

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

FREE!!!, GET YOUR *GED* HERE!!!
A Report on the Mendocino County Jail, Holding Cells and Sheriff's Evidence Room

June 18, 2008

Summary

On April 15, 2008, the Grand Jury conducted the annual visit to the Mendocino County Jail (MCJ) located on Low Gap Road in Ukiah. Many different agencies, groups, and individuals in the community provide services to inmates within the MCJ and upon their release. This exemplifies the spirit of teamwork and cooperation needed to provide services and programs to inmates. Those principally involved include the following:

- The Ukiah Adult School (UAS) provides adult education classes
- The Ford Street Project facilitates life skills classes which include substance abuse recovery and anger management.
- Big Brothers and Big Sisters of Mendocino County mentors prisoners' children and operates the "Storybook Project."
- Alcoholics Anonymous (AA) and Narcotics Anonymous (NA)
- Jail Chaplain
- Calvary Baptist Church
- First Baptist Church
- Seventh Day Adventist Church
- Consolidated Tribal Health

All programs are voluntary; most are open ended, which means that inmates are free to enroll in the program or course at anytime. Most of the programs are directed toward sentenced male and female inmates.

The original facility was built in 1973, and a second building was added in 1985. Several upgrades and remodels have taken place; some for officer safety and others because of State mandates.

Inmates who are in pretrial status reside in Building 1 and some programs are not available to them. Some civilians do administrative work and are employed by MCJ. Other employees that service the jail are funded in some way by the County. These people, as well as the volunteer organizations, make valuable contributions to the facility.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

Methods

The Grand Jury visited the MCJ, the Sheriff's evidence room and the Court House holding cells, and interviewed supervisors and staff. Documents reviewed were: the budget, program schedules, inmate population and medical census reports. Environmental Health, Health Department, and Fire and Safety inspection reports by the California State Fire Marshal were also reviewed.

Background

California Penal Code §919(b) states that "...the Grand Jury shall inquire into the conditions and management of the public prisons within the County".

Findings

1. The present staff consists of:

- 1 Captain
- 2 Lieutenants
- 8 Sergeants
- 44 Correctional Officers, with 2 additional unfilled positions
- 5 Sheriff Booking Technicians
- 1 Inmate Services Program Coordinator
- 1 Kitchen Manager, and 2 Cooks
- 1 Laundry Supervisor
- 1 Account Clerk II
- 1 Officer Assistant II, who manages the inmates funds.

Response: (Board of Supervisors)

The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

2. Eight staff members are bilingual. Correctional Officers work 12-hour shifts, with a minimum of eight officers per shift.

Response: (Board of Supervisors)

The Board of Supervisors agrees with this finding.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

3. The capacity of the MCJ is 305 inmates. In 2007 the average inmate population was 268. In January 2007 the population was 236, and in October 2007 the population was 294.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

4. Building 1 holds the booking area, holding cells, and sally port.¹ The recent renovation of Building 1 included replacement of the sally port, and the addition of three more holding and security cells, which comply with both the ADA (Americans with Disability Act) and Title 24 (State guidelines on construction of jails). Construction included an interview room, a non-contact attorney room, and an open-air sally port.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

5. The Mendocino County General Services Agency assigned one full-time maintenance person to the jail, due to continuing maintenance problems. Last year's Grand Jury reported two full-time maintenance personnel were assigned to the jail.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

¹ A sally port is a secure area used to move prisoners between a vehicle and the jail.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

6. Inmate housing consists of seven units for males and two separate units for females. Temporary beds are placed in the common area when the capacity is exceeded.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

7. Security cameras monitor the doors and common areas.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

8. The cells are either single, double, triple occupancy, or barracks style.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

9. All inmates are allowed exercise privileges, but inmates in "lock-down," are only allowed out of their cells 30 minutes per day.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

10. Inmates are segregated based on history and type of crime committed, previous incarceration, gang affiliations and violent tendencies.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

11. Coveralls are color coded to easily identify inmate types. Green is for sentenced inmates, orange is for un-sentenced inmates, white is for protective custody inmates, and red is for administrative segregation inmates (ADSEG—violent or high risk).

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

12. Inmates who exhibit good behavior may work while in jail. Opportunities include the kitchen, laundry, garden, and “work crew.” The “work crew” provides labor anywhere in the county, and is supervised by correctional officers.

Response: (Board of Supervisors)
The Board of Supervisors disagrees in part with this finding, per the Sheriff’s response.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer disagrees in part with this finding, per the Sheriff's response.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff disagrees in part with this finding. Only sentenced inmates are eligible for work crew assignments. The crews are supervised by non-sworn personnel, not correctional officers. Off-site work crews are supervised by an employee of the department or agency that is utilizing the crew.

13. The kitchen staff prepares 270 to 300 meals three times a day. Breakfast is prepared the night before and served in the morning. A supervisor and two cooks oversee and direct inmate labor. Inmates eat meals in their housing units.

Response: (Board of Supervisors)

The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

14. The kitchen facilities and food storage areas were observed to be clean and sanitary.

Response: (Board of Supervisors)

The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

15. A registered dietician oversees and approves the menu, which is prepared by the kitchen manager. The menu is rotated monthly.

Response: (Board of Supervisors)

The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer agrees with this finding.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

16. Special diets are prepared for inmates with special needs.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

17. Kitchen personnel and inmate helpers were observed to be clean. They were dressed in white and wore gloves and hair nets.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

18. Food vendors bid on contracts to supply food. The contract might not go to the low bidder because of quality concerns.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

19. The garden is certified organic, overseen by a professional horticulturalist, and the produce is either used in the kitchen or donated to various community service providers.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

20. The laundry facility is adequate for the inmate population. Trip hazards were observed in the laundry room and on the sidewalk outside the entrance.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

Response: (Mendocino County General Services Agency Director)
The GSA Director agrees with this finding.

21. The air in the booking area was hot and stifling. Staff responded to questions regarding the poor air quality, saying that the heat and air conditioning system is inefficient and temperatures vary widely from room to room.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

Response: (Mendocino County General Services Agency Director)
The GSA Director agrees with this finding.

22. Inmates with medical needs are identified at the sally port before they are booked.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

23. Mendocino County contracts with California Forensic Medical Group to provide medical care at the jail. The medical center staff at the MCJ comprises: a general practitioner working two days a week, one part-time dentist, one health service administrator registered nurse, who is the program manager, one *sick call* registered nurse, one full-time administrative assistant, and two licensed vocational nurses.

Response: (Board of Supervisors)

The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

24. Mental Health Branch uses Mendocino County general funds to provide one part-time psychiatrist and one full-time psychiatric registered nurse to the jail.

Response: (Board of Supervisors)

The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

25. Mental Health, in conjunction with the Sheriff's Department, applied and received a Department of Justice federal grant for one full-time person to institute the "Bridge Program".

Response: (Board of Supervisors)

The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

26. The "Bridge Program" entails the sharing of personal medical information between the jail and the Mental Health Branch. To participate, an inmate must sign the "Permission to Share Personal Medical Information and Records" form.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

27. In 2007, the psychiatrist made 1,385 visits and the mental health nurse made 4,184 visits. Distributing medicine is not counted as a visit.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

28. The jail population has a higher frequency of medical and mental problems than the general population; thus requiring extensive medical and mental health services. Data indicate the following communicable diseases: one positive test for tuberculosis, 23 cases of sexually transmitted diseases, 10 cases of lice or scabies, and 63 cases of drug resistant staphylococcus.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

29. Abuse of alcohol and other drugs was cited as the primary reason for medical services required by incoming MCJ inmates.

Response: (Board of Supervisors)

The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

30. Medical staff stated that the closure of Mental Health's Psychiatric Health Facility in 2000 has caused an increase in the number of persons with mental disorders who are incarcerated.

Response: (Board of Supervisors)

The Board of Supervisors has insufficient information to agree or disagree with this finding.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer has insufficient information to agree or disagree with this finding.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

31. There is a Work Furlough Program in which the inmates leave the jail for their jobs in the morning and return to jail after the workday is over. This provides an opportunity for the inmates to receive work experience and it reduces the number of inmates at the jail site during the day.

Response: (Board of Supervisors)

The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

32. The Work Release Program administered by the Probation Department reduces jail population by having adult offenders serve their sentence while remaining in the community.

Response: (Board of Supervisors)

The Board of Supervisors disagrees in part with this finding, per the Sheriff's response.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer disagrees in part with this finding, per the Sheriff's response.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff disagrees in part. The Work Release Program is administered by the Sheriff's Office.

33. The Home Detention Program allows an individual to stay at home wearing an electronic monitoring ankle bracelet. The inmate must pay a daily fee to participate.

Response: (Board of Supervisors)

The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

34. An Incentive Program, through an agreement with the Superior Court Judge and the Sheriff's Office, encourages an inmate to obtain a General Education Diploma (GED) and/or a Life Skills Program Certificate, which will reduce their sentence by five days for each achievement.

Response: (Board of Supervisors)

The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

35. A library is available with books donated by Mendocino Book Store, Ukiah's Friends of the Library and private donors.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

36. A law library is provided in Building 1 to ensure all inmates have full access to legal information, as prescribed by law. Access requires good behavior and an appointment is necessary.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

37. Computers and tapes are available in the education center. There is no internet access.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

38. Programs include Adult School, Narcotics Anonymous, Alcoholics Anonymous and Life Skills. Counseling and religious services are also available. Participation is voluntary.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

39. The Mendocino County Office of Education provides adult education classes with an emphasis on obtaining a GED.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

40. Correspondence courses are available for un-sentenced inmates and inmates who cannot leave their housing units.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

Evidence Room

41. The Grand Jury visited the evidence room August 28, 2007. The Mendocino County Sheriff's Office central evidence facility, located in Ukiah, is the depository for most evidence collected from crime scenes.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

42. Budgeted staff consists of one and one-half positions.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

43. This facility also processes evidence such as fingerprints, shoe prints, tire treads, etc. Some evidence is sent for testing to outside facilities.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

44. Evidence room personnel strictly control all evidence. This fulfills the need to maintain the “chain of evidence” necessary for criminal prosecutions.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

45. All records of evidence are kept by hand on paper.

Response: (Board of Supervisors)
The Board of Supervisors disagrees in part with this finding, per the Sheriff’s response.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer disagrees in part with this finding, per the Sheriff’s response.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff disagrees in part with this finding. Deputies enter property and evidence information into our records management software. This information is searchable. There is an evidence tracking module but it is not currently used.

Response: (District Attorney, Mendocino County)

Finding number 45 states that: "All records of evidence are kept by hand on paper." Without further information I can neither agree nor disagree with this finding. The tracking systems used at the Sheriff's Evidence & Property facility are the responsibility of the Sheriff.

46. Purging of evidence is a laborious task. Evidence may not be disposed of until there is final disposition of a case, which means the inmate must complete their sentence. Determining when the final disposition has taken place requires intensive investigation by the Evidence Clerk.

Response: (Board of Supervisors)

The Board of Supervisors disagrees in part with this finding, per the responses of the Sheriff and the District Attorney.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer disagrees in part with this finding, per the responses of the Sheriff and the District Attorney.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff disagrees in part with this finding. Purging evidence is a laborious task, but the statement about final disposition of a case is incorrect. Final disposition of a case must consider a multitude of factors, including, but not limited to the nature of the offense; whether it is within the statute of limitations for prosecution; has the case been rejected for prosecution, and, if so, will there be additional investigation; is the case under appeal; has the item been forfeited; is it subject to destruction; is the owner prohibited from possessing the item; and has it been released by the court or the District Attorney. Purging is made more laborious by the volume of evidence that must be maintained and the lack of adequate staff to handle the workload.

Response: (District Attorney, Mendocino County)

Finding number 46 states that: "Purging of evidence is a laborious task. Evidence may not be disposed of until there is final disposition of a case, which means the inmate must complete their sentence. Determining when the final disposition has taken place requires intensive investigation by the Evidence Clerk." I disagree in part with this finding.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

I agree that purging of evidence is a laborious task and requires intensive investigation by the Evidence Clerk.

I do not agree that final disposition of a case means that the inmate must complete their sentence. Many defendants are not sentenced to the jail, or once they have completed their sentence, remain on probation; consequently, the case is not "final."

To determine final disposition of a case for evidence retention/destruction purposes, many different circumstances determine the outcome, such as:

1. Post conviction
2. Post dismissal
3. Case not filed
4. DNA/Biological evidence
5. Sexually Violent Predators (SVP cases)
6. Domestic Violence/Elder Abuse/Child Abuse
7. Juvenile case
8. Drug diversion cases
9. Bench warrant vs. arrest warrant
10. Search warrant
11. General purge considerations
 - A) Statute of limitations considerations
 - B) Agency may initiate
 - C) Currency
12. Photograph and release option

47. Depending on what it is and how it was obtained, items held at this facility must be kept until the court orders its disposal or it is released by the District Attorney.

Response: (Board of Supervisors)

The Board of Supervisors disagrees in part with this finding, per the responses of the Sheriff and the District Attorney.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer disagrees in part with this finding, per the responses of the Sheriff and the District Attorney.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff disagrees in part with this finding, for the same reasons as stated in my response to Finding #47.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

Response: (District Attorney, Mendocino County)

Finding No. 47 states: "Depending on what it is and how it was obtained, items held at this facility must be kept until the court orders its disposal or it is released by the District Attorney." I disagree with this finding.

Some evidence may be released by court order or released by the District Attorney. For other matters, the statute of limitations or the type of crime (Domestic Violence/Elder Abuse/Child Abuse) may guide evidence destruction. Also, the nature of the evidence (DNA/Biological) may determine how long the evidence must be retained.

48. Evidence room operations, including purging and disposition of evidence, require greater staff time than is presently available.

Response: (Board of Supervisors)

The Board of Supervisors has insufficient information to agree or disagree with this finding.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer has insufficient information to agree or disagree with this finding.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

Response: (District Attorney, Mendocino County)

Finding number 48 states that: "Evidence room operations, including purging and disposition of evidence, require greater staff time than is presently available." I agree with this finding.

49. The evidence room requires refrigeration for certain evidence. At present, the refrigeration and freezer units are aging and the capacity is insufficient.

Response: (Board of Supervisors)

The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

50. There is no generator to maintain electricity for refrigeration in case of power outage.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

51. Staff and others state that the odor from marijuana stored in the evidence room is pungent and the ventilation system is insufficient to clear the odor from the facility. Stored marijuana may mold and can cause respiratory illness.

Response: (Board of Supervisors)
The Board of Supervisors has insufficient information to agree or disagree with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer disagrees has insufficient information to agree or disagree with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff disagrees with this finding. There should not be any marijuana stored in central evidence. The Sheriff's Office maintains a separate facility for this purpose. If there is marijuana stored in central evidence, then it is the responsibility of evidence personnel to transfer the material to the proper facility.

Response: (Mendocino County General Services Agency Director)
The GSA Director agrees with this finding.

52. There are no fireproof containers for files, 911 tapes, fingerprint cards, or other flammable evidence.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

53. Evidence in dismissed cases can be returned to the owner. A court order is required to return certain evidence, such as marijuana, weapons, or any evidence obtained by search warrant.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding, per the Sheriff's response.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding, per the Sheriff's response.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff generally agrees with this finding, but again it is an oversimplification of a complex topic.

Mendocino County Courthouse Holdings Cells

54. On May 13, 2008, the Grand Jury visited the four Courthouse holding cells used to hold prisoners awaiting court hearings. They were found to be clean and in good working order.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

55. One cell has a privacy screen between the toilet and sink for female inmates.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

56. Each cell is equipped with a fire sprinkler.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

57. Prisoners who are transported and held must be kept separate according to the color designation of their coveralls.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

58. When there is a jury trial, the presiding judge may order that the inmate wear street clothes, rather than jail colored coveralls. A prisoner changes from the colored coveralls to street clothes at the jail.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)
The Mendocino County Sheriff agrees with this finding.

59. There is an attorney-inmate interview room in the holding cell area.

Response: (Board of Supervisors)
The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)
The Chief Executive Officer agrees with this finding.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

60. All prisoners are transported by correctional officers, who are mostly working on overtime. There must be more than one officer if there are five or more general population inmates being transported.

Response: (Board of Supervisors)

The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

61. Prisoners are usually in the holdings cells for about 30 minutes before their court hearing, although they may remain there longer.

Response: (Board of Supervisors)

The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

62. A small area in the ceiling at the end of the hall in the holding cell facility is deteriorating.

Response: (Board of Supervisors)

The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

63. Mirrors are used to monitor the hall area, but direct visual observation of inmates is required at least twice every half hour. The correctional officer cannot leave the holding cell area while inmates are present.

Response: (Board of Supervisors)

The Board of Supervisors agrees with this finding.

Response: (Mendocino County Chief Executive Officer)

The Chief Executive Officer agrees with this finding.

Response: (Mendocino County Sheriff)

The Mendocino County Sheriff agrees with this finding.

Recommendations

The Grand Jury recommends that:

1. Mendocino County General Services Agency repair the laundry room floor and the sidewalk outside the laundry room entrance; (Finding 20)

Response: (Board of Supervisors)

This recommendation has been partially implemented and will be completed by the General Services Agency no later than October 31, 2008.

Response: (Mendocino County Chief Executive Officer)

This recommendation has been partially implemented and will be completed by the General Services Agency no later than October 31, 2008.

Response: (Mendocino County Sheriff)

This recommendation is directed to the General Services Agency. It has been partially implemented. The raised area has been ground down so that it presents less of a trip hazard.

Response: (Mendocino County General Services Agency Director)

The GSA Director agrees with this recommendation and plans to repair the laundry room floor and sidewalk outside the laundry room entrance by October 31, 2008.

2. General Services Agency investigate the ventilation system at MCJ in Building 1 and make necessary changes to ensure adequate air flow and quality and to stabilize the unequal temperature from room to room; (Finding 21)

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

Response: (Board of Supervisors)

This recommendation has been implemented per the General Services Agency Director's response.

Response: (Mendocino County Chief Executive Officer)

This recommendation has been implemented per the General Services Agency Director's response.

Response: (Mendocino County Sheriff)

This recommendation is directed to the General Services Agency. The problem is the result of poor building design, not a lack of maintenance.

Response: (Mendocino County General Services Agency Director):

The GSA Director agrees with this recommendation and has replaced the HVAC.

3. General Services Agency improve air quality and ventilation in the evidence room; (Finding 51)

Response: (Board of Supervisors)

This recommendation requires further analysis to determine feasibility of improving evidence room ventilation.

Response: (Mendocino County Chief Executive Officer)

This recommendation requires further analysis to determine feasibility of improving evidence room ventilation.

Response: (Mendocino County Sheriff)

This recommendation is directed to General Services Agency.

Response: (Mendocino County General Services Agency Director)

The GSA Director agrees with this recommendation in part. The only way to correct the situation would be to build a new facility or add to the existing facility, which would be subject to funding by the Board of Supervisors.

4. Mendocino County Mental Health Branch and Sheriff's Department re-apply for a Federal Grant from the Department of Justice for one full-time person to continue the "Bridge" program; (Findings 25, 26)

Response: (Board of Supervisors)

This recommendation will not be implemented because it is not cost-effective to do so.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

Response: (Mendocino County Chief Executive Officer)

This recommendation will not be implemented because it is not cost-effective to do so.

Response: (Mendocino County Sheriff)

This recommendation will not be implemented because it is not reasonable. The terms of the grant would impose a higher cost to the county than if the program was run with general funds alone.

5. Mendocino County Board of Supervisors fund one full-time person for the "Bridge" program, if no grant can be obtained; (Findings 25, 26)

Response: (Board of Supervisors)

This recommendation requires further analysis as there are insufficient county funds to add staff this fiscal year.

Response: (Mendocino County Chief Executive Officer)

This recommendation requires further analysis as there are insufficient county funds to add staff this fiscal year.

Response: (Mendocino County Sheriff)

I agree with this recommendation, but it is directed to the Board of Supervisors.

6. Board of Supervisors budget for one additional position for the evidence room; (Findings 42, 46, 48)

Response: (Board of Supervisors)

This recommendation requires further analysis as there are insufficient county funds to add staff this fiscal year.

Response: (Mendocino County Chief Executive Officer)

This recommendation requires further analysis as there are insufficient county funds to add staff this fiscal year.

Response: (Mendocino County Sheriff)

I agree with this recommendation, but it is directed to the Board of Supervisors.

7. Board of Supervisors budget funds for a bar coding system for the Sheriff's main evidence room; (Finding 45)

Response: (Board of Supervisors)

This recommendation requires further analysis of the system design, initial and ongoing costs, and financial feasibility.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

Response: (Mendocino County Chief Executive Officer)

This recommendation requires further analysis of the system design, initial and ongoing costs, and financial feasibility.

Response: (Mendocino County Sheriff)

I agree with this recommendation, but it is directed to the Board of Supervisors.

Response: (District Attorney, Mendocino County)

Recommendation number 7 states that: "Board of Supervisors budget funds for a bar coding system for the sheriff's main evidence room."

This recommendation is directed to the Board of Supervisors and Sheriff.

8. Mendocino County District Attorney's office notify the Sheriff's main evidence room when there is final disposition of a case; (Findings 46-48)

Response: (Board of Supervisors)

This recommendation requires further analysis per the District Attorney's response.

Response: (Mendocino County Chief Executive Officer)

This recommendation requires further analysis per the District Attorney's response.

Response: (Mendocino County Sheriff)

This recommendation is directed to the District Attorney. I agree with her response.

Response: (District Attorney, Mendocino County)

Recommendation number 8 states that: "Mendocino County District Attorney's office notify the Sheriff's main evidence room when there is final disposition of a case." In accordance with District Attorney policy, our office will/does notify the Sheriff's Department when a case is "final." Due to our inadequate case management system, this task is problematic and difficult. For example, there is no way to track cases on appeal, except by hand. Similarly, in our case management system there is no way to track the cases for the appeals time to run.

To be able to achieve the ability to consistently provide reliable information to the Sheriff's Department, we need additional personnel and a new case management system. We would need another clerk to pull files daily for review to determine whether an appeal has been filed.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

Importantly, the District Attorney has no way of tracking cases for which no case has been filed with the court (i.e. rejected cases, cases for which no suspect has been identified, etc.) Consequently, the District Attorney's Office is not capable of providing all final disposition of cases, because we do not have any information upon which to make a determination.

9. Mendocino County Sheriff investigate the use of asset forfeiture funds for the bar coding system, refrigerator/freezer replacement and a generator for back-up power. (Findings 45, 48, 49).

Response: (Board of Supervisors)

This recommendation will be implemented in the future per the Sheriff's response.

Response: (Mendocino County Chief Executive Officer)

This recommendation will be implemented in the future per the Sheriff's response.

Response: (Mendocino County Sheriff)

This recommendation has not yet been implemented but will be implemented in the future subject to the availability of asset forfeiture funds. Installation of a suitable refrigerator/freezer and generator will require permission from the property owner. I will provide the Grand Jury with a progress report on this recommendation within the next six months.

Response: (District Attorney, Mendocino County)

Recommendation number 9 states that: "Mendocino county sheriff investigate the use of asset forfeiture funds for the bar coding system, refrigerator/freezer replacement and a generator for back-up power."

This recommendation is directed to the Sheriff.

Comments

The Mendocino County Jail is not a great place to be, but the facility offers many programs that may make an inmate less likely to return. Especially notable, is the encouragement by staff that inmates utilize the opportunity to achieve academic and life skills. These programs may reduce recidivism.

The correctional officers and their staff are maintaining a safe and functional environment for the staff and inmates. The MCJ operates under the same minimal budget as other County departments.

Combined Response:
Mendocino County Board of Supervisors
Mendocino County Chief Executive Officer
Mendocino County General Services Agency Director
Mendocino County Sheriff
Mendocino County District Attorney

Required Responses

Board of Supervisors (All Findings; All Recommendations)

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

Mendocino County Sheriff (All Findings; All Recommendations)

District Attorney, Mendocino County (Finding 45-48; Recommendations 7 and 9)

Mendocino County General Services Agency Director (Findings 20-21, 51; Recommendations 1-3)