

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-3

Urgent Routine

AGENDA DATE September 15, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Consideration and Approval of Response to the 2008-2009 Stanislaus County Civil Grand Jury Final Report

STAFF RECOMMENDATIONS:

1. Accept the responses to the Grand Jury Final Report, with any modifications made after consideration by the Board of Supervisors, and authorize the Chairman to forward the response to the Presiding Judge of the Superior Court.
2. Direct the Chief Executive Officer to ensure that the recommended actions approved by the Board of Supervisors be followed and completed by each County Department and report back to the Board as appropriate.

FISCAL IMPACT:

There is no direct fiscal impact associated with this response. The Final Report of the Civil Grand Jury contains recommendations which vary from the issues examined by the Grand Jury. The Civil Grand Jury is not required to address the funding issues associated with their recommendations; however, the Board of Supervisors and County Departments recognize the broader constraints of implementing recommendations that are beyond the financial resources available to County government.

BOARD ACTION AS FOLLOWS:

No. 2009-625

On motion of Supervisor Grover, Seconded by Supervisor Monteith

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. M-39-L-7

DISCUSSION:

This year the Final Report of the Civil Grand Jury included three case findings associated with Stanislaus County government that require a response from the Board of Supervisors. California Penal Code Section 933(c) states that the Board of Supervisors has 90 days to comment to the Presiding Judge of the Superior Court on the findings and recommendations of the Civil Grand Jury. This agenda item is in response to Cases 09-14C, and 09-18 regarding the Monterey Park Tract Community Services District and the Stanislaus County Departments of Probation and the Sheriff respectively. The Board of Supervisors' response to this case is due by September 28, 2009. The Stanislaus County Chief Probation Officer and Sheriff have responded to the regarding Civil Grand Jury Case #09-18, their responses are attached to this item as Attachment A.

Additionally, Case #09-05C regarding Stanislaus County Economic Development and Workforce Alliance and Case #09-09C Stanislaus County Sheriff's Department were received by the County and required no responses.

Civil Grand Jury Case Monterey Park Tract Community Services District (Case #09-14C)

Findings:

The Civil Grand Jury finds the following:

Finding 1:

The Vice President does not meet the residency requirements.

Response: The County has no information on which it can either agree or disagree with this finding.

Finding 2:

It was determined that a vacancy has existed on the Monterey Park Tract Community Services District for several years.

Response: Agree. On August 15, 2006, the Stanislaus County Board of Supervisors accepted the resignation of Shirley Martinez from the Monterey Park Tract Community Services District. The seat vacated by Ms. Martinez has remained unfilled since that time.

Finding 3:

According to Government Code Section 1780, the vacancy position(s) should have been filled by the governing Service district or the County Board of Supervisors.

Response: Agree.

Finding 4:

County Special District Liaison acknowledged that filling special district vacancies is a recurring problem.

Response: Agree. In general, the filling of special district vacancies is a recurring challenge in Stanislaus County.

Finding 5:

Training for board members offered by Stanislaus County is not mandatory.

Response: Agree.

RECOMMENDATIONS

The Civil Grand Jury recommends the following:

Recommendation 1:

The Civil Grand Jury recommends that the Vice President resign or be removed from office since he does not meet the residency requirement.

Response: The recommendation will not be implemented by the County because it does not have statutory authority or jurisdiction in this matter. This Grand Jury finding and recommendation should be referred to the Vice President and Board of Directors of the Monterey Park Tract CSD, a separate public entity that is independent of Stanislaus County, for consideration and action. The Monterey Park Tract CSD's contact information, per the current records of the Clerk of the Board is:

Monterey Park Tract Community Services District
PO Box 1301
Ceres, CA 95307
(209) 203-4353

Recommendation 2:

Special District Liaison should take a more active role in the operations of Special Districts.

Response: Assuming that the "Special District Liaison" refers to the Community Manager employed by the Stanislaus County Chief Executive Office, the recommendation will not be implemented because the County, and its employees and officers, do not have authority to intercede in the municipal affairs of an independent special district.

As way of background, Community Services District Law (Government Code Section 61000-61850) was created to provide an alternate method of providing services in unincorporated areas. This law allows residents of an unincorporated area to initiate

the formation of a Community Services District (also referred to as CSD). A CSD is authorized to provide a wide variety of services, including water, garbage collection, wastewater management, security, fire protection, public recreation, street lighting, mosquito abatement, conversion of overhead utilities to underground, library services, ambulance services, and graffiti abatement. Once a CSD is formed, the residents elect a board of local residents to oversee CSD management and operations. Through board meetings and local presence, the community has a direct say in what types and levels of service it receives. A district is deemed an "independent special district," as defined by Section 56044, except when a County Board of Supervisors or a City Council is the Board of Directors. Generally, this independent form of local government is able to be much more responsive to a community's needs.

The Monterey Park Tract Community Services District was established on May 29, 1984 by Resolution #84-802 to provide domestic water to the specified area. The Monterey Park Tract CSD is a separate public entity that is independent of Stanislaus County.

Recommendation 3:

Periodic training for Special District Board members be mandatory.

Response: The recommendation will not be implemented by the County because it does not have statutory authority or jurisdiction to mandate District officers to attend training. On the other hand, Stanislaus County will continue to offer training opportunities for all local boards, commissions and special districts, even if attendance is not mandatory. Training opportunities made available includes but is not limited to the AB 1234 Ethics Training offered by the Office of County Counsel and the Clerk of the Board, candidate training provided by the Clerk-Recorder's Office and the professional training opportunities made available through the Annual Community Retreat/Conference hosted by the Stanislaus County Board of Supervisors. Compliance with training requirements is the responsibility of each individual board member.

Recommendation 4:

The governing board for Monterey Park Tract Community Service District and the County Board of Supervisors take action to fill existing vacancies.

Response: The recommendation has not yet been implemented, but will be implemented in the future. When the Stanislaus County Board of Supervisors is notified of a vacancy on the Monterey Park Tract Community Service District, the Clerk of the Board follows Government Code Section 1780 to properly post the vacancy and take the steps required to have either the Monterey Park Tract Community Services District or the Stanislaus County Board of Supervisors fill the vacancy within the appropriate time constraints. In the event that a vacancy is unable to be filled by the specified time frames, it is held vacant until the next district election for local consideration.

Recommendation 5:

If the Board is unable to fill vacancies, the County should consider absorbing the Monterey Park Tract Community Services District into an appropriate existing water district.

Response: The recommendation will not be implemented by the County because it does not have statutory authority or jurisdiction in this matter. Per existing Community Services District law, the Monterey Park Tract Community Services District is a body independent of Stanislaus County. As such, Stanislaus County has no jurisdiction over the District nor can the County take steps to have it be absorbed into another existing water district. Such recommendation should be forwarded directly to the Monterey Park Tract Community Services District for consideration.

Civil Grand Jury 2008-2009 Case #09-18 (Correctional Facilities Inspections)

In the Introduction section of the Correctional Facilities Inspections, the Grand Jury commented on “a practice that the Jury believes ultimately contributes to the continuing deterioration of certain custodial facilities and loss of programs within the County. Financial savings from facilities’ operating budgets that are the result of creative management are returned to the County General Fund and are not available to the facility itself. This practice inhibits incentives to create the most cost effective methods of operation. Unit managers should be empowered to redirect some or all of the funds saved for the benefit of their programs and facilities, enabling improvement in overall operations.”

It is worth noting that the operational costs of the custodial facilities are funded from the General Fund budget and any savings from creative management practices are considered savings to the General Fund that can be used as part of the overall balancing of all General Fund departments. These savings are available to the custodial facilities as deemed appropriate by the Board of Supervisors. A good practice in the future may be to designate some of these savings toward the improvement and replacement of the custodial facilities.

Findings for Stanislaus County Main Jail

The Stanislaus County Civil Grand Jury finds the following:

Finding 1:

The entire facility should be replaced. Replacement of this facility has been recommended since the *1988 Jail Needs Assessment and Master Plan*.

Response:

Agree. The updated Public Safety Center Jail Needs Assessment and Public Safety Services Master Plan submitted to the Board of Supervisors on June 26, 2007, indicated that there is a significant shortage of adult detention beds to meet today’s

needs and demands. In addition to meeting growth demands, two of the three adult detention facilities, the Men's Jail and the Honor Farm, should be considered for replacement. The funding is not currently available to replace existing jail facilities nor to operate additional jail facilities, although planning efforts continue.

Finding 2:

Paint storage room is a fire hazard.

