

THOMAS D. ALLMAN
Sheriff-Coroner



Captain Kurt O. Smallcomb
Field Services
Captain Tim Pearce
Corrections

County of Mendocino Office Of The Sheriff-Coroner

June 25, 2012

Honorable Richard Henderson, Presiding Judge
Superior Court of California
County of Mendocino
County Courthouse
Ukiah CA 95482

RE: Response to Report of the 2011-2012 Grand Jury Report

Dear Judge Henderson:

Attached and enclosed please find my responses to the Grand Jury's report entitled:

Providing Effective Law Enforcement in Mendocino County

The Grand Jury requires the Mendocino County Sheriff to respond to Findings numbered #4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 & 25; and all of the Recommendations.

My responses are as follows:

Findings

I agree with Findings numbered #4, 5, 6, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25.

I disagree with Findings numbered #8.

I have added a points of clarification to Findings #10, 12, & 14.

Finding #8: Fiscal year 2003-2004 was the last year that the Mendocino County Auditor provided the DA and the Sheriff's Office an accounting of the Proposition 172 funds.

The Assistant Auditor-Controller sent a memo to the District Attorney and the Sheriff on April 18, 2011, presenting an analysis of Prop. 172 funds since the 2007-08 fiscal year.

Finding #10: At the time of the GJ report, the Lieutenant in charge of the Fort Bragg sub-station has retired. Currently one of the two South Coast officers provides coverage.

We presently have an Acting Lieutenant who commutes from his Resident Post to the Fort Bragg substation and manages the Coastal Sector.

Finding #12: Full Court Press succeeded in removing 632,000 marijuana plants from the Mendocino National Forest.

Between the six (6) Northern California Counties along with some neighboring timber lands, approximately 632,000 plants were eradicated and/or seized as evidence.

**951 Low Gap Road
Ukiah, California 95482-3734**

**707-463-5667
Fax 707-463-4689**

Finding #14: *At the time of this report, 23.4% of inmates, booked into the jail, have a history of mental health issues. Psychiatric care for all of the inmates was reduced from 20 hours to 8 hours each week.*

One point I wish to clarify is that the psychiatric care hours for inmates have fluctuated over the years in our Memorandum of Understanding with Mental Health, varying from 4 hours to 20 hours.

Recommendations

I agree with Recommendations numbered #1, 3, 4, 5, 6, 7, 8, 9
I disagree with Recommendation #2.

Recommendation #2: *The MCSO implement the recommendation in the Harris Report regarding returning Animal Control to Health and Human Services. (Finding 16).*

The types of calls for service can be violent at times, add to this that Animal Control Officers are armed and regularly require MCSO assistance makes more sense that the armed officers continue to work out of the MCSO.

Sincerely,

THOMAS D. ALLMAN
SHERIFF-CORONER

cc: Grand Jury
County Counsel
Chief Executive Office

County of Mendocino
Grand Jury
www.co.mendocino.ca.us/grandjury

Post Office Box 939
Ukiah, CA 95482
grandjury@co.mendocino.ca.us

Tom Allman, Sheriff
Mendocino County
951 Low Gap Rd.
Ukiah, Calif. 95482

Date: May 10, 2012

RE: Report Titled: *Providing Effective Law Enforcement in Mendocino County*
Dated: March 30, 2012

Your response to the attached report by the 2011/2012 Mendocino County Civil Grand Jury is required pursuant to Penal Code §933.05 (enclosed). Penal Code §933.05 also requires that your response to the Findings and Recommendations contained in the report be in writing and be submitted within **60 days for individual responses from elected officials or agency heads** or within **90 days for governing bodies** (including such entities as school boards, city councils and the Board of Supervisors).

Penal Code §933.05(f) specifically prohibits disclosure of the contents of this report by a public agency or its officers or governing body prior to the release to the public. The report will be released to the public and posted on the grand jury website two (2) or more days after the date of this letter.

The Penal Code is specific as to the format of responses. Complete and sign the enclosed Response Form and attach any additional comments as required.

Should you have any questions after reviewing the enclosures, please contact me at **grandjury@co.mendocino.ca.us** or at the address above.

Sincerely,

Carol Rosenberg
2011/2012 Foreperson
Mendocino County Grand Jury

For Your Information

SUMMARY OF PENAL CODE 933.05

Penal Code § 933.05 provides for only two (2) acceptable responses with which agencies and/or departments (respondents) may respond with respect to the **findings** of a Grand Jury report :

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the findings, *in which case the respondent shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.*

Penal Code § 933.05 provides for only four (4) acceptable responses with which agencies and/or departments (respondents) may respond with in respect to the **recommendations** of the Grand Jury.

