

**TRINITY COUNTY GRAND JURY
2010-2011**

FILED

JUN 27 2011

CLERK OF THE SUPERIOR COURT
COUNTY OF TRINITY
BY: STACI WARNER, DEPUTY CLERK

**Judicial Committee
JUR2010/2011-001
Final Report**

**Trinity County Jail:
A Mandate or a Dead Weight?**

Approved 06/21/2011

A handwritten signature in black ink, appearing to read "Jerry Brasuell", written over the printed name.

**Jerry Brasuell
Foreperson**

2010-2011 Trinity County Grand Jury

Judicial Committee

Trinity County Jail: A Mandate or a Dead Weight?

Summary

The Judicial Committee researched the often stated position of Trinity County public officials that a mandate exists for a county jail. The Grand Jury initiated an investigation to determine the legal basis for this position. The Grand Jury believes this determination is important to understanding the County's options to address likely continued reductions in funding for the Sheriff's Department. Previous reductions in funding have resulted in significant declines in the number of deputies on patrol and have affected public safety in our communities.

A review of the California State Government Code and State Penal Code found that neither contains a mandate that California counties must have a county jail. These State laws do, however, impose a requirement on the Sheriff and the Court to incarcerate individuals arrested, awaiting arraignment or trial, and their continued incarceration if convicted. How this is to be accomplished is the subject of several Sections of State Codes.

Background

Trinity County is affected by the national and state government economic crises. For several years the annual budgets have been cut for all departments of the County. The effect on the County has been dramatic, with layoffs every year. This is most apparent in the Sheriff's Department. The reductions in force have resulted in fewer deputies on patrol and a jail which is understaffed, wearing out, and noncompliant with state regulations. The County has been forced to rely on the California Highway Patrol for police protection at night when no deputies are on duty. The jail represents a major portion of the Sheriff's budget each year and, in its current form, will continue to be a financial burden.

The laws regarding county jails and options for addressing the cost of incarceration are contained in two sources: The California Government Code (CGC) and the California Penal Code (CPC). No reference to county jails is made in the California Constitution. (A review of relevant codes regarding the Sheriff's responsibilities, when there is a jail in the county, is not within the scope of this report.)

A review of the relevant Sections of the Codes is very enlightening, as follows:

California Government Code states:

“26610. The sheriff of any county which maintains a jail in another county has the same control and supervision of the property, personnel, and inmates that he would have if the jail were located within the boundaries of the county which maintains it.”

“23013. The board of supervisors of any county may, by resolution, establish a department of correction, to be headed by an officer appointed by the board, which shall have jurisdiction over all county functions, personnel, and facilities, or so may as the board names in its resolution relating to institutional punishment, care, treatment, and rehabilitation of prisoners, including, but not limited to, the county jail, and industrial farms and road camps, their functions and personnel.

The boards of supervisors of two or more counties may, by agreement and the enactments of ordinances in conformity thereto, establish a joint department of corrections to serve all the counties included in the agreement, to be headed by an officer appointed by the boards jointly.”

California Penal Code states:

“4007. When there is no jail in the county, or when the jail becomes unfit or unsafe for the confinement of prisoners, the judge of the superior court may, by a written order filed with the clerk of the court, designate the jail of a contiguous county for the confinement of any prisoner of his or her county, and may at any time modify or vacate the order.”

“4051. Any two or more counties may form a district for the purpose of establishing and operating a joint county jail to serve such counties.”

“4053. The board of supervisors of any county may initiate proceedings proposing the creation of a joint district for the purpose of maintaining a joint county jail under the provisions of this chapter to be composed of two or more counties by the adoption of a resolution reciting the following:

(1) That it will be beneficial to the public interest to create a joint district for the establishment or operation, or both, of a joint county jail to which persons from any of the counties proposed to be included in the proposed district may be committed.

(2) The names of the counties proposed to be included in the proposed district which will be benefited by the formation thereof.

(3) That it is proposed to create a joint district for the establishment or operation, or both, of a joint county jail under the provisions of this chapter for the counties so named.”

Method of Investigation

The Judicial Committee analyzed the relevant Sections of CGC and CPC. Research on how other counties in California deal with county jails was conducted. The current Trinity County Grand Jury Report JUR2010/2011-002 on the County Jail was used as further reference. This report documents the state of jail deterioration and noncompliance that has existed for years. In some cases these issues go back to 1984, without being remedied.

Discussion

The existing County Jail houses the jail cells/dormitories, a kitchen, and a communication center for dispatch, emergency response and 911 calls. It is clear from reviewing the Grand Jury Report noted above that there are many deficiencies and very little has changed over the years. It was not determined as part of this report to what extent the Sheriff has looked at modifying operations in the Jail.

Options to consider if the Jail is to remain open would include: outsourcing the preparation of meals, coordination with other counties for the development of a regional communications center, and/or development of a jail enterprise program to offset the operating costs of the jail.

It is clear from both the CGC and CPC that there is an obligation on the part of the Sheriff and the Superior Court of the County to provide a means of incarceration upon arrest and arraignment, pending trial, and if convicted, for the period of incarceration determined by the court. Pending trial, this could be a holding cell and not a jail. If convicted, incarceration may be in a county jail or in a state prison depending on the length of stay and the type of felony conviction.

