

Mendocino County Jail

Understaffing in the Mendocino County Jail (Jail) as well as the continuous cleaning and maintenance problems of the facility, referred to in past Grand Jury reports (1997–2000), are an ongoing concern and are being resolved. Two recommendations from the 1999–2000 Final Report have not yet been implemented.

Method of Investigation

The Grand Jury reviewed 1997–2000 Grand Jury reports, recommendations and County and Sheriff responses, citizens' complaints, the Board of Corrections' (BOC) Biennial Inspection for September 2000 and the Sheriff's response, Jail and Rehabilitation Center Report 2510, and Sheriff's Office Termination Analysis—January 1990 through February 2000. The Grand Jury toured the Jail and interviewed Jail classroom and kitchen staff, Jail inmates, Sheriff, Jail Commander, Buildings and Grounds Department (Buildings and Grounds) Supervisor, and citizens with law enforcement experience. The Grand Jury reviewed Penal Code §4000 et seq. and California Code of Regulations §1027.

Background Information

The Grand Jury is charged with the responsibility of conducting an oversight of the Jail annually (California Penal Code §919 (b)). The Jail, operated by the Sheriff, holds a maximum of 296 inmates.

The 1999–2000 Grand Jury Final Report had ten recommendations for the Jail. The Sheriff's response to the Grand Jury Report stated that eight had already been implemented. Two recommendations and responses are as follows:

- ❑ “Maintenance Recommendation” number 3 stated: “Inmate Welfare Trust Fund should be used for Jail maintenance when the Sheriff deems it appropriate.”

The Sheriff responded: “This recommendation requires further analysis, including a formal legal opinion from County Counsel. A request for an opinion will be submitted within the next 30 days. A fiscal analysis is also needed to identify how much of the inmate welfare fund can be identified as ‘...not needed for the welfare of the inmates...’ (Penal Code §4025(e)). No policy changes are needed to allow Buildings and Grounds to bill the Sheriff's Office for maintenance services.”

The Board of Supervisors (Board) deferred to the Sheriff for examination of the matter.

- ❑ “Staffing Recommendation” number 3 stated: “The Grand Jury continues to insist that the County provide adequate private space for attorney/inmate interviews at the Courthouse.”

The Sheriff responded: “This recommendation has not yet been implemented, but work is underway to implement it in the near future. Discussions are underway with Buildings & Grounds and the department that vacated the office space next to the courthouse holding cells. If the space can be secured, I will be requesting that work commence immediately to reconfigure the space for attorney/client interviews.

The Board stated: “The Board agrees with this recommendation. Buildings and Grounds is examining the facility to determine if the recently vacated office space can be used as an attorney/inmate interview room.”

Findings

- 1. The Grand Jury determined that the Jail and Jail facilities are operating effectively. The implementation of eight of the 10 recommendations of the 1999-2000 Final Report shows that the Sheriff has made substantial improvements in the conditions of the Jail.**

Response (Sheriff): I agree with this finding.

Response (Board of Supervisors): The Board agrees with this finding. The Sheriff has worked hard in complying with the recommendations of the Grand Jury.

- 2. Jail improvements implemented following Grand Jury recommendations include:**

- a. Previous Grand Juries recommended that staffing be brought to full complement. Pursuant to the BOC Biennial Inspection of September 12, 2000, the optimum number of Correctional Deputies (line staff) is 54. Currently the Board is funding only 44 line staff positions, 43 of which have been filled, versus 34 filled positions one year ago. The Board still has not funded a full staff at the Jail.**

Response (Sheriff): I disagree with this finding only insofar as the staffing level required by the Board of Corrections. The Grand Jury apparently misinterpreted a statement included in the September 2000 inspection report, which noted that the jail has a complement of 44 line staff and 10 vacancies. At the time of the BOC inspection, 57 Corrections Deputy positions were allocated, 44 were funded, but only 34 were filled. According to a staffing analysis prepared by the Board of Corrections in 1995, the Mendocino County Jail requires 57 Corrections Deputies to support all jail functions within the existing physical plant.

Response (Board of Supervisors): The Board agrees with the response provided by the Sheriff. The Board has allocated the 57 deputies required by the Board of Corrections. Our goal, within our fiscal constraints, is to fund all 57 deputies. The

Board has also taken steps to retain existing staff by implementing the recent class and compensation study.