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be in the future, with a timeframe for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis, with a timeframe for the matter to be prepared for discussion by the officer or head of the agency/department being investigated or reviewed, including the governing body of the public agency when applicable. *This timeframe shall not exceed six (6) months from the date of publication of the Grand Jury Report.*
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with a detailed explanation therefore.

However, If a finding and/or recommendation of the Grand Jury addresses **budgetary** or **personnel** matters of a county agency/department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address **all** aspects of the findings or recommendations affecting his or her agency/department.

Grand Jury Report

RESPONSE FORM

Grand Jury Report Title : *Providing Effective Law Enforcement in Mendocino County*

Report Dated : *March 30, 2012*

Response Form Submitted By:

Tom Allman, Sheriff
Mendocino County
951 Low Gap Rd.
Ukiah, Calif. 95482

Response MUST be submitted, per Penal Code §933.05, no later than:
July 9, 2012

I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:

- I (we) agree with the Findings numbered:
_____ 4, 5, 6,7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,22, 23,
24, 25_____
- I (we) disagree wholly or partially with the Findings numbered below, and have **attached, as required**, a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.
_____8, 10, 12, &14 _____

I have reviewed the report and submit my responses to the RECOMMENDATIONS portion of the report as follows:

- The following Recommendation(s) have have been implemented and **attached, as required**, is a summary describing the implemented actions:
_____ 1, 3, 4, 5, 6, 7, 8, & 9 _____
- The following Recommendation(s) have not yet been implemented, but will be implemented in the future, **attached, as required** is a time frame for implementation:

GRAND JURY REPORT
RESPONSE FORM
PAGE TWO

- The following Recommendation(s) require further analysis, and **attached as required.** is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)
-

- The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable, **attached, as required** is an explanation therefore:

_____ -2- _____

I have completed the above responses, and have attached, as required the following number of pages to this response form:

Number of Pages attached: _____

I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: www.co.mendocino.ca.us/grandjury. The clerk of the responding agency is required to maintain a copy of the response.

I understand that I must submit this signed response form and any attachments as follows:

First Step: E-mail (word documents or scanned pdf file format) to:

- The Grand Jury Foreperson at: grandjury@co.mendocino.ca.us
- The Presiding Judge: grandjury@mendocino.courts.ca.gov

Second Step: Mail all originals to:

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

Printed Name: Tom Allman

Title: Sheriff-Coroner

Signed: _____

Date: _____

PROVIDING EFFECTIVE LAW ENFORCEMENT IN MENDOCINO COUNTY

March 30, 2012

Summary

The Mendocino County Grand Jury (GJ) is responsible for mandated inspections of prisons located within Mendocino County (County). This inspection is pursuant to California Penal Code § 919(b). In the absence of any credible complaints regarding the Mendocino County Sheriff Office (MCSO), the GJ conducted a routine review of law enforcement facilities in the County. Each of the respective Police Departments has experienced budget short falls, but none at the magnitude of the MCSO. Budgets adopted by the Board of Supervisors (BOS) over the last five years, resulted in serious cuts to the MCSO. While the population of Mendocino County has increased, the staffing level for the MCSO has remained at the 1985 level as the MCSO budget continued to decline.

Methods

Consistent with the statutory mandate, the GJ conducted the following inspections:

- The Mendocino County Juvenile Hall
- The Fort Bragg Police Department and holding cell
- The Willits Police Department and holding cell
- The Mendocino County Fort Bragg Sheriff's Substation
- The Mendocino County Jail (Jail)
- Chamberlain Creek and Parlin Fork Conservation Camps

The following documents were examined:

- Corrections Standard Report
- Mendocino Major Crimes Task Force (MMCTF) Annual Report
- Jail Incident Reports
- Public Safety Realignment fact sheet (AB109)
- Community Corrections Partnership (the implementation plan)
- Mendocino Public Safety Foundation
- State Criminal Alien Assistance program (SCAAP)
- A postmortem report
- Harris Report (Sheriff's Office Efficiency Report)
- Mendocino County Sheriff's Office Policy and Procedures Manual (Corrections Division)
- MCSO Corrections Division Annual Report (Inmate Services)

The GJ conducted interviews with law enforcement officials and inmates (male / female) incarcerated in the Jail. In addition, the GJ reviewed incident reports, investigative

reports, and other pertinent data. During the course of the review of the Jail, the GJ examined a number of documents regarding an inmate suicide that occurred in an isolation cell.

Background

The decline in funding for the MCSO resulted in the loss and displacement of a number of sworn officers and staff. The Chief Executive Officer (CEO) and the Board of Supervisors (BOS) continued to reduce the MCSO budget and insist that certain personnel actions occur. In some instances, serious differences existed in how best to achieve the required level of staffing requested by the BOS.

The Mendocino County Sheriff maintained, as a Constitutional Officer, it was within his purview and not within BOS authority to determine the staffing of his department. The authority to legislate all budgetary matters rests with the BOS, pursuant to Government Code Section 29088.