Response:

Disagree. The paint stored in the "paint storage room" is latex-based, non-flammable paint. According to the Fire Inspector for the City of Modesto Fire Department, anything less than ten gallons of flammable liquid does not require special cabinets or storage.

Finding 3:

There does not appear to be clear written guidelines and standards for classification of inmates to determine their housing. The process as it exists appears to be an Ad Hoc process, which does not provide inclusion of qualified custodial staff specifically trained to make these decisions.

Response:

Disagree. Formal inmate classification policies, procedures and related training have been in existence for many years. There are in excess of 30 pages of policy specific to the classification of inmates in the Stanislaus County Detention Facilities. Further there is a Classification Unit staffed with Deputies specifically trained to appropriately classify inmates.

Finding 4:

It was noted that certain inmates, classified as high-risk, were not allowed in the enclosed exercise facilities without wrist and ankle restraints.

Response:

Agree. Maximum-Security inmates, as a matter of long-standing policy, are to be in full restraints while on the yard.

Finding 5:

The configuration of the rooftop exercise area and the officer's observation station creates a blind spot which may cause a security issue.

Response:

Disagree. There is a walkway for Yard Deputies that surrounds three sides of the inmate yard area. There is no designated "observation station."

Finding 6:

There were no citizen complaint forms available when requested.

Response:

Agree in part. Citizen complaint forms have always been available at the Main Jail. Staff may not have been able to locate a copy.

Finding 7:

Inmates were not accessible to Grand Jury members.

Response:

Disagree. Access to inmates by members of the Grand Jury has always been available upon request. It is unknown if any requests were made to speak with inmates.

Public Safety Center

Main Kitchen on Hackett Road

Finding 1:

It appeared that the food procurement procedures were missing opportunities to create greater economies of scale.

Response:

Disagree. In accordance with purchasing policies the kitchen staff advertises for bids on food products and makes purchase decisions based on those bids.

Finding 2:

It was noted that there were several versions of uniforms worn by custodial and ancillary staff. This could potentially facilitate an escape.

Response:

Agree in part. All Sheriff's Department employees responsible for the supervision of inmates are required to wear an authorized uniform. The uniforms vary based on job classification and duties. Inmates who work in the kitchen are minimum-security inmates and do not pose a flight risk.

Minimum Custody Housing Unit

Finding 3:

The officer located in the lobby area had an obstructed view of the housing units due to existing window coverings.

Response:

Disagree. The blinds on the windows are kept in the open position and do not obstruct the view. The blinds reduce glare from the ceiling lights and are put in the closed position when security requirements dictate.

Finding 4:

Overall the cleanliness of the minimum security housing unit needs improvement.

Response:

Agree in part. Minimum Housing Unit B, which formerly housed male inmates, was damaged and needed repairs and paint. The unit is currently being refurbished.

General Population Unit

Finding 5:

The furniture in this unit is not anchored to the floor and is made of flammable materials.

Response:

Agree in part. The furniture in this unit is not anchored to the floor. The furniture is specific to jail and prison facilities. The furniture is flame resistant and Fire Marshall approved.

Findings for Probation Department Juvenile Detention Center

The Stanislaus County Civil Grand Jury finds the following:

Finding 1:

The kitchen area is in need of extensive cleaning; in particular, the overhead vents located over the cooking area are coated with grease. This is a fire hazard.

Response: Agree.

Finding 2:

The entrance to the walk-in refrigerators located in the kitchen area had several floor tiles missing which is a safety and health hazard.

Response: Agree.

Finding 3:

There were no written policies to determine classifications of incoming wards.

Response: Disagree, the Department has a written policy in place setting forth the guidelines for the Juvenile Hall classification system. These guidelines are used by staff to determine housing, security and programming arrangements. While the Grand Jury was provided with a copy of the classification form used by the Department, the Grand Jury may not have been provided with a copy of the Classification Policy.

Findings for Stanislaus County Honor Farm:

The Stanislaus County Civil Grand Jury finds the following:

Finding 1:

Two of the units in the building that house the high risk inmates were in such a state of disrepair as to render units uninhabitable.

Response:

Agree. The Honor Farm is 32 years old and infrastructure is failing. The updated Public Safety Center Jail Needs Assessment and Public Safety Service Master Plan submitted to the Board of Supervisors on June 26, 2007 indicated that there is a significant shortage of adult detention beds to meet today's needs and demands. In addition to meeting growth demands, two of the three adult detention facilities, the Men's Jail and the Honor Farm should be considered for replacement. Funding is not currently available for the replacement of existing facilities nor the construction of more bed space, which could allow for closure of the facility.

Finding 2:

It was noted that un-sentenced inmates were housed at the Honor Farm which is understood to be a minimum custodial facility.

Response:

Agree. The Honor Farm houses both sentenced and un-sentenced inmates. Due to limited space at the downtown Men's Jail and Public Safety Center, it is necessary to utilize the beds at the Honor Farm for un-sentenced inmates. The un-sentenced population will continue to increase due to the closure of a 64-bed unit at the PSC Minimum Housing Unit, which was shut down this fiscal year for budgetary reasons.

Finding 3:

It was noted that there were previously two types of recycling programs at the Honor Farm. One of them was making compost from green waste; the other was recycling discarded items. It appears these programs were discontinued because of the lack of funds.

Response:

Disagree. The Honor Farm does not have a formal recycling program; however, the staff and inmates do actively recycle. Honor Farm inmate crews work with Public Works Roads to pick up bulky items from roadways. These items are taken to the County Landfill for recycling. This program is not managed by the Honor Farm.

Finding 4:

Sections of the property housing the facility had been previously used for growing fruit trees and vegetables. The crop was included as part of the food program for County detention facilities. This program no longer exists.

Response:

Agree in part. Fruit trees grown in the past were destroyed by flooding in 1997. There was never a formal food program for County detention facilities in place. The Honor Farm does currently have a garden, which produces vegetables; however, the inference that this program was recently cancelled is not accurate.

Recommendations for the Main Jail:

The Stanislaus Civil Grand Jury recommends the following:

Recommendation 1:

Stanislaus County Mail Jail: The entire facility should be replaced. Replacement of this was recommended in the *1988 Jail Needs Assessment and Master Plan* and continuously after that. This Grand Jury concurs with that recommendation.

Response:

The recommendation has not been implemented, but will be implemented in future years. The cost to construct additional detention facilities at the Public Safety Center and to replace the downtown Main Jail and the Honor Farm is estimated at over \$210 million in construction costs alone. Without State funding or new and dedicated sources of funding, much of this cost, aside from Public Facility Fees would be borne by the County's General Fund. In addition, staffing and operational costs for the expanded facilities would be an obligation of the General Fund. The County has contracted with Crout and Sida Criminal Justice Consultants Inc. for Architectural Programming Services for the Public Safety Center Jail Expansion Project. An overall implementation strategy which includes the development of phasing options, funding options, professional programming services and staffing options has been completed and will be taken to the Board of Supervisors in the Fall, 2009. An implementation strategy will be considered that reflects the lack of local general fund for facility replacement, however considers the use of Public Facility Funds for facility expansion and the increased cost of operating expanded facilities. Presently the County's General Fund is unable to absorb additional operating costs.

Recommendation 2:

The paint storage room does not meet the *OSHA (Office of Safety and Health Administration) *Standards for Storage of Flammable and Combustible Liquids 1926.152*.

Response:

The recommendation has been implemented. The paint stored in the "paint storage room" is non-flammable latex-based and does not need the special storage identified in Section 1926.152. If the Department has a need to store flammable and combustible paint in the future, it will be stored properly.

Recommendation 3:

Specific guidelines for inmate classification should be developed by qualified professionals and disseminated as a training document for staff involved in the assignment of housing and programs of inmates.

Response:

The recommendation has been implemented. Formal inmate classification policies, procedures and related training have been in existence for many years. There are in excess of 30 pages of policy specific to the classification of inmates in the Stanislaus County Detention Facilities. The Classification Unit consists of ten (10) full-time deputy sheriffs and eight (8) part-time deputy sheriffs. Each deputy is given on-the-job training, as well as formal classroom training. The Classification Unit Sergeant provides policy updates and schedules bi-monthly meetings with the entire unit in attendance. The Classification Deputies are required to provide a unit report after every shift and the sergeant reviews the unit reports on a daily basis. The Integrated Criminal Justice Information System is utilized to record each inmate's criminal and behavior history as well as each facility and cell location the inmate has been housed in. The Classification Deputies work as a team to ensure the safety and security of our facilities and the inmates are housed in the most appropriate locations available.

