

FILED

JUN 9 - 2004

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF TRINITY**

BY: DONNA REGNANI, DEPUTY CLERK

DR

**TRINITY COUNTY GRAND JURY
2003-2004**

**JUDICIAL COMMITTEE
FINAL REPORT**

TRINITY COUNTY DETENTION FACILITY

**This report was approved
on May 10, 2004**

**2003-2004 TRINITY COUNTY GRAND JURY
JUDICIAL COMMITTEE
FINAL REPORT**

TRINITY COUNTY DETENTION FACILITY

PURPOSE:

Penal code section 919(b) mandates that the Grand Jury will annually inquire into the conditions and management of all public prisons within the county.

BACKGROUND:

The California State Board of Corrections classifies the Trinity County Detention Facility (Jail) as a Type II facility. This facility is used to detain persons who are awaiting or undergoing trial proceedings, convicted persons sentenced to serve time up to one year, and minimum security state parolees back in custody due to parole violations. The maximum capacity of the jail is 53. In an emergency the inmate population can be as high as 63, but the California State Board of Corrections will not stand behind the Jail Staff if a grievance is filed for overcrowding, if the population exceeds 53. The inmate population was 38 on October 14, 2003, the day the Grand Jury Judicial Committee visited the jail. During the month of September 2003 the average daily inmate population was 55. The highest inmate population experienced was 65.

METHOD OF INVESTIGATION:

Prior to the inquiry, the Judicial Committee received two Citizen's Complaints, numbers 2003-2004 #14 and 2003-2004 #17, concerning conditions within the County Jail. The committee addressed these complaints as part of and during the visit on October 14, 2003. These two complaints concerned the inmate telephone system, the quality of food served, and repetitive problems experienced with a hot water heater. All of the members of the Grand Jury Judicial Committee met with Sheriff Lorrac Craig and Jail Commander Sergeant Bill Broschat and toured the Detention Facility (Jail) on October 14, 2003. Prior to the inquiry Sergeant Broschat supplied, for the Judicial Committee's review, the Jail Policy and Procedure Manual and copies of current inspection reports from California Board of Corrections, Deputy State Fire, Marshall and California Medical Association/Institute for Medical Qualities Committee on Corrections and Detention Health Care. Using Board of Corrections procedures for Title 15 facilities, the members of the Judicial Committee toured every room within the detention facility; discussed routine and significant activities with jailers and the Sheriff's office staff; and interviewed 7 male inmates and 3 female inmates. During the inmate interviews 2 complaints were received for submission to the full Grand Jury for acceptance and further review and/or investigation. The complaints were later accepted and submitted to the Judicial Committee for action as complaints number 2003-2004 #30 and 2003-2004 #32. These

two complaints added issues concerning inmate receipt of medical items and the housing segregation of prisoners by classification.

FINDING #1:

Staffing Levels and Overcrowding - The staffing levels at the jail currently meet the staffing levels required by the State of California, but this is accomplished partially by using patrol officers and thus decreases patrol coverage. The September population average that was in excess of established inmate population maximums is clear indication of current and anticipated future problems within the jail. Operating at or above the maximum inmate population requires diverting even more patrol deputies from public protection and response activities into correctional officer activities. Routine operation above the established maximum capacities make Trinity County vulnerable to inmate grievance and potential suit. One direct result of a full jail is the jailers inability to accomplish optimum segregation of inmates by classification, (Citizen Complaint 2003-2004 #32).

RECOMMENDATION #1:

The Trinity County Superior Court, Trinity County District Attorney and Trinity County Public Defenders need to ensure that no pretrial or presentence individual is incarcerated within the Trinity County Jail unless there is substantial reason to conclude that it is necessary for protection of the public during proceedings or needed to prevent flight to avoid prosecution. We suggest, to help reduce inmate overcrowding, periodically, annually or more frequently, a meeting be held between the District Attorney and Public Defenders to review experience during the most recent period and recommend or make further reductions in inmate populations as appropriate.