Despite the operational limitations, imposed upon the Sheriff's Department, the MCSO continued to provide effective and efficient law enforcement. The MCSO remained committed to fulfilling its statutory role, to assure that public safety was not compromised.

Findings

1. The Mendocino Major Crimes Task Force (MMCTF) is a principle enforcement agency for narcotics and major crimes.
2. Between January 2010 and December 2010, the MMCTF seized drugs that have a street value of \$160,162,609.00
3. From January 2010 to December 2010, MMCTF seized cash, vehicles, and property with a value of \$1,184,718.00
4. State funding for the MMCTF has been eliminated, however the Task Force Executive Board agreed to continue funding for 6 months from asset forfeiture funds.
5. AB 109, the realignment legislation, allows for the sentencing of non-violent, non-serious, and non-sex offenders to the County Jail.
6. The District Attorney and Sheriff are Constitutional Officers who possess the inherent authority to manage their office.
7. Proposition 172 funding is placed in the General Fund rather than in a dedicated fund, unlike the majority of counties.
8. Fiscal year 2003-2004 was the last year that the Mendocino County Auditor provided the DA and the Sheriff's office an accounting of the Proposition 172 funds.
9. Staffing levels for the classification of Deputies and Sergeants in 1985 were 66 and in 2012, they are at 56. The County population increased during that period by approximately twenty thousand.
10. At the time of the GJ report, the Lieutenant in charge of the Fort Bragg sub-station has retired. Currently one of the two south coast officers provides coverage.

11. Funding for methamphetamine lab cleanup is now the responsibility of the Drug Enforcement Administration.
12. Full Court Press succeeded in removing 632,000 marijuana plants from the Mendocino National Forest.
13. Budgetary constraints curtailed patrol operations in all remote areas of the County.
14. At the time of this report, 23.4% of inmates, booked into the jail, have a history of mental health issues. Psychiatric care for all of the inmates was reduced from 20 hours to 8 hours each week.
15. A recent manhunt revealed the benefits of mutual aid by state, county and federal law enforcement agencies including the U.S. Marshalls Service and the Federal Bureau of Investigation.
16. The MCSO is responsible for animal control in the County.
17. The Jail has under contract a registered dietician ensuring each inmate receives a balanced nutritional diet.
18. There are multiple programs available to inmates at the Jail, currently serving 58% of the Jail population.
19. MCSO collaborates with numerous community organizations as Jail program providers.
20. Inmate services provided by the MCSO receive no General Fund money.
21. The Inmate Services Fund pays 100% for program staff salaries.
22. Cameras in certain cells within the county jail are motion detection cameras.
23. Full viewing of certain cells is not available because the cameras lack the capability to pan, zoom or tilt.
24. One Correctional Officer is responsible for monitoring 32 screens in the monitor control room.
25. Poor lighting, in certain cells, makes video viewing difficult and existing cameras are obsolete requiring replacement.

Recommendations

The Grand Jury recommends that:

1. The Task Force Executive Board continue to provide funding for the Major Crimes Task Force. (Findings 1-4)
2. The MCSO implement the recommendation in the Harris Report regarding returning animal control to Health and Human Services. (Finding 16)
3. The BOS provide adequate funding for the MCSO. (Findings 9-10, 13, 25)
4. The BOS appropriate sufficient funds to replace inadequate and obsolete cameras in the Jail. (Finding 25)
5. The vacant Lieutenant position at the Fort Bragg Sub-station be filled immediately. (Finding 10)

6. The BOS restore funding for the original hours for psychiatric care for inmates at the Jail. (Finding 14)
7. Inmates with a history of abnormal behavior, who are placed in an isolation cell, be seen by a mental health worker or Psychiatrist, which is consistent with MCSO policy and procedure. (Findings 14, 22-25)
8. Proposition 172 funds should be separate and independent of the General Fund. (Findings 7-8)
9. The Auditor – Controller provide the MCSO and DA a yearly accounting of the Proposition 172 funding. (Findings 7-8)

Discussion

Mendocino County is primarily rural with 69% of the population located in the unincorporated areas. The unincorporated area of the county is the patrol responsibility of the MCSO. While the population increased from 1985, the MCSO strived to maintain law enforcement in all areas of the county, until budgetary constraints made this effort impossible. Despite the yearly budget deterioration, the Sheriff assured the community that public safety would remain foremost. However, the decline in resources resulted in curtailing patrol operations in all remote areas of the county.

The FY 2011-2012 budget adopted by the BOS is more generous and allows the MCSO the opportunity to increase staff and expand patrol operations.

