

# 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.<sup>1</sup> 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

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<sup>1</sup> 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)