

# 2012 – 2013 GRAND JURY FINAL REPORT

## JUR-2012-2013-003 Trinity County Detention Facility: *“An Arrested State of Decay!”*

Board of Supervisors’ Response

County Administrative Officer’s Response

County Sheriff’s Response



## TRINITY COUNTY

TRINITY COUNTY GRAND JURY

P.O. Box 2308  
Weaverville, CA 96093

**Date:** June 20, 2013

**TO:** Judge Elizabeth Johnson, Presiding Judge  
Trinity County Superior Court

**FROM:** Pat Frost, Foreperson  
Trinity County Grand Jury

**SUBJECT:** Judicial Committee **JUR-2012-2013-003 Trinity County Detention Facility:**  
**An Arrested State of Decay**

Enclosed for your review is a copy of the subject report that was prepared by the Civil Grand Jury's Judicial Committee.

After you have completed your review, please initial and forward copies of the report to the appropriate parties indicated in the "Responses Required" section. For ease in correlating the Responses to the Findings, we are requesting that this cover Transmittal be attached to the Report when it is distributed and that all responses quote the Report number and Report title as shown above. Additionally we ask that respondents provide electronic copies of their responses to streamline the production of the 2012-13 Final Report.

Thank you for your timely review. If you have any questions, please contact me at 739-3160.

Enclosure: **JUR-2012-2013-003 Trinity County Detention Facility:**  
**An Arrested State of Decay**

TRINITY COUNTY GRAND JURY  
2012-2013

Judicial Committee  
Final Report

Trinity County Detention Facility  
**An Arrested State of Decay!**  
**JUR-2012-2013-003**

**Approved June 20, 2013**

Patrick Frost  
Foreperson

# **Trinity County Grand Jury Report 2012-2013**

## **Trinity County Detention Facility (Jail)**

### **Summary**

The Trinity County Grand Jury for 2012-2013 conducted a tour of the Trinity County Detention Facility as required by the California Penal Code, Section 919(b), which states "The Grand Jury shall inquire into the condition and management of the public prisons within the County." The tour was conducted by Sgt. Peter Braga of the Trinity County Sheriff's Department. The tour was held on January 15, 2013. A follow-up tour was conducted on March 4, 2013 with a further follow-up meeting with Sheriff Bruce Haney and Sgt. Peter Braga.

The financial coffers of Trinity County have been whittled away to almost non-existent. The members of the Grand Jury found that the condition of the County Jail facility can best be described as being in an "an arrested state of decay." As unacceptable as the condition of the jail may be, the condition was not unexpected given the findings of previous Grand Juries.

Among the shortcomings of the jail facility the list of non-compliant items is all but overwhelming. However, considering the condition of the jail, the lack of funding both in the past and in the foreseeable future, and the increased demand for a larger capacity facility, the jail staff is to be commended for continuing to strive for improved services to both the County and the inmates when there seems to be no end in sight for the primary problem of virtually no increased funding and an aging facility.

### **Background**

The jail was built 36 years ago and expanded in 1991. While the General Plan for Trinity County indicates that a new jail is to be built near the Juvenile Detention Facility near the county airport in Weaverville, the county simply does not have the financial capability of building a new facility the estimated cost of which would exceed \$25,000,000.

### **Method of Investigation**

1. Jail tour/inspection (there were actually two tours to allow for greater participation by members of the Grand Jury due to conflicting schedules)
2. Review of previous Grand Jury Reports
3. Interviews with jail and Sheriff's Department Staff.

## Discussion

The previous two Grand Jury reports have both put forth a virtual litany of findings and recommendations to bring the jail into compliance with requirements put forth by the State of California's Department of Corrections and Rehabilitation. The most compelling findings begging for correction are summarized below:

### Concerns delineated in 2010-11, 2011-12 Grand Jury Reports & Reiterated in the 2012-13 Report

- The jail is rated to hold a total of 22 inmates at a time. The population was 38 inmates on the day of the first 2013 tour. It was reported by our tour guide that the population had been over 60 in the previous month.
- The video surveillance system has been worked on and currently is working on a very limited basis. While the hardware needed to upgrade and improve the system had been acquired, it has not been installed yet due to infrastructure of the building and a lack of funds. This lack of the ability to monitor all parts of the jail creates a very unsafe situation for the staff as well as the inmates.
- The staffing levels consistently fall below the optimum level of 19. The ripple effect of the inadequate staffing levels creates problems, because there may not be a female on duty when there are female inmates in custody.
- The emergency generator was inoperable for a two-day period. This presents a potential disaster, because the computers that operate the 911 emergency dispatch do not have an adequate uninterrupted battery back-up. Had there been a power failure during the period that the generator was not operable **the entire county would have been without an emergency notification/dispatch system.**
- The environment at the jail is highly detrimental to the wellbeing of both the staff and the inmates. At the time of the tour there was a prisoner who requires supplemental oxygen for a medical condition. The machine that concentrates oxygen was in the hallway of the cell block. The machine creates a very audible and offensive noise 24 hours per day 7 days a week. There is no way to escape the constant drone of the machine and costs preclude mounting the machine in a less offensive spot.
- The exercise area is all but uninhabitable. While in the past efforts have been made to provide an adequate area for physical activity and the mental well being that goes with it, the inmates continue to destroy any and all improvements. Until such time as an adequate surveillance system is installed and the exercise area can be monitored, any improvement to the exercise area or equipment is wasted money.
- There is no evidence of custodial/maintenance support from the county's General Services Department. The presence of even a ½ time custodian would be very helpful in maintaining a "cleaner" environment, and may be very helpful in the defense of the county should a law suit be brought against the county regarding the condition of the jail.