The Efficiency Audit conducted by the firm Harris and Harris, revealed staffing and budgetary constraints imposed on the MCSO. The attached appendices evidence the degree to which the MCSO experienced this shortfall.¹ Although having to curtail Patrol operations, Harris and Harris noted that the MCSO still maintained, "...a level of professionalism in austere budget times". Harris and Harris observed in their report the importance of cooperation and collaboration during budget negotiations with the CEO and the BOS.

The Mendocino County Jail offers a variety of programs for inmates. Unless ordered by the court, inmate participation in these programs is voluntary. It is estimated by the MCSO that 58% of the inmates are involved in programs at the Jail. The following is an abbreviated list of programs:

- Wellness Recovery Action Plan (WRAP)
- Anger Management /Men's Alternative to Violence
- Native American Program/White Bison Red Road to Wellbriety

¹ See Appendix A, Appendix B, Appendix C, Appendix D

- Celebrate Recovery
- Jail Garden Project
- Religious Spiritual Programs
- Alcoholics Anonymous (AA) & Narcotics Anonymous (NA)
- Life Skills Program
- Adult Education
- Big Sisters/ Big Brothers Storybook Program
- California Food Handlers Certification
- Baking Program

Approximately 110 individuals participate in the programs, offered at the Jail, as teachers, clergy, presenters, and volunteers. Some of the programs afford inmates the opportunity to develop life skills enabling them to make the transition into the community upon release. In addition, these programs may serve to reduce the recidivism rate.

The GJ did not pursue an active review of the inmate suicide that occurred in 2011. Time constraints prevented the GJ from conducting a more exhaustive review of the inmate suicide, or drawing any definitive conclusion.

The BOS decision to reorganize the Mental Health Department has created an additional burden on jail staff, as it has become the “mental health facility”. The Sheriff has become the de facto mental health director on weekends.

Response Required

Mendocino County Board of Supervisors (All Findings; All Recommendations)

Mendocino County Chief Executive Officer (All Findings; All Recommendations)

Mendocino County Sheriff (Findings 4-25, All Recommendations)

Mendocino County Jail Commander (Findings 5, 14, 17-25)

County Counsel of Mendocino County (All Findings; All Recommendations)

Mendocino Sheriff's Deputy & Sgt. Historical Staffing				
Year	Pop.	DS	Sgt.	
1972-73	52500	45	12	
1973-74	55100	49	13	
1974-75	56500	50	13	
1975-76	57200	50	12	
1976-77	58900	50	12	
1977-78	61100	52	12	
1978-79	63000	55	12	
1979-80	65000	58	14	
1980-81	66738	60	13	
1981-82	68385	61	13	
1982-83	69726	52	10	
1983-84	70700	53	11	
1984-85	71811	55	10	
1985-86	73390	55	11	
1986-87	74293	58	11	
1987-88	75320	58	12	
1988-89	76493	58	12	
1989-90	78444	60	14	
1990-91	80831	50	12	
1991-92	81605	45	10	
1992-93	81760	45	11	
1993-94	81784	40	13	
1994-95	81996	44	13	
1995-96	82881	44	13	
1996-97	83663	46	13	
1997-98	84281	46	13	
1998-99	85900	48	13	Lt.
1999-00	86000	48	14	5
2000-01	86265	50	14	6
2001-02	88300	54	13	7
2002-03	89100	54	13	7
2003-04	89200	54	13	7
2004-05	89611	49	13	5
2005-06	90275	48	13	5
2006-07	90445	48	13	5
2007-08	89583	48	13	5
2008-09	90112	47	14	5
2009-10	90068	47	14	5
2010-11	87807	47	14	5
2011-12		44	12	5

**Mendocino County Sheriff's Office
Analysis of Staffing Levels**

	Filled Positions			
	<u>Budget Unit</u>			<u>Total</u>
<u>January 2009</u>	<u>2310</u>	<u>2510</u>	<u>Other</u>	
Sworn	69	61	1	131
Non-sworn	27	11	3	41
Total	96	72	4	172
Vacancies	4	9	2	15
Total Position	100	81	6	187
	<u>Budget Unit</u>			<u>Total</u>
<u>January 2012</u>	<u>2310</u>	<u>2510</u>	<u>Other</u>	
Sworn	59	54	0	113
Non-sworn	26	8	1	35
Total	85	62	1	148
Vacancies	10	16	5	31
Total Position	95	78	6	179
<u>Decrease in total positions</u>	<u>2310</u>	<u>2510</u>	<u>Other</u>	<u>Total</u>
Sworn	-10	-7	-1	-18
Non-sworn	-1	-3	-2	-6
Total	-11	-10	-3	-24
A/C positions filled Feb '11	-2			-2
Total Decrease in Positions	-13	-10	-3	-26
Percentage Decrease	<u>-14%</u>	<u>-14%</u>	<u>-75%</u>	<u>-15%</u>