referred to as post-release community supervision and takes a lot of time. The state projected four such parolees for Mono County, but the Probation Department currently has seven. This causes funding issues since the department is only paid for the four projected cases. AB 109 funds counties only through June 30, 2012. Future funding is tied to tax initiatives on the ballot. If the initiatives are not approved, the question is where the county will get future funding to implement AB 109.

The Interim Chief also explained that, under AB 109, a convicted person can (i) get probation, (ii) be sentenced to a full jail term at the county jail, or (iii) be sentenced to a mandatory split – doing half of the sentenced time in jail and half on mandatory supervision. The decision is up to the judge. The Interim Chief prefers the mandatory split because it gives the offender a chance to readjust to life outside of prison while under the supervision of, and with the assistance of, the

Probation Department. However, the Interim Chief said that, so far, the cases in Mono County that fall under AB 109 have resulted in full jail terms.

Findings

The Grand Jury found that the Jail and Juvenile Hall are clean and well maintained. Both operations are constrained by budgetary limitations, and both are coping well with those limitations.

The Grand Jury found that AB 109 has not yet seriously impacted the functions of the Jail or Juvenile Hall. It has had a greater impact on the Probation Department. Despite the lack of immediate effect, it is clear that the potential for significant additional burdens from realignment is real. As the county has to manage prisoners who have chronic health conditions, are older, and reside in the facility for multiple years, meeting the needs of those prisoners will grow increasingly costly.

The Grand Jury found that the 911 dispatch system and the prison electronic control systems are reaching the ends of their useful lives. There is no replacement funding in place.

Recommendations

The Grand Jury recommends that the Sheriff continue to work with his counterparts in other counties to identify creative methods for managing the changes that will result from AB 109 and develop coordinated responses as needed.

The Grand Jury recommends that the Board of Supervisors, in conjunction with the Sheriff, begin to plan for the replacement of the 911 dispatch system and the Jail control systems. This will assure timely replacement of these critical systems.