FINDING #2:

Food Service - (Citizen Complaint 2003-2004 #17) Through inspection and interview with staff and inmates it is apparent that the food served within the jail is of good quality and nutritious. Most inmates who had served time in other facilities were very complimentary of the food served. Due to good nutrition and decreased physical activity, most inmates gain weight while in Trinity County Jail.

RECOMMENDATION #2:

Food service personnel should be commended for their good work and encouraged to keep it up.

FINDING #3:

Inmate Welfare Fund - Purchase of items and expenditures that support the welfare of the inmates are routinely made from an Inmate Welfare Fund, as established by

Penal Code 4025. This fund comes from varied sources such as abandoned inmate accounts, commissary sales and principally from revenue from the "for profit" inmate telephone system. The Jail Policy and Procedure Manual establishes an Inmate Welfare Fund Council, which includes the opportunity for citizen members, to control expenditures from the fund. Currently no Inmate Welfare Fund Council exists and expenditures are determined solely by the Sheriff. During the jail visit by the Judicial Committee, few inmate welfare items, such as exercise or recreation equipment, were observed.

RECOMMENDATION #3:

The Trinity County Sheriff should immediately appoint a new Inmate Welfare Fund Council which includes citizen membership. One early expenditure for the council to consider is the establishment of a dedicated and controlled telephone for inmates to communicate with their appointed Public Defender, or their hired attorneys using phone card or collect calls, (see Finding and Recommendation #5). Starting with calendar year 2004, the Sheriff should provide an itemized report of expenditures from the Inmate Welfare Fund to the County Board of Supervisors as required by Penal Code 4025 (e).

FINDING #4:

Inmate Telephone System - A for profit (for the jail) telephone system has been contractually provided for inmate use. This system has been operating with no apparent Trinity County oversight and has been a routine source of continuing complaints by both inmates, inmate families and Public Defenders. Citizen Complaint 2003-2004 #17 addressed this telephone system. During interview, Public Defenders indicate the excessive expense of this system has resulted in their not accepting collect calls from their inmate clients! Calls from the inmates are prohibitively expensive and most inmates soon lose their opportunity to call loved ones due to service disconnects or service blocks resulting from excessive bills. Trinity County relies on the service provider to establish the Trinity County share of the profits. The current contract for this service has passed through three different companies since the service was initiated.

RECOMMENDATION #4:

A new Inmate Telephone System contract is currently under preparation, this contract needs to ensure that inmate costs are held to a reasonable level and the revenue from the contract must be subject to regular audits by the County Auditor.

FINDING #5:

Inmate Contact With Public Defenders - A common complaint from inmates at the Trinity County Jail, confirmed by their appointed defenders, is that they have little or no telephonic contact with their appointed Public Defender. This results in inmates having no knowledge of the progress of their cases and a doubt that their interests are

being protected. Lack of contact is influenced by two correctable situations: 1. Inmates cannot call their defenders on the telephone (see Recommendation 3 and Finding 4), and 2. There is no private place nor time established within the jail for inmates to meet with their defenders.

RECOMMENDATION #5:

The Jail Commander, in coordination with Trinity County Public Defenders should establish a set private location and mutually agreeable time for public defenders to meet with inmates to work on their cases. The Jail Commander should solicit Inmate Welfare Fund money to install a dedicated telephone for inmate use in calling their Public Defenders. Control must be established to limit numbers called to Public Defender offices only and to limit time access by inmates (See Recommendation 3).

FINDING #6:

Physical Plant - Several physical plant deficiencies were observed that (if not already), should be identified to general services for prioritization for repair. First is the hot water heater that periodically trips the circuit breaker (a potential fire hazard), subject of Citizen Complaint 2003-2004 #14. Additional observations are: The high security B Tank and D Tank have no security camera thus necessitating repetitive physical visits by the guards; C and D Tank have four beds and eating space for only two inmates; parking lot surveillance is deficient, no camera surveillance; to be fully usable the exercise yard needs a full cover and recreation/exercise equipment; there are broken windows in G Tank and in the south entry door into the exercise yard; and the Pod should be modified to make it fully usable space.