Recommendation 4:

In certain instances Grand Jurors may choose to speak directly to an inmate. Jail staff should be aware of this prerogative.

Response:

The recommendation has been implemented. Access to inmates by members of the Grand Jury has always been available upon request.

Recommendation 5:

High-risk inmates that are currently restrained during their period in the exercise area should be allowed to exercise in their secured and separate enclosure without wrist or ankle restraints.

Response:

The recommendation requires further analysis. Maximum-Security inmates, as a matter of long-standing policy, are to be in full restraints while on the yard. Sheriff's staff is reviewing this policy with County Counsel.

Recommendation 6:

The officer's observation station located in the exercise area should be moved to a location that provides an unobstructed view of all inmates.

Response:

The recommendation will not be implemented. There is no designated "observation station" to be moved. There is a walkway for Yard Deputies that surrounds three sides

of the inmate yard area. Adult Detention Policy and Procedures 5.02.03 states, in part, "While on the yard, the two deputies will position themselves so as to be able to see all areas of the yard and all inmates at all times."

Recommendation 7:

At the recommendation of the current Civil Grand Jury, a directive was issued by the Sheriff, dated May 19, 2009. Citizen complaint forms will now be available in all Sheriff's facilities and on-line, to be issued upon request without questioning.

Response:

The recommendation has been implemented. A directive was issued by the Sheriff dated May 19, 2009. Citizen complaint forms will now be available in all Sheriff's facilities and on-line, to be issued upon request without questioning. The day of the Grand Jury inspection at the Main Jail, a digital copy of the form was placed on the computer in central Control and this information has been disseminated to staff.

Main Kitchen (Public Safety Center)

Recommendation 1:

The current cost of feeding per inmate approaches \$6.00 per day. The kitchen management is encouraged to seek additional means to create economies of scale in food procurement, i.e., joint purchases of commonly used food products with nearby counties.

Response:

The recommendation will not be implemented. The \$5.87 cost per day includes food costs and overhead costs (salaries, utilities, supplies, equipment needs, etc.). Each county has specific purchasing policies and guidelines. This does not allow for "joint purchases" between counties. In accordance with purchasing policies the kitchen staff advertises for bids on food products and makes fiscally sound decisions based on those bids.

Recommendation 2:

Applications should be made to the federal government for access to federal food stores, if possible, and other mechanisms that would result in the reduction of daily food costs.

Response:

The recommendation will not be implemented. When requesting food assistance from the federal government, it is the individual who will be receiving the benefit who is evaluated, not the agency making the requests. Inmates do not qualify for any federal or local assistance while incarcerated.

Recommendation 3:

It is recommended that all staff interacting with inmates dress in a uniform manner to reduce the potential of prisoner escape.

Response:

The recommendation has been implemented. All Sheriff's Department employees responsible for the supervision of inmates are required to wear an authorized uniform. The uniforms vary based on job classification and duties. All of the inmates that work in the kitchen are sentenced and are classified as minimum-security inmates. Inmates in this classification are evaluated and do not pose a flight risk.

Minimum Custody Housing Unit

Recommendation 4:

Window coverings in the lobby area should be removed or permanently raised to provide an unobstructed view of the inmate activity area.

Response:

The recommendation will not be implemented. The blinds on the windows are kept in the open position and provide reduced glare from the ceiling lights. The blinds are put in the closed position when security requirements dictate, such as obstructing inmate views from one unit to another or when staff are preparing for searches or dealing with confidential situations.

Recommendation 5:

It is recommended that the Sheriff's Department utilize inmate workers to achieve and maintain the overall cleanliness of the housing unit.

Response:

The recommendation has been implemented. The units are cleaned on every shift, day, swing and graveyard. Minimum Housing Unit B, which formerly housed male inmates, was damaged and needed repairs and paint. The unit is currently being refurbished and will be finished by the end of July. The California Standards Authority completed its annual inspection of the Public Safety Center in June 2009 and made positive comments on the overall cleanliness of the facility.

General Population Unit

Recommendation 6:

The Grand Jury recommends that the furniture be securely anchored to the floor. Furniture purchased in the future should be made of non-flammable materials.

Response:

The recommendation will not be implemented. General population units house medium to minimum security inmates and it is not required that furniture be bolted to the floor.

This furniture is often moved for cleaning of the day room area. This furniture is also specific to jail and prison facilities and is made of rubber and plastic for chairs and laminate for tables. This furniture is flame resistant and Fire Marshall approved.

Recommendation for Juvenile Detention Center:

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1:

The kitchen area should be thoroughly cleaned with particular attention paid to the overhead vents that are covered with grease.

Response: The recommendation has been implemented by the Department. Food services and maintenance of the kitchen is provided through independent contractor services. The current contractor was notified of the recommendation to extensively clean the kitchen, with specific attention to the overhead vents. The contractor has thoroughly cleaned the kitchen and had the overhead vents professionally cleaned on July 3, 2009. Professional cleaning services are periodically used by the contractor for the floors and overhead vents. The Probation Department takes pride in the condition of the Juvenile Hall, which was originally constructed in 1978, and places a high value on keeping a well-maintained and clean facility as demonstrated by the numerous annual inspections that are successfully completed throughout the year. A Fire and Life Safety Inspection that includes an evaluation of the kitchen was completed on August 5, 2008 and was deemed to meet fire safety regulations. The Juvenile Justice Delinquency Prevention Commission conducted its annual inspection on November 14, 2008 and found the facility to be clean with all areas in a neat and orderly condition. On January 14, 2009, the State Corrections Standards Authority (CSA) completed its bi-annual inspection of the facility and concluded that the facility and the programs provided to minors continue to be outstanding. There were no areas of non-compliance. An Environmental Health inspection was completed on February 10, 2009, as part of an overall Health Inspection. This inspection indicated that overall the facility was clean and neat.

Recommendation 2:

Missing floor tiles in the kitchen area should be replaced.

Response: This recommendation has been implemented by the Department. Several floor tiles were broken or missing. County maintenance workers replaced the broken tiles and repaired the floor near the walk-in refrigerators on July 7, 2009.

Recommendation 3:

Specific guidelines for ward classification should be developed by qualified professionals. This information should be disseminated as a training document for staff to assign housing and program for wards.

Response: The Department and the County disagree with this finding. The Department currently has a policy in place for the classification of wards and a process in place for disseminating the policy to staff.

Stanislaus County Probation Department Juvenile Detention Facility Policy and Procedures Manual Section 4.7, titled Classification, sets forth guidelines for the Juvenile Hall classification system which is utilized by staff for determining housing, security and programming arrangements. This policy is reviewed annually by department administration and was last revised in March 2002. The revised policy was disseminated to all Juvenile Hall employees for review and acknowledgement and all new employees are required to review the policy prior to being assigned to supervise detainees. The Classification policy meets the requirements of Title 15, Minimum Standards for Juvenile Facilities and was reviewed by the State Corrections Standards Authority as part of the bi-annual inspection occurring on January 14, 2009. The department is in the process of updating all Juvenile Detention Facility policies and as a part of this process has contacted a number of other counties throughout the state to compare classification practices. A classification form used by the department was provided to the Civil Grand Jury during one of the site visits; however, it is unclear if the Classification policy was requested and/or provided in addition to the classification form. A copy of the Classification policy has been provided as an attachment to this response.

Recommendations for Stanislaus County Honor Farm:

The Stanislaus Civil Grand Jury recommends the following:

Recommendation 1:

The building that houses the high-risk inmates be condemned and razed.

Response:

The recommendation requires further analysis. The updated Public Safety Center Jail Needs Assessment and Public Safety Service Master Plan submitted to the Board of Supervisors on June 26, 2007 indicated that the Honor Farm should be considered for replacement. The funding is not currently available to increase inmate bed capacity at the Public Safety Center which would allow for closure of the Honor Farm facility. Until funding is identified this recommendation will be put on hold, although staff is identifying options for repair considerations.

Recommendation 2:

It is apparent that inmates classified at higher than minimum risk are housed at minimum risk facility. It is recommended that this practice be reviewed.

Response: This recommendation has been implemented. Inmate classification is reviewed during every shift on a daily basis. The Honor Farm houses both sentenced and un-sentenced inmates. Due to limited space at the downtown Men's Jail and Public Safety Center, it is necessary to utilize the beds at the Honor Farm for un-sentenced

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inmates. The un-sentenced population will continue to increase due to the fiscal year 2009-2010 closure of the 64-bed minimum housing unit at the Public Safety Center.