- The lack of capital and infrastructure improvement also has detrimental effects on the staff in lower pay, longer hours, unpredictable future and inadequate training. The guards are paid approximately \$12.50 per hour. Just a little over ½ of the hourly wage for a Caltrans highway maintenance worker. The low pay makes keeping well qualified employees very difficult, if not impossible.
- It was noted that for this year and all of the previous three years the “female” inmate facilities of the jail have not been included in the tour or the report.
- Recognizing that the funding for the jail is limited to the county general fund, there is very little money available for the necessary improvements of the detention facility and the staff therein.
- Appendix 1 at the end of this report delineates the potential liabilities of counties throughout California for substandard jail facilities. This Grand Jury is also concerned.

### **Conclusion**

The potential financial liability created by the condition of the jail facilities coupled with the inaction of the Board of Supervisors, the County Sheriff and the County administration cannot be overstated. The financial liability to the County through the Board of Supervisors, the Sheriff and the county administration may be catastrophic. Simply washing of one’s hands does not absolve the elected officials and the county of their responsibility with regard to the aging facilities and its impact on staff and inmates. Finding 1 and Recommendation 1 below address a potential path that at least diminishes the liability, and provides a mechanism for thinking strategically for solutions.

### **Findings and Recommendations**

#### **Finding 1**

The County Jail is funded primarily by the County General Fund in a time of diminishing financial resources and many competing needs. This has limited the ability of the County to make the necessary improvements to the facility. Simply not having the funds does not release the county of its obligation to improve the status quo.

#### **Recommendation 1:**

In the litigious state we are in, a well thought plan to address the needs of the jail will go a long way to improve the untenable situation that the jail presents. The Board of Supervisors with the Sheriff should convene an advisory committee to explore funding options and develop a five-year plan for the implementation of improvements to address the needs of the jail facility. This plan could do a great deal to not only improve the condition of the jail but also reduce the potential liability of the county. Putting forth the effort to procure alternative sources of funding combined with incremental improvements will not only help reduce liability of the county it will also improve the jail.

Create a plan to address Finding 1 and provide an update of progress to each future Grand Jury in December of each year.

## **Finding 2**

The new video system has been purchased but is not installed.

### **Recommendation 2:**

Putting the video system into operation should be a top priority. The safety and well being of the employees and inmates is dependant on it.

## **Finding 3**

There is not an adequate battery back-up for the computer-aided dispatch system. The emergency dispatch system needs to have a least two fail safe back-up systems.

### **Recommendation 3:**

Procure an adequate back-up system for the computer-enhanced dispatch system.

## **Finding 4**

The oxygen concentrator is too noisy.

### **Recommendation 4:**

Service or replace it.

### **Responses Required**

In accordance with the California Penal Code Section 933.05 a response is required as indicated below:

<b>Respondent</b>	<b>Findings/Recommendations</b>	<b>Due Date*</b>
Board of Supervisors	1, 2, 3	90 days
Trinity County CAO	1, 2, 3	60 days
Trinity County Sheriff	1, 2, 3, 4	60 days

\*Number of days after filing date of this Grand Jury Report

The governing bodies indicated above should be aware that comment or response of the governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Ralph M. Brown Act.

## **Appendix: 1**

### **Lawsuits Brought Against California County Correctional Facilities**

[www.correctionalnews.com](http://www.correctionalnews.com) (03/27/2013)

SACRAMENTO, Calif. — With Gov. Jerry Brown's AB 109 that sends low-level offenders to county jails rather than state correctional facilities, California county jails have witnessed an influx of lawsuits for alleged unsuitable facilities.

Lawsuits against Alameda, Fresno and Riverside counties have sprung from growing populations that have caused more demands in terms of mental health services.

The Prison Law Office, headquartered in Berkeley, Calif., is heading lawsuits in Fresno and Riverside counties.

Three prisoners from Riverside County filed a class-action lawsuit for allegedly depriving inmates of basic medical and mental health services.

"These people are entirely dependent on the jail for their health care — they have no other options," said Donald Specter, executive director at the Prison Law Office. "The county does not provide the minimal care that the Constitution demands. To leave them in pain, at risk of life-threatening injury and permanent disability is inhumane."

While sheriffs have cited Brown's realignment act as the catalyst to unfit facilities, the Prison Law Office and Disability Rights of California said Riverside and Fresno counties lack of mental health services is the responsible party in these cases.

"Since Fresno has radically cut back outpatient mental health services, the jail has become a costly dumping ground for people with mental illness who need care but cannot find it elsewhere," said Rachel Scherer, an attorney at Disability Rights California, in a statement. "It would cost the county far less to provide mental health treatment in the community through alternative diversion programs or supervised release of those who pose a low risk to public safety."

The 3,291-bed county jail is in need of updates to accommodate the growing population, according to Fresno County Sheriff Margaret Mims. At a board of supervisors meeting last week, Mims requested \$80 million in state funding to bring the jail to a 5,000-bed capacity.

About 830 inmates, who would previously be housed in a state facility, now reside in the Fresno County Jail.



According to Nick Warner, legislative director of the California State Sheriff's Association (CSSA), the CSSA is working with legislators and the governor to make revisions to the law.

With already overcrowded county correctional facilities, the realignment law created an increasing burden, Warner said.

"It exacerbates an already existing difficult situation," Warner said.

The Legal Services for Prisoners with Children are currently suing Alameda County for its inability to provide adequate services to inmates with disabilities.

Monterey County is also expecting a lawsuit from San Francisco-based law firm Rosen Bien Galvan & Grunfeld LLP.