RECOMMENDATION #6:

The Jail Commander should Work Order each of these deficiencies, not already reported, to General Services indicating relative importance (Priority) of each and indicate any available funding such as the potential purchase of exercise or recreation equipment through the Inmate Welfare Fund.

FINDING #7:

During interviews, one inmate indicated that he had requested to vote and was told that there was no provision to accommodate his request.

RECOMMENDATION #7:

The Jail Policy and Procedure Manual should be revised to include provisions for eligible inmate voting in accordance with Title 15, Section 1071.

CONCLUSION:

Considering the severe limits on funding and the overcrowded conditions within the Trinity County Jail, the Grand Jury Judicial Committee is convinced that the Sheriff's Jail staff are all doing an outstanding job. The officers involved should be commended for the professional manner in how they perform their duties.

RESPONSES REQUIRED:




RECEIVED
JUL 29 2004
TRINITY COUNTY
SUPERIOR COURT

TRINITY COUNTY

BRIAN E. MUIR, COUNTY AUDITOR-CONTROLLER
DAVID NELSON, CHIEF DEPUTY AUDITOR-CONTROLLER
P.O. BOX 1230, WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1317 FAX (530) 623-1323

TO: The Honorable Anthony Edwards,
Presiding Judge of the Superior Court

FROM: Brian Muir, Auditor/Controller 

CC: Kelly Frost, Deputy Clerk to the Board of Supervisors

SUBJECT: Response to Recommendations of 2003-04
Grand Jury Judicial Committee Report
re: Trinity County Juvenile Detention Facility

DATE: July 2, 2004

The Grand Jury Judicial Committee has requested a written response regarding implementation of recommendations in their final report on the Trinity County Juvenile Detention Facility. In my capacity as Auditor/Controller performing the duties of County Administrative Officer my response is as follows:

Finding #1: Inmate Telephone System – The only significant concern or complaint expressed by anyone, and it was shared by both the staff and inmates, was the reliability and impact of the inmate telephone system. Because the telephone contract has passed through three different companies since being issued, acquiring maintenance or repair for the system has become slow and cumbersome. The impact of the high cost of use routinely results in inmates losing telephonic contact with their families. The system in use in the JDF is under the same contract as the system used in the Trinity County Jail.

Recommendation #1: The recommendation will be implemented within 90 days.

Finding #2: The Trinity County Juvenile Detention facility is the newest, cleanest and best run of this type facility that any member of the Grand Jury Judicial Committee has ever witnessed.

Recommendation #2: The recommendation has been implemented.

BM:wt



TRINITY COUNTY SHERIFF'S DEPARTMENT

P.O. BOX 1228, WEAVERVILLE, CA 96093 Phone: (530) 623-2611

LORRAC CRAIG, Sheriff

To: The Honorable Anthony C. Edwards
Presiding Judge of the Superior Court
From: Sheriff Lorrac Craig
Subject: Response to Recommendations of 2003-2004
Grand Jury Judicial Committee
Final Report
Date: October 28, 2004

RECEIVED

OCT 28 2004

**TRINITY COUNTY
SUPERIOR COURT**

The Grand Jury Judicial Committee has requested a written response to their final report on the Trinity County Detention Facility. In my capacity as Sheriff, my response is as follows

Finding #1: Staffing Levels and Overcrowding

Response: Agree

Recommendation #1: Implemented on as needed basis

Overcrowded jail conditions are generally a result of sentencing and judicial practices controlled by the Court and the District Attorney. Due to overcrowding, sentences can be reduced by the Sheriff by as much as five days after notification to the court. More aggressive use of electronic monitoring can be used to reduce jail population problems providing the elements of that program are met. Discussions are conducted with the Judges and the District Attorney when bed space becomes critical.

Finding #2: Food Service

Response: Agree

Recommendation #2: Implemented

Food service will continue to be maintained at a level that exceeds State standards.

Finding #3: Inmate Welfare Fund

Response: Agree

Recommendation #3: Implemented

A new Inmate Welfare Fund Committee will be established and a year end report will be submitted to the Board of Supervisors. Past practice has been to provide a report every two years. Note – inmate welfare funds are not used to install and maintain a phone system

Finding #4: Inmate Phone System

Response: Agree

Recommendation #4: Implemented

A new phone system has been installed in the jail. Although some "bugs" are being worked out, this system should be less expensive to those receiving calls from an inmate.

Finding #5: Inmate Contact with Public Defenders

Response: Agree

Recommendation #5: Implemented

Public Defenders have been programmed into the system to receive free calls from their clients who are in jail. The morning hours before noon are set aside for Public Defenders to visit clients at the jail. Public Defenders have always had the choice of the jail library or the visiting room for face to face contact. The facility layout prevents any other options for meeting places.

Finding #6: Physical Plant

Response: Agree

Recommendation #6: Implementation not possible at this time

The water heater malfunction appears to be a result of liquid propane entering the fire chamber and not igniting. This is mainly a problem during colder weather combined with the long distance between the source and the water heater. The fix would be the installation of a device that would atomize the propane as it enters the heater. The cost for such a device is apparently several thousand dollars. Additional cameras are a function of funding as well as the other deficiencies noted in this section.

Finding #7: Inmate Voting

Response: Agree

Recommendation #7: Implemented

Inmates have been given absentee ballot forms upon request so that they can vote in upcoming elections.

Conclusion:

Lack of sufficient funding continues to hamper the efficiency of the Jail operation, however, the inmate population receives the best care possible.

My thanks to the Judicial Committee for their time and interest in our operation. Their insight and suggestions are greatly appreciated.



TRINITY COUNTY

BOARD OF SUPERVISORS
P.O. Drawer 1613 (530) 623-1217
WEAVERVILLE, CALIFORNIA 96093

Dero B. Forslund, Clerk
Jeannie Nix-Temple, County Administrative Officer

RECEIVED
NOV 18 2004
TRINITY COUNTY
SUPERIOR COURT

To: The Honorable Anthony Edwards
Presiding Judge of the Superior Court

From: Trinity County Board of Supervisors
Supervisor Miller

CC: Kelly Frost, Deputy Clerk to the Board of Supervisors

Handwritten initials and date: 11-17-04

Subject: Response to Recommendations of 2003/2004 Grand Jury
Trinity County Detention Facility Final Report

Date: November 1, 2004

.....
Finding #1 – Overcrowded jail conditions. This has been handled through discussions with the Judges and District Attorney.

Finding #2 – Food Service. The food at the jail exceeds the State standards and is deemed above average for this type of facility.

Finding #3 – Inmate Welfare Fund. A committee will be established and a year end report will be submitted to the Board of Supervisors. As far as exercise equipment is concerned it is primarily a management issue as there is not sufficient staff to supervise exercise or recreation equipment at this time.

Finding #4 & 5 – Inmate Telephone System. A new system has been installed in the jail making call s from inmates less expensive and the jail receives 40% of the fees. Public Defenders can be dialed free of charge by the inmates. A regular schedule of morning hours has been set aside for Public Defender contact. Public Defenders can meet with inmates in the Library or visiting room where they can be visibly observed , but not heard.

Finding #6 – The repair to the water heater is a cost item which the Sheriff does not have the funding to repair at this time. We agree that additional cameras would be very helpful, but again the funding is lacking. There are funds available for the

purchase of recreation and exercise equipment, but this has not been purchased do to the lack of manpower to supervise this activity..

Finding #7 – Voting. All inmates were provided with applications for absentee ballots, but none were returned requesting to vote absentee. One inmate that had requested to vote was transported to the Courthouse and given the opportunity to vote personally.