ATTACHMENTS AVAILABLE
FROM YOUR CLERK

STANISLAUS COUNTY

Keeping the Peace Since 1854

SHERIFF'S DEPARTMENT
Adam Christianson, Sheriff-Coroner
**ADMINISTRATION
DIVISION**

July 24, 2009

The Honorable Jack M. Jacobson, Presiding Judge
Stanislaus County Superior Court
P.O. Box 3488
Modesto, CA 95353

Re: Response to Grand Jury Report 09-18

Dear Judge Jacobson:

The Sheriff's Department is in receipt of the Stanislaus County Civil Grand Jury's completed 2008/2009 Correctional Facilities Inspections report (case 09-18) as mandated by California Penal Code Section 919(b). Included in the report are findings and recommendations regarding three Sheriff's Department facilities, the Main Jail, Public Safety Center, and Honor Farm.

Pursuant to Penal Code Sections 933(c) and 933.05 the following is our response.

Stanislaus County Main Jail Findings:

The entire facility should be replaced. Replacement of this facility has been recommended since the *1988 Jail Needs Assessment and Master Plan*.

Response: Agree. The updated Public Safety Center Jail Needs Assessment and Public Safety Service Master Plan submitted to the Board of Supervisors on June 26, 2007 indicated that there is a significant shortage of adult detention beds to meet today's needs and demands. In addition to meeting growth demands, two of the three adult detention facilities, the Men's Jail and the Honor Farm should be considered for replacement. The funding is not currently available to build more bed space, which could allow for closure of the facility.

Paint storage Room is a fire hazard.

Response: Disagree. The paint stored in the "paint storage room" is latex based, non-flammable paint. According to the Fire Inspector for the City of Modesto Fire Department, anything less than ten gallons of flammable liquid does not require special cabinets or storage.



There does not appear to be clear written guidelines and standards for classification of inmates to determine their housing. The process as it exists appears to be an Ad Hoc process, which does not provide inclusion of qualified custodial staff specifically trained to make these decisions.

Response: Disagree. Formal inmate classification policies, procedures and related training have been in existence for many years. There are in excess of 30 pages of policy specific to the classification of inmates in the Stanislaus County Detention Facilities. Further there is a Classification Unit staffed with deputies specifically trained to appropriate classify inmates.

It was noted that certain inmates, classified as high-risk, were not allowed in the enclosed exercise facilities without wrist and ankle restraints.

Response: Agree. Maximum-Security inmates, as a matter of long-standing policy, are to be in full restraints while on the yard.

The configuration of the rooftop exercise area and the officer's observation station creates a blind spot which may cause a security issue.

Response: Disagree. There is a walkway for Yard Deputies that surrounds three sides of the inmate yard area. There is no designated "observation station."

There were no citizen complaint forms available when requested.

Response: Agree in part. Citizen complaint forms have always been available at the Main Jail. Staff may not have been able to locate a copy.

Inmates were not accessible to Grand Jury members.

Response: Disagree. Access to inmates by members of the Grand Jury has always been available upon request. It is unknown if any requests were made to speak with inmates.

Stanislaus County Main Jail Recommendations:

The entire facility should be replaced. Replacement of this facility was recommended in the 1988 Jail Needs Assessment and Master Plan and continuously after that. This Grand Jury concurs with that recommendation.

Response: The recommendation has not been implemented, but will be implemented in the future. The updated Public Safety Center Jail Needs Assessment and Public Safety Service Master Plan submitted to the Board of Supervisors on June 26, 2007 indicated that there is a significant shortage of adult detention beds to meet today's needs and demands. In addition to meeting growth demands, two of the three adult detention facilities, the Main Jail and the Honor Farm should be considered for replacement. The funding is not currently available to build more bed space, which could allow for closure of the facility.

The paint storage does not meet the *OSHA (Office of Safety and Health Administration) Standards of Storage of Flammable and Combustible Liquids 1926.152.

Response: The recommendation will not be implemented. The paint stored in the "paint storage room" is latex based, non-flammable paint, therefore the standard cited does not apply.

Specific guidelines for inmate classification should be developed by qualified professionals and disseminated as training document for staff involved in the assignment of housing and programs of inmates.

Response: The recommendation has been implemented. Formal inmate classification policies, procedures and related training have been in existence for many years. There are in excess of 30 pages of policy specific to the classification of inmates in the Stanislaus County Detention Facilities. The Classification Unit consists of ten (10) full time deputy sheriffs and eight (8) part-time deputy sheriffs. Each deputy is given on-the-job training, as well as formal classroom training. The Classification Unit Sergeant provides policy updates and schedules bi-monthly meetings with the entire unit in attendance. The Classification Deputies are required to provide a unit report after every shift and the sergeant reviews the unit reports on a daily basis. The Integrated Criminal Justice Information System is utilized to record each inmate's criminal and behavior history as well as each facility and cell location the inmate has been housed in. The Classification Deputies work as team to ensure the safety and security of our facilities and the inmates are housed in the most appropriate locations available.

In certain instances Grand Jurors may choose to speak directly to an inmate. Jail staff should be aware of this prerogative.

Response: The recommendation has been implemented. Access to inmates by members of the Grand Jury has always been available upon request. The origin of this recommendation is not known, as it has never been the policy, nor was any directive given, to prevent members of the Grand Jury from having access to inmates.

High-risk inmates that are currently restrained during their period in the exercise area should be allowed to exercise in their secured and separate enclosure without wrist or ankle restraints.

Response: The recommendation requires further analysis. Maximum-Security inmates, as a matter of long-standing policy, are to be in full restraints while on the yard. Staff is reviewing this policy with County Counsel.

The officer's observation station located in the exercise area should be moved to a location that provides an unobstructed view of all inmates.

Response: The recommendation will not be implemented. There is no designated "observation station" to be moved. There is a walkway for Yard Deputies that surrounds three sides of the inmate yard area Adult Detention Policy and Procedures 5.02.03 states, in part, "While on the yard, the two deputies will position themselves so as to be able to see all areas of the yard and all inmates at all times."

At the recommendation of the current Civil Grand Jury, a directive was issued by the Sheriff dated May 19, 2009. Citizen complaint forms will now be available in all Sheriff's facilities and on-line, to be issued upon request without questioning.

Response: The recommendation has been implemented. The day of the Grand Jury inspection at the Main Jail, a digital copy of the form was placed on the computer in central Control and this information has been disseminated to staff.

Stanislaus County Public Safety Center Findings:

Main Kitchen

It appeared that the food procurement procedures were missing opportunities to create greater economies of scale.

Response: Disagree. In accordance with purchasing policies the kitchen staff advertises for bids on food products and makes fiscally sound decisions based on those bids.

It was noted that there several versions of uniforms worn by custodial and ancillary staff. This could potentially facilitate an escape.

Response: Agree in part. All Sheriff's Department employees responsible for the supervision of inmates are required to wear an authorized uniform. The uniforms vary based on job classification and duties. Inmates that work in the kitchen are minimum-security inmates and do not pose a flight risk.

Minimum Custody Housing Unit

The officer located in the lobby area had an obstructed view of the housing units due to existing window coverings.

Response: Disagree. The blinds on the windows are kept in the open position and do not obstruct the view. The blinds reduce glare from the ceiling lights and are put in the closed position when security requirements dictate.

Overall the cleanliness of the minimum security housing unit needs improvement.

Response: Agree in part. Minimum Housing Unit B, which formerly housed male inmates, was damaged and needed repairs and paint. The unit is currently being refurbished.

General Population Unit

The furniture in this unit is not anchored to the floor and made of flammable materials.

Response: Agree in part. The furniture in this unit is not anchored to the floor. The furniture is specific to jail and prison facilities. The furniture is flame resistant and Fire Marshall approved.

Stanislaus County Public Safety Center Recommendations:

Main Kitchen

The current cost of feeding per inmate approaches \$6.00 per day. The kitchen management is encouraged to seek additional means to create economies of scale in food procurement i.e., joint purchases of commonly used food products with nearby counties.

Response: The recommendation will not be implemented. The \$5.87 cost per day includes food costs, as well as salaries, utilities, supplies, equipment needs, etc. Each county has specific purchasing policies and guidelines. This does not allow for "joint purchases" between counties. In accordance with purchasing policies the kitchen staff advertises for bids on food products and makes fiscally sound decisions based on those bids.

Applications should be made to the federal government for access to federal food stores if possible, and other mechanisms that would result in the reduction of daily food costs.

Response: The recommendation will not be implemented. When requesting food assistance from the federal government, it is the individual who will be receiving the benefit that is evaluated, not the agency making the requests. Inmates do not qualify for any federal or local assistance while incarcerated.

It is recommended that all staff interacting with inmates dress in a uniform manner to reduce the potential of prisoner escape.

Response: The recommendation has been implemented. All Sheriff's Department employees responsible for the supervision of inmates are required to wear an authorized uniform. The uniforms vary based on job classification and duties. All of the inmates that work in the kitchen are sentenced and are classified as minimum-security inmates. Inmates in this classification are evaluated and do not pose a flight risk.

Minimum Custody Housing Unit

Window coverings in the lobby area should be removed or permanently raised to provide an unobstructed view of the inmate activity area.

Response: The recommendation will not be implemented. The blinds on the windows are kept in the open position and provide reduced glare from the ceiling lights. The blinds are put in the closed position when security requirements dictate, such as obstructing inmate views from one unit to another or when staff are preparing for searches or dealing with confidential situations.

It is recommended that the Sheriff's Department utilize inmate workers to achieve and maintain the overall cleanliness of the housing unit.

Response: The recommendation has been implemented. The units are cleaned on every shift, day, swing and graveyard. Minimum Housing Unit B, which formerly housed male inmates, was damaged and needed repairs and paint. The unit is currently being refurbished and will be finished by the end of July. The California Standards Authority completed its annual inspection of the Public Safety Center in June 2009 and made positive comments on the overall cleanliness of the facility.

General Population Unit

The Grand Jury recommends that furniture be securely anchored to the floor. Furniture purchased in the future should be made of non-flammable materials.

Response: The recommendation will not be implemented. General population units house medium to minimum security inmates and it is not required that furniture bolted to the floor. This furniture is often moved for cleaning of the day room area. This furniture is also specific to jail and prison facilities and is made of rubber and plastic for chairs and laminate for tables. This furniture is flame resistant and Fire Marshall approved.

Stanislaus County Honor Farm Findings:

Two of the units in the building that houses the high risk inmates were in such a state of disrepair as to render units uninhabitable.

Response: Agree. The Honor Farm is 32 years old and infrastructure is failing. The updated Public Safety Center Jail Needs Assessment and Public Safety Service Master Plan submitted to the Board of Supervisors on June 26, 2007 indicated that there is a significant shortage of adult detention beds to meet today's needs and demands. In addition to meeting growth demands, two of the three adult detention facilities, the Men's Jail and the Honor Farm should be considered for replacement. The funding is not currently available to build more bed space, which could allow for closure of the facility.

It was noted that un-sentenced inmates were housed at the Honor Farm which is understood to be a minimum risk facility.

Response: Agree. The Honor Farm houses both sentenced and un-sentenced inmates. Due to limited space at the downtown Men's Jail and Public Safety Center, it is necessary to utilize the beds at the Honor Farm for un-sentenced inmates. The un-sentenced population will continue to increase due to the closure of a 64-bed unit at the PSC Minimum Housing Unit, which was shut down this fiscal year for budgetary reasons.

It was noted that there were previously two types of recycling programs at the Honor Farm. One of them was making compost from green waste; the other was recycling discarded items on County roads. It appears these programs were discontinued because of the lack of funds.

Response: Disagree. The Honor Farm does not have a formal recycling program; however, the staff and inmates do actively recycle. Honor Farm inmate crews work with Public Works Roads to pick up bulky items from roadways. These items are taken to the County Landfill for recycling. This program is not managed by the Honor Farm.

Sections of the property housing facility had been previously used for growing fruit trees and vegetables. The crop was included as part of the food program for County detention facilities. This program no longer exists.

Response: Agree in part. Fruit trees grown in the past were destroyed by flooding in 1997. There was never a formal food program for County detention facilities in place. The Honor Farm does currently have a garden, which produces vegetables; however, the inference that this program was recently cancelled is not accurate.

Stanislaus County Honor Farm Recommendations:

The building that houses the high-risk inmates should be condemned and razed.

Response: The recommendation requires further analysis. The updated Public Safety Center Jail Needs Assessment and Public Safety Service Master Plan submitted to the Board of Supervisors on June 26, 2007 indicated that the Honor Farm should be considered for replacement. The funding is not currently available to build more bed space, which could allow for closure of the facility.

It is apparent that inmates classified at higher than minimum risk are housed at minimum risk facility. It is recommended that this practice be reviewed.

Response: This recommendation has been implemented. Inmate classification is reviewed during every shift on a daily basis. The Honor Farm houses both sentenced and un-sentenced inmates. Due to limited space at the downtown Men's Jail and Public Safety Center, it is necessary to utilize the beds at the Honor Farm for un-sentenced inmates. The un-sentenced population will continue to increase due to the closure of a 64-bed unit at the PSC Minimum Housing Unit, which was shut down this fiscal year for budgetary reasons.

The Honorable Jack M. Jacobson
Re: Response to Civil Grand Jury Report 09-18

July 24, 2009
Page 8 of 8

We appreciate the time the Civil Grand Jury has devoted to inspecting our facilities and operations. Please extend my appreciation to the 2008/2009 Civil Grand Jury for their work.

Sincerely,

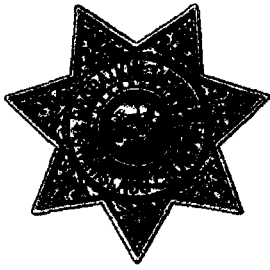
A handwritten signature in black ink, appearing to read 'Adam Christianson', with a long horizontal flourish extending to the right.

ADAM CHRISTIANSON
Sheriff-Coroner

cc: Jim DeMartini, Chairman
Stanislaus County Board of Supervisors

Diane A. Sol, Foreperson
Stanislaus County Civil Grand Jury

Richard W. Robinson, Chief Executive Officer
Stanislaus County



STANISLAUS COUNTY PROBATION DEPARTMENT

2215 Blue Gum Avenue • Modesto, CA 95358-1097
Telephone: 209.525.5400 • Facsimile: 209.525.4588

JERRY POWERS
Chief Probation Officer

July 30, 2009

The Honorable Jack M. Jacobson
Presiding Judge
Superior Court – Stanislaus County
PO Box 3488
Modesto, CA 95353

Dear Judge Jacobson:

On June 29, 2009 the Stanislaus County Civil Grand Jury forwarded their report on Case #09-18 detailing their findings and recommendations following annual inspection of custodial facilities in the county as mandated by California Penal Code Section 919(b). Thank you for the opportunity to respond to the comments and recommendations of the 2008-2009 Civil Grand Jury. The Probation Department undergoes a series of inspections each year and understands the value of having an external set of eyes to review the conditions and practices of our facility.

RESPONSE TO FINDINGS AND RECOMMENDATIONS

The following is the Probation Department's response to the findings and recommendations related to the Juvenile Detention Center.

1. **Finding:** *The kitchen area is in need of extensive cleaning; in particular, the overhead vents located over the cooking area are coated with grease. This is a fire hazard.*

Recommendation: *The kitchen area should be thoroughly cleaned with particular attention paid to the overhead vents that are covered with grease.*

Response: The department agrees with this finding and has implemented the recommendation.

Food services and maintenance of the kitchen is provided through independent contractor services. The current contractor was notified of the recommendation to extensively clean the kitchen, with specific attention to the overhead vents. The contractor has thoroughly cleaned the kitchen and had the overhead vents professionally cleaned on July 3, 2009. Professional cleaning services are periodically used by the contractor for the floors and

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July 30, 2009

The Honorable Jack M. Jacobson

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overhead vents. The Probation Department takes pride in the condition of the Juvenile Hall, which was originally constructed in 1978, and places a high value on keeping a well-maintained and clean facility as demonstrated by the numerous annual inspections that are successfully completed throughout the year. A Fire and Life Safety Inspection that includes an evaluation of the kitchen was completed on August 5, 2008 and was deemed to meet fire safety regulations. The Juvenile Justice Delinquency Prevention Commission conducted its annual inspection on November 14, 2008 and found the facility to be clean with all areas in a neat and orderly condition. On January 14, 2009, the State Corrections Standards Authority (CSA) completed its bi-annual inspection of the facility and concluded that the facility and the programs provided to minors continue to be outstanding. There were no areas of non-compliance. An Environmental Health inspection was completed on February 10, 2009 as part of an overall Health Inspection. This inspection indicated that overall the facility was clean and neat.

2. **Finding:** *The entrance to the walk-in refrigerators located in the kitchen area had several floor tiles missing which is a safety and health hazard.*
Recommendation: *Missing floor tiles in the kitchen area should be replaced*

Response: The department agrees with this finding and has implemented the recommendation.

Several floor tiles were broken or missing. County maintenance workers replaced the broken tiles and repaired the floor near the walk-in refrigerators on July 7, 2009.

3. **Finding:** *There were no written policies to determine classifications of incoming wards.*
Recommendation: *Specific guidelines for ward classification should be developed by qualified professionals. This information should be disseminated as a training document for staff to assign housing and program for wards*

Response: The department disagrees with this finding. The recommendation has already been implemented.

Stanislaus County Probation Department Juvenile Detention Facility Policy and Procedures Manual Section 4.7, titled Classification, sets forth guidelines for the Juvenile Hall classification system which is utilized by staff for determining housing, security and programming arrangements. This policy is reviewed annually by department administration and was last revised in March 2002. The revised policy was disseminated to all Juvenile Hall employees for review and acknowledgement and all new employees are

July 30, 2009

The Honorable Jack M. Jacobson

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required to review the policy prior to being assigned to supervise detainees. The Classification policy meets the requirements of Title 15, Minimum Standards for Juvenile Facilities and was reviewed by the State Corrections Standards Authority as part of the bi-annual inspection occurring on January 14, 2009. The department is in the process of updating all Juvenile Detention Facility policies and as a part of this process has contacted a number of other counties throughout the state to compare classification practices. A classification form used by the department was provided to the Civil Grand Jury during one of the site visits; however, it is unclear if the Classification policy was requested and/or provided in addition to the classification form. A copy of the Classification policy has been provided as an attachment to this response.

Again, thank you for the opportunity to respond to the comments and recommendations of the 2008-09 Civil Grand Jury. Please do not hesitate to contact me if you have any questions or need further information.

Sincerely,



Jerry Powers
Chief Probation Officer
Stanislaus County Probation Department

Cc: Stanislaus County
Board of Supervisors

Richard W. Robinson
Chief Executive Officer

John P. Doering
County Counsel

Attachment: Stanislaus County Juvenile Detention Facilities Policy and Procedures Manual, Section 4.7

Stanislaus County Probation Department JUVENILE DETENTION FACILITY Policies and Procedures	Subject: Classification Section: 4.7 Authority: Title 15; Section 1352
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4.7 Classification

Intro This section sets forth guidelines for the Juvenile Hall classification system which shall be utilized by staff for determining detainee housing, security, and programming arrangements. The primary goal of the classification shall be utilized for this purpose and shall remain with the units copy of the booking sheet.

Classification Guidelines

Guidelines 1. BIR PCOIII, under the direction of the SPCO, is responsible for the initial classification of newly admitted detainees. When determining an appropriate level of classification, staff are required to evaluate the security and personal safety needs of the minor. Criteria to consider for determining the appropriate classification includes:

A	The Offense (i.e., crimes against persons vs. property crimes, etc.)
B	Legal Status (i.e., CYA parolee, ward, non-ward, etc.)
C	Age
D	Sex
E	Criminal Sophistication
F	Physical and Emotional Maturity
G	Medical Needs
H	Emotional and psychological factors
I	Gang Affiliation
J	Potential for Escape
K	Potential for Violence
L	Homosexuality, bizarre sexual behavior (by arrest record)
M	Individual Program Needs

4.7.1 Categorization and Description of Units

Intro Each minor who enters Juvenile Hall shall receive a unit assignment by the BIR PCOIII, based on the classification criteria as referenced in the previous section. Currently, the facility contains six living units for minors. Each living unit is designed to accommodate minors of similar age, status, and sophistication and/or program need.

Unit 1 – Pre Detention/Administrative Segregation: 10 bed unit primarily for temporary housing minors until they can be classified for one of the larger living units. It can be used as an administrative segregation also. Adults serving juvenile time that need sight sound separation from the rest of the population are also housed here.

Unit 2 Commitment: 10 bed self contained unit with a day room used for minors having been Court Committed. Above average behavior is required to remain in this unit.

4.7.1 Categorization and Description of Units

Unit 3 – Pre Co-ed Unit: 34 bed unit housing females and younger less sophisticated males. This unit has single rooms, double rooms and three four person rooms.

Unit 4 Boys Unit: 34 bed unit housing the older boys. This unit has single, double and four person rooms also.

Unit 5 Maximum Security: 15 bed single room unit housing sophisticated, high risk offenders. Minors being tried for violent, serious crimes. Minors with disciplinary problems, CYA commitments and parolees.

Unit 6: 15 bed single rooms housing older more sophisticated males that are not qualified for the Maximum Security Unit.

4.7.2 Factors Affecting Unit Assignments

1. Unit population imbalances and overcrowding which necessitates inter-unit transfers to reduce a unit's population below maximum levels, and correction population imbalances between similar units.

 2. Unsatisfactory adjustment to a unit or disciplinary problems. Detainees who exhibit severe personality clashes, become involved in significant gang activities or acts of violence, may be transferred to another suitable unit for security purposes.

 3. Changes in a detainee's security or safety status. Detainee's may be transferred to any appropriate unit, due to changes in their security status either up or down (i.e., placement on or off unit confinement, commitment to CYA, etc.) or safety needs (i.e., violent crime victims, threats to personal safety, placement on or off Suicide Watch, etc.).

 4. Changes in a minor's program status necessitating a move to the unit that meets that particular program needs.

 5. Court Ordered.
-

4.7.3 Security Classification

Intro This section addresses the security classifications and applicable precautions to be taken, for detainee's identified as a security risk.

Safety Institutional security, minor/staff safety and assessment criteria are primary objectives to be considered when making decisions as to detainee classifications. Each minor shall be screened and evaluated to assess their actual or potential threat to the security and safety of the institution, its detainees, and staff. To assist in this process, security classifications have been created by the Juvenile Hall Administration, to alert and sensitize staff to the dangers posted by certain detainees.

Security risk criteria A. Detainees may be identified as a security risk when one or more of the following conditions are present and will be assigned to the Maximum Security Unit during their detention or until their classification is changed by the SPCO or above.

4.7.3 Security Classification (Cont.)

Assaultive 1. The minor has developed a tendency for assaultive behavior which may be physical or sexual in nature. This condition may be represented in the minor’s current charges (i.e., murder, rape, assault with a deadly weapon, etc.), past charges, (i.e., CYA parolee, etc.), Juvenile Hall history, or by a current Juvenile Hall incident which involves a physical or sexual assault on another detainee, or staff member.

Escape Risk 2. The minor is an identified escape risk. This condition may be met by the detainee’s past history of escape, an escape, an escape attempt from a secure institution, or by a current incident which involves a serious threat or actual attempt to escape.

Threat to community 3. The minor would be a threat to the community, if they were to escape from detention. This condition may be illustrated by a detainee who has harmed or threatened to harm a victim/witness of a crime, a family member, or any other person in the community.

Affiliation 4. Minors affiliated with a gang, cult or group which has a history of violent acts against rival groups, law enforcement officers, or the public. Gang affiliation may be documented by minor statements or actions, by law enforcement files, probation files, or by previous ICJIS booking information.

Security risks designations B. The following designations are utilized to identify security risks requiring restrictions for minor behavior and/or security precautions to be exercised by staff.

D.N.D.U. 1. Do Not Double Up (DNDU) status is a security status assigned to a detainee which requires them to have an individual room. Under no circumstances may staff assign a roommate (temporarily or permanently) to a detainee with a single room status designation.

Sexual assault on members of same sex a. This designation DNDU is assigned primarily to detainees who have a present or past history of sexual assault on a roommate, prior history of having sex with persons of the same sex or any predatory sex offense or are entering Juvenile Hall on charges of child molestation or sexual assault of a minor (i.e., rape, oral copulation, etc.) BIR officers will also review the detainee’s prior Juvenile Hall history (if applicable) for previous placement on Single-Room status, and the circumstances surrounding the prior single room status designation.

Assaultive behavior b. DNDU status may also be assigned to a detainee for assaultive behavior who shows repeated and sustained pattern of assaultive behavior against other minors which would indicate a danger to the personal safety of a potential roommate.

Granted for cause c. DNDU status will be granted for cause at the request of a minor, but the reasons must be explained and are subject to review.

If a single-room is not granted after a minor’s request, the grievance procedure is available to formally document the denial and guarantees the appeal process and review. Each unit rule guide will include a discussion on the procedure to request a single room.

Considerations for a granting DNDU status at a detainee’s request include the same considerations as listed above, plus:

4.7.3 Security Classification (Cont.)

1	Threat of harm from roommates.
2	Extreme vulnerabilities.
3	Sincere fear of incarceration and fellow minors.
4	Medical problems, injuries, or disease.
5	Protective custody (requested by minor, police personnel or as directed by staff)

Serious Offenses

1. S Codes are recommended for minors by BIR staff during the booking process or by the Intake Probation Officer during intake, after a review of the minor's current charges, legal status (i.e., CYA parolee, etc.) and past Juvenile Hall history. Minors entering Juvenile Hall for serious offenses which involve a crime against another person and violence is an inherent element of the offense, constitutes the majority of minors recommended for S-1 status. A full set of security precautions designed for detainees on Unit Confinement are discussed in general, these minors will be detained in the Maximum Security unit.

Full Security (S-1)

2. S-1 is the most restrictive security status assigned to a minor. Assignment to this status, serves to restrict the detainee's movements to the internal perimeters of their assigned unit. All detainees placed on S-1 shall be housed in Max Security Unit. These detainees shall be allowed access to the outdoor recreation field.
 - a. S-1 detainees shall never be taken to the field area unless required by an emergency.

Security Observation (S-2)

3. S-2 is assigned to minors who are identified as security risks by virtue of their past and present history of escape.

Suicide Watch Status (S-3)

4. Suicide (S-3) is a security designation assigned to a minor at risk of becoming self-destructive or suicidal. PCO staff shall be alert with these minors particularly during times of high stress: i.e. intake, court these minors particularly during times of high stress: i.e. intake, court hearings, visiting, etc. may be placed on suicide status anytime during their detention Juvenile Hall. Security procedures for the protection of suicide.

Suicide Observation (S-3+)

5. Extreme suicide risk. Code only to be used by Mental Health. Can be used by staff until the minor is seen by mental health. Minor placed in glass room and must wear safety clothing. Minor is on a 10 minute watch.

CYA Commitment (S-4)

6. S-4 minors have been committed to the California Youth Authority. Minor to be housed in Unit 5.

CYA Parolee (S-5)

7. S-5 minors are CYA parolees. Minor to be housed in Unit 5.

Non-association (NA)

8. A Non-Association status is a security designation designed to limit a minor's separate access to one or more detainees. This precaution requires detainees with a NA status to be kept separately from other designated Non-association detainees being placed in different units.

Police request

- a. The NA status is typically assigned to detainees in response to a request from a Probation Officer or law enforcement officer, to separate crime partners. This security status may also be initiated to separate rival gang members as well as perpetrators and victims of crime.

4.7.3 Security Classification (Cont.)

Reception List	<p>b. All minors placed on NA status are documented on the log book along with who placed them on NA and why, which is maintained by the Unit staff. All inter-unit transfers initiated at the unit level are to be cleared through the SPCO, prior to being approved, and /or completed and updated on ICJIS.</p>
Gang affiliations	<p>9. Documentation of a minor's gang affiliation is a security classification which serves to alert unit staff of potential behavioral problems resulting from established gang rivalries. Identification of a minor as a gang member may occur at anytime during the minor's detention. Typically, gang documentation is provided by law enforcement or Probation officials, during the ICJIS booking process. Detainees may also be identified as a gang member from previous computerized booking information, self proclamation during the Booking, Intake process, or to unit staff at anytime. This information shall be placed on ICJIS under "gang affiliation" at time of booking, or when a detainee is identified as a gang member.</p>
Security special precautions	<p>10. Minors identified as gang members may require special security precautions in room assignment and supervision. Staff must be observant of the clustering of gang members during unit activities and programs. Major sources of unit disturbances are the result of gang activity and rivalries indicated by such a grouping. Staff are advised to isolate gang members from their group when disciplinary action is initiated.</p>
Approval	<p>C. Documentation and Dissemination of Security Risk Classifications</p> <p>1. Designation of a security classification requires the approval of a Juvenile Hall SPCO with the following exception. Minors shall be assigned S-3+ status by Mental Health personnel following the determination that a minor may be self destructive or suicidal.</p> <p>Security risk designation which require direct Supervisor approval include placement of a minor on unit confinement, DNDU and Non-Association status. Assignment of these designations may be for a fixed amount of time, or on a temporary basis, at the discretion of the approving SPCO.</p>
Documentation	<p>2. A request by staff to place a minor on a security status requires written documentation in the form of an Incident Report. Documentation shall provide information which substantiates the security classification request, and the resulting restrictions which accompany the security risk designation.</p>
Dissemination	<p>3. To ensure that security statuses are effectively communicated, the following procedures shall be adopted by all staff:</p> <p>a. When a minor is identified as a security risk during the booking and intake process, the information shall be documented on the ICJIS booking sheet.</p> <p>b. Unit staff shall document all new entries with a security classification in the unit's daily log and on the room assignment map.</p> <p>c. Unit staff receiving notification from an authorized authority regarding a change in the security status of a detainee shall be required to document the change in the unit shift report and the detainee's ICJIS observations. Documentation procedures require recording the name of the authorizing staff (the staff receiving the information), the minor's name, the date and time the change was effected, and the nature of the security status to be adopted.</p>

4.7.3 Security Classification (Cont.)

Terminating Security Classification

- D. Terminating security classifications may be done only by an authorized person (i.e., I.S. nurse, psychologist, psychiatrist, or a physician, in the case of a suicide S-3+ watch designation.) All releases from a security risk classification which is communicated verbally via the telephone or in person shall be documented in the Unit log and via an incident report and entered into a detainee’s ICJIS observations. Records shall reflect time and date of termination, the name and title of the authorizing person, and who received the information.
-

4.7.4 707 Minors and Prop. 21

Intro

Section 707 of the Welfare and Institutions Code sets forth the criteria for the Juvenile Court to find a minor “not a fit and proper subject to be dealt with under the Juvenile Court law...”, and therefore shall face an accusatory pleading in a court of criminal jurisdiction. The 707 W&I criteria determines a minor’s certification from Juvenile Court to Adult Court. This section addresses the policies and procedures associated with a 707 W&I certified minors.

Court Orders

- A. A Juvenile Court order certifying a minor to Adult Court with an arraignment date, shall be received by Juvenile Hall in order to classify a minor as a 707 detainee. Following the receipt of a 707 court order, a 707 file shall be opened by the BIR staff. All subsequent court orders received from the Adult Court shall be placed in this file and reviewed by the Supervising Probation Corrections Officer and transport officer for information pertaining to scheduled court dates, bail hearing, transportation orders, and detention orders. This information shall also be placed in ICJIS by the transport officer.
-

Right to bail

- B. Legal Stipulations: Pursuant to 707.1 (4) of the Welfare and Institutions to a release on bail, or on their own recognizance (OR), the same as an adult, alleged to have committed the same offense. In some cases the Court may determine that a minor may not be release from custody, without bail. In the latter case, the Court orders the minor held in custody, without bail, until further order of the Court. When the court determines that bail is appropriate the Court:

Determines the amount of the bond that must be paid (posted to affect the individual’s release.

Prepares a Court order indicating the bail amount.

Gives the minor a copy of the Court Order.

Setting Bail

1. The setting of bail normally occurs at the conclusion of the fitness hearing, for minors certified to Adult Court. Bail may be subsequently altered at the minor’s arraignment in Adult Court, or at a scheduled Bail Review Hearing. When the minor returns to Juvenile Hall from all court proceedings, they should be in possession of a minute order from the court. The order contains information regarding custody status, including the amount of bail set or modified at the hearing. The minor shall provide the copy of the order to the booking staff at Juvenile Hall. Booking staff will review the court order upon the minor’s return to the facility, paying special attention to the detention status.
-

4.7.4 707 Minors (Cont.)