There is currently an effort by the state government to return many prisoners from state prison to the county jail where convicted. The overall impact of this is not known, however, it is fair to assume that for Trinity County this would result in increased jail population, operating costs, more jail guards, and accelerated deterioration of a jail already in poor condition. While the added prisoners' cost will be offset in part by state funds provided to the counties, it is not clear that the jail can even accommodate the number of prisoners that could be returned or if the state funding will cover the added costs.

Based on the review of the codes as noted in the Background section and on precedent set by other counties, the County has the following options:

1. A jail in county: The County can continue with the status quo and hope that things get better while continuing to cut budgets.
2. A jail out of county: The County could build a new jail outside the County but to what avail? If the County had the money, why not build it in our own county?
3. A privately run jail in county: the County could contract jail management to a private company. A successful example is the Corrections Corporation of America which provides statistics on savings to be attained. This is an approach used by Lake County, California.
4. No jail in county:
 - a. Inmates could be sent to other county jails: CPC 4007 clearly provides that a county can exist without a jail and how the court must act. Alpine County has no jail and contracts jail services with El Dorado County and Calaveras County. On May 11, 2011, the Merced Sheriff proposed

closing the County's main jail but did not specify all actions that would be required to deal with the prisoner population beyond early release. A search of county jails in the state indicates that Merced, a county of 256,450 people, has only one county jail.

- b. Form a district comprised of two or more counties using a common jail with shared cost and operations. A consideration could be a regional jail in Trinity County which would add jobs to the economy. CGC 23013 as well as CPC 4051 and 4053 allow for the formation of a district made up of two or more counties. There are 65 counties in California. The research of these counties did not indicate that any counties have taken this path as yet. There is discussion, however, throughout California, that regional jails are a viable option in the efforts to contain jail budgets while maintaining a proper level of police protection.

Findings/Recommendations

Finding 1:

There is no legal mandate for a county jail and alternatives exist under California law.

Recommendation 1a:

Conduct a County feasibility study to determine if contracting jail services in lieu of operating a jail is financially viable.

Recommendation 1b:

Initiate discussions with contiguous counties on the operational and financial feasibility of a regional district jail.

Recommendation 1c:

Issue a Request for Information to private management companies to run the Jail.

Finding 2:

If the Jail remains open there are cost saving measures to be immediately considered by the Sheriff.

Recommendation 2a:

Explore contracting out meals for the Jail and Juvenile Detention Facility to a private third party.

Recommendation 2b:

Enter into discussion with adjoining counties on the feasibility of a regional communication center to handle 911 and emergency response calls.

Recommendation 2c:

Explore work programs within the Jail that provide a product or service of value that can partially offset operating costs of the Jail.

Responses Required

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

<u>Respondent</u>	<u>Recommendation</u>	<u>Due Date</u>
Board of Supervisors	#1a and 2c	90 Days
Trinity County Sheriff	#2a thru 2c	60 Days

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

Bibliography

California Penal Code

California Government Code

www.modbee.com/2011/05/12/1684859/merced-sheriff-proposes-closing.html article entitled "Merced sheriff proposes closing main jail", dated May 11, 2011.

www.onewaybailbond.com/california-county-jails.html listing entitled "California County Jails".

http://en.wikipedia.org/wiki/Corrections_Corporation_of_America



OFFICE OF THE SHERIFF TRINITY COUNTY

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(530) 623-2611

**BRUCE HANEY, Sheriff/Coroner
KEN LANGSTON, Undersheriff**

March 22, 2012

James P. Woodward, Presiding Judge
P.O. Box 1258
11 Court Street
Weaverville, Ca. 96093

*Reviewed
JMN
3/28/12*

Dear Judge Woodward,

The following is a response to the Trinity County Grand Jury Report entitled, "Trinity County Jail: A Mandate or a Dead Weight", dated 2010/2011.

Grand Jury Background

The 1st paragraph states that Trinity County depends on law enforcement services from the California Highway Patrol (CHP) when deputies are not on duty. This statement is incorrect. Though CHP does assist Sheriff Personnel and Sheriff Personnel assist CHP when requested the CHP does not handle calls for service that come to the Sheriffs' Office Dispatch Center.

In 2002 the Trinity County Board of Supervisors investigated using the CHP to aid the Sheriffs' Office with law enforcement duties but was instructed that this would require a contractual agreement and would be cost prohibitive.

The 2nd page of the report lists two Government Code Sections (26610 and 23013) and three Penal Code Sections (4007, 4051, 4053 (1),(2) &(3). I have attached a printout of Government Code Section 26605 and Penal Code Sections 4000 and 4015. These will provide some clarification as far as the responsibilities and mandates of the Sheriff and the county jail system.

Discussion

On page five in the paragraph referenced b., there is a short sentence that claims there are 65 counties in California. This is incorrect. There are 58 counties in California.

Recommendations

Recommendation 2a:

Explore contracting out meals for the Jail and Juvenile Detention Facility to a private third party.

Response 2a:

This may be a reasonable option in a major metropolitan area but is not a practical remedy in Trinity County. The staff purchases food at wholesale and sometimes below wholesale prices. Though a private vendor can purchase food at a wholesale rate they do not have access to State run food programs and discounts. I believe that a private vendor would also add an additional amount of money to allow for some type of profit margin. I will be contacting various companies that produce flash frozen meals to various penal institutions the first week of April.

Recommendation 2b:

Enter into discussions with adjoining counties on the feasibility of a regional communication center to handle 911 and emergency response calls.

Response 2b:

The only regional communication center in our area is Shasta Area Safety Communications Agency (SHASCOM). Currently SHASCