

THOMAS D. ALLMAN
Sheriff-Coroner



Undersheriff Gary Hudson

Captain Kevin Broin
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Captain Tim Pearce
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County of Mendocino Office Of The Sheriff-Coroner

August 11, 2008

Honorable Cindee Mayfield, Presiding Judge
Superior Court of California
County of Mendocino
County Courthouse
Ukiah CA 95482

RE: Response to Report of the 2007-2008 Grand Jury

Dear Judge Mayfield:

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

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

The Grand Jury requires me to respond to all of its findings and recommendations. My responses are as follows.

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 Office Assistant II, who manages the inmates funds*

Sheriff's Response: I agree with this finding.

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

I agree with this finding.

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

I agree with this finding.

4. ***Building 1 holds the booking area, holding cells, and sally port. 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.***

I agree 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.***

I agree 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.***

I agree with this finding.

7. ***Security cameras monitor the doors and common areas.***

I agree with this finding.

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

I agree 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.***

I agree with this finding.

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

I agree 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).***

I agree 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.***

I disagree 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.***

I agree with this finding.

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

I agree with this finding.

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

I agree with this finding.

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

I agree 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.***

I agree 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.***

I agree 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.***

I agree 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.***

I agree 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.***

I agree with this finding.

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

I agree 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.***

I agree 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.***

I agree 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."***

I agree 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.***

I agree 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.***

I agree 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.***

I agree with this finding.

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

I agree 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.***

I agree 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.***

I agree with this finding.

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.***

I disagree 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.***

I agree 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.***

I agree with this finding.

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

I agree 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.***

I agree with this finding.

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

I agree 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.***

I agree with this finding.

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

I agree with this finding.

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

I agree 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.***

I agree with this finding.

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

I agree 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.***

I agree 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.***

I agree with this finding.

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

I disagree 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.

- 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.***

I disagree 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.

- 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.***

I disagree in part with this finding, for the same reasons as stated in my response to Finding #47.

- 48. *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.***

I agree with this finding.

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

I agree 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 clear the odor from the facility. Stored marijuana may mold and cause respiratory illness.***

I disagree 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.

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

I agree 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.***

I generally agree with this finding, but again it is an oversimplification of a complex topic.

Mendocino County Courthouse Holding 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.***

I agree with this finding.

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

I agree with this finding.

- 56. *Each cell is equipped with a fire sprinkler.***

I agree with this finding.

- 57. *Prisoners who are transported and held must be kept separate.***

I agree 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.***

I agree with this finding.

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

I agree 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.***

I agree 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.***

I agree with this finding.

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

I agree with this finding.

- 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.***

I agree with this finding.

Recommendations

- 1. *Mendocino County General Services Agency repair the laundry room floor and the sidewalk outside the laundry room entrance;***

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.

- 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;***

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

- 3. *General Services Agency improve air quality and ventilation in the evidence room;***

This recommendation is directed to General Services Agency.

- 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;***

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.***

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;***

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;***

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

8. ***Mendocino County District Attorney's Office notify the Sheriff's main evidence room when there is final disposition of a case;***

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

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.***

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.

Should you or the Grand Jury have questions about any of my responses, please do not hesitate to contact me or my Undersheriff, Gary Hudson.

Sincerely,



THOMAS D. ALLMAN
Sheriff-Coroner

Cc: Dennis Scoles, Grand Jury Foreman
Jim Wattenburger, Chair – Board of Supervisors
Tom Mitchell, County CEO
Jeanine Nadel, County Counsel
Meredith Lintott, District Attorney