Procedure
Release on
Bail

2. Bail for a 707 detainee must be posted with the Sheriff's Department and cannot be accepted at Juvenile Hall. After bail has been posted, the bail receipts and Court orders to release must be verified by contacting the Sheriff's Department for confirmation. Obtain the following information:
 - a. Minor's name.
 - b. Date of birth.
 - c. Case number.
 - d. Date and time bail was posted.
 - e. Name of person or bondsman (company) posting bail.
 - A. The confirmation of bail posting shall be verbal via the telephone and via fax. All documentation (bail receipt, Court orders) will be reviewed by booking staff upon the minors return.
-

Information
release

- B. Bondsman. If contacted by a bail bondsman, booking staff shall advise the bondsman of the amount of bail that has been set, the Court having jurisdiction, the next appearance date and time, and the charges for which bail is authorized. Inform the bondsman the bail must be posted with the Sheriff's Department Bail is not accepted at Juvenile Hall.
 - C. Sheriff. Booking staff shall provide a copy of the court order setting bail. The Sheriff's department would likely only request the information below on a cash bail. A bond submitted would already have the information.
 1. Minor's full name and exact spelling and any aliases.
 2. Date of birth.
 3. Court case number.
 4. Charges.
 5. Next Court hearing date and type of hearing.
 6. Name of Judge ordering bail.
 7. Full amount of bail set.
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Release on
own
recognizance

3. Release of a 707 detainee on their own recognizance, may be ordered by the Court. Confirmation of a release on OR is obtained from a Court Order which must accompany the detainee from Court. The minor will be released to themselves. Complete the release procedure and allow the minor to leave the facility.
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Release

4. Detainees released on payment of bail, or on their own recognizance, may be released directly to the community. The presence of a legal guardian to take custody of the detainee is not a prerequisite for release, and it shall not hinder the release of a detainee who meets the condition of bail, or a court ordered OR.
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Bail bond
surrender

5. In the event that a minor violates the conditions of his release as set forth by the bonding agent, he may be returned to custody and the bond revoked. In those instances the minor will be rebooked into the facility as a return to custody on the original charge. The Sheriff's jail staff will be notified that the minor has been returned to custody and the bond is available for return to the bondsman, or in the event of cash bail, the return of the cash.
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Warrant holds

6. Detainees released on bail or on their own recognizance, shall be subjected to a "warrant and hold check", prior to their actual release. Any detainee with an active warrant or hold, shall not be released
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until the warrant or hold has been cleared.

7.

4.7.4 707 Minors (Cont.)

Custodial Status	C. 707.1 of the Welfare and Institutions Code specify the custodial conditions for a 707 Detainee. Under this code section, 707 detainees will normally remain in detention at Juvenile Hall, unless a specific order has been issued by the Juvenile Court directing the detainee to be delivered into the custody of the Sheriff. The Court will issue this order when it has been determined that their presence in Juvenile Hall would endanger the public, or be detrimental to other detainees detained in Juvenile Hall.
18 Year Olds	1. Upon attainment of the age of 18, Section 707.1 (2) W&I, directs Juvenile Hall to deliver into the custody of the Sheriff, a 707 detainee, unless the Adult Court finds it is in the best interests of the detainee and the public, for the minor to remain in Juvenile Hall.
Transfer of custody to the Sheriff (Jail)	2. The Supervising Probation Corrections Officer shall assume the following responsibilities for transferring a 707 detainee into the custody of the Sheriff, for purposes of confinement in the County Jail.
18 th Birthday	a. When a 707 detainee attains the age of 18, Juvenile Hall staff arrange for their transfer to County Jail unless a Court order authorizes their continued detention at Juvenile Hall.
Supervisor Review	b. Prior to, and at the time of the 707 detainee's attainment of the age of 18, the intake officer shall obtain a minute order from the Court and the SPCO shall review the detainee's "Court Order File", to obtain the Court orders which specify the detainee's place of detention at the age of 18.
	c. If there are no orders for continuing the minor's detention in Juvenile Hall after the age of 18, the SPCO shall contact the Sheriff's Department to arrange for the detainee's transfer to County Jail by the Juvenile Hall Transportation Unit.
Transportation Services guidelines	D. Transportation services for a 707 detainee to court hearings, medical/dental appointments, and other emergencies, shall be provided pursuant to the following Transportation of 707 minors shall require two officers. The minor shall be dressed in a Juvenile Hall "Jumpsuit" and shall wear waist and ankle chains. Any deviation from the policy shall require the approval of the Supervising Probation Corrections Officer.
	1. Transportation services for all scheduled dental/medical appointments outside the Juvenile Hall shall be the responsibility of the assigned Juvenile Hall Transport Officer.
Court Hearings	2. Responsibility for transportation arrangements to and from scheduled Court Hearings in Adult Court shall be as follows:
Arraignment	a. An order remanding a juvenile to the Adult Court, shall routinely be forwarded to the Juvenile Hall, from the office of the County Clerk. Transportation to Felony Arraignment shall be the responsibility of the Transportation Officers of the Juvenile Hall. The Juvenile Hall Supervising Probation Corrections Officer shall be responsible for ensuring the detainee's availability for transportation at the time prescribed.

4.7.4 707 Minors (Cont.)

Subsequent Court Hearings

- b. Transportation for 707 minors to and from subsequent court hearings shall be provided by the Juvenile Hall. Future court dates will be specified on the court documents accompanying the minor's return from court. Scheduled court appearances shall be verified by the Unit 1 PCOIII on the day prior to the scheduled court appearance.
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Emergency Transportation

3. In life or death situations or when a serious accident or illness necessitates immediate transportation to a hospital, emergency medical personnel will be contacted via 911. Juvenile Hall will arrange for a Probation Corrections Officer to guard the minor to the hospital and while at the hospital.
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Visiting

- E. The following regulations shall structure the 707 minor's visiting program.
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Parents

1. Parents and legal guardians shall be entitled to visit during the regularly scheduled visiting times, or as approved by the court and/or Juvenile Hall Supervising Probation Corrections Officer.
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Special Visits

2. Special visits shall be scheduled at the discretion of the Juvenile Hall SPCO. If an Adult Field Services Probation Officer is assigned to the minor's case, special visits or visitors may be screened with the adult casework Probation Officer and special request may be made to the SPCO.
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Attorney of Record

- F. After arraignment, and prior to adjudication of the detainee's case, the 707 detainee may be without the benefit of a juvenile casework Probation Officer. Under these circumstances, any issues which would ordinarily be handled by the juvenile casework Probation Officer, shall be referred to the Adult's Attorney of Record, as specified in the 707 Court Orders File.
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4.7.5 Adults

Intro

Any detainee determined to be 18 years by virtue of an age determination hearing held in Juvenile Court, by presentation of valid documentation (i.e., birth certificate, etc.) or by any other certification validated by the Juvenile Hall Supervising Probation Corrections Officer (SPCO), shall be immediately provided housing arrangements which physically and socially separate the detainee from juveniles. The requirements for separate housing arrangements apply only when the detainee is determined to have been an adult at the time of their law violation. Transfer of an adult who has been detained in Juvenile Hall, to the County Jail, shall occur at the earliest opportunity. (W&I 208.5)

18 Year Old

- A. Any ward committed to Juvenile Hall who reaches the age of 18 prior to or during their period of detention may be allowed to remain in Juvenile Hall and have contact with juvenile detainees until the age of 19, unless the Juvenile Court orders otherwise. (W&I 208.5)
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4.7.6 Federal Detainees

Intro

Any juvenile brought to Juvenile Hall by law enforcement officers of the United States government (i.e., U.S.

Marshall) may be detained. Regulations regarding the detention of federal detainees, are as follows:

4.7.6 Federal Detainees (Cont.)

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|------------------------|---|
| Detention | A. Minors charged with Federal crimes may be detained under the authority of the U.S. Marshal's Office for a maximum of (3) judicial day, without a court issued detention order. Detention after the 72 hour time period must be authorized by a valid detention order, issued by the Federal Court, or the federal detainee must be released. |
| Detainee | B. Any minor detained in Juvenile Hall due to a violation of Federal law shall have the same rights, powers, privileges, duties and they shall receive the same treatment afforded to minors detained pursuant to California State Law. |
| Classification | C. Federal detainees shall be assigned to their living unit according to the criteria as established for all minors. The basis for unit assignment and security risk classification are set forth in Manual Section 4.7.1. |
| Medical Care | D. Federal detainees shall receive the same quality of medical care as offered to other detainees. Federal detainees requiring medical treatment at a hospital shall be referred to the Doctor Hospital. |
| Medical Authorizations | 1. Medical treatment shall be authorized by the Juvenile Hall Supervising Probation Corrections Officer. |
| Transportation | 2. Transportation to and from a medical center for treatment, shall be provided by the Probation Department's Transportation Unit or by a Juvenile Hall staff member in emergencies. |
| Hospital Guard Duty | 3. When a guard is needed for a hospitalized Federal detainee, the Juvenile Hall Supervising Probation Corrections Officer shall arrange a PCO to stand watch until the detainee is released from the hospital. |
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