- b. **Continuous cleaning and maintenance are ongoing necessities in the Jail, and improvement has been accomplished by the assignment of one full-time maintenance position. Communications with the Buildings and Grounds has improved and ongoing supplies for parts and repairs are stocked. Repairs are being done in a timely manner and active logs are being kept.**

Response (Sheriff): I agree with this finding.

Response (General Services): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding. Along with the Sheriff, Buildings and Grounds has worked hard to keep the Jail clean and keep repairs timely.

3. **As of May 28, 2001, the Sheriff has not requested a legal opinion from County Counsel about using the Inmate Welfare Trust Fund for Jail maintenance, even though his response was that he would request it within 30 days. In the meantime, the Sheriff is interpreting Penal Code §4025 to not use the funds for Jail maintenance. There is no evidence that the Sheriff has conducted a fiscal analysis of the \$140,000 balance to identify possible funds available.**

Response (Sheriff): I agree with this finding. Due to an oversight by a member of my staff, the opinion was not requested. On July 26, 2001, my office sent a formal request for opinion to County Counsel. I received the opinion on August 1, 2001. It states that inmate welfare funds may be used for jail maintenance "...so long as the funds truly are not needed for the welfare of the inmates." A copy of the complete opinion is attached. Staff has begun a fiscal analysis to identify what portion of the fund is not needed for inmate welfare programs.

Response (Board of Supervisors): The Board agrees with this finding and the response provided by the Sheriff.

4. **There is still no private space set aside at the Courthouse for attorney-inmate interviews; however, since the 1999–2000 Grand Jury Final Report was published the Jail has established three rooms at the Jail for attorney–inmate interviews. The Sheriff’s Office is continuing to work with Buildings and Grounds to establish this private space in the Courthouse.**

Response (Sheriff): I agree with this finding. Space has been secured on the ground floor of the courthouse immediately adjacent to the courthouse holding cells. Renovation of the existing space is scheduled to begin in August 2001.

Response (General Services): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding and the response provided by the Sheriff. Renovation of space adjacent to the holding cells for attorney-client interviews in the basement of the Courthouse is scheduled for this summer.

Recommendations

A. The Sheriff immediately request County Counsel opinion directly on the question, may the Welfare Trust Fund be used for Jail maintenance? (Finding 3)

Response (Sheriff): The recommendation has been implemented. On July 26, 2001, my office sent a formal request for opinion to County Counsel. On August 1, 2001, I received opinion #01-614, which states that inmate welfare funds may be used for jail maintenance "...so long as the funds truly are not needed for the welfare of the inmates. A copy of the opinion is attached.

Response (Board of Supervisors): The Board agrees with the response provided by the Sheriff. The inmate welfare fund may be used for jail maintenance under certain circumstances.

B. Sheriff conduct the fiscal analysis he referred to in his response. (Finding 3)

Response (Sheriff): The recommendation has been implemented. My staff is currently analyzing the inmate welfare fund to identify what portion of the fund is "...not needed for the welfare of the inmates." (Penal Code §4025(e). This is not a simple analysis. It must consider inmate welfare programs currently in place, programs in development and programs identified as desirable but not immediately deliverable given existing constraints on staffing, facilities or equipment. If and when excess funds are identified, I believe the first priority for expenditure should be for the repair of intentional damage to the jail caused by inmates. Taxpayers should not have to bear this cost.

Response (Board of Supervisors): The Board agrees with the response provided by the Sheriff. The Board welcomes the findings from the Sheriff on the uses of the Welfare Trust Fund.

C. The County implement the recommendation from the 1999-2000 report to provide a private room at the Courthouse for attorney/inmate interviews. (Finding 4)

Response (Sheriff): The recommendation has not yet been implemented but will be in the future. Renovation of an existing space adjacent to the courthouse holding facility will begin in August 2001.

Response (General Services): The Department agrees with this recommendation. Buildings and Grounds is currently working with the Sheriff, the District Attorney, and Courts to rearrange space in the Courthouse to allow for the development of a private attorney/inmate interview area adjacent to the inmate holding cells on the ground floor of the Courthouse. We expect the project to be completed by October 31, 2001.

Response (Board of Supervisors): The Board agrees with the response provided by the Sheriff. Renovation of space in the basement of the Courthouse for attorney-client interviews will begin this summer.

Response Required

Mendocino County Board of Supervisors (Recommendation C)
Mendocino County Sheriff (Recommendations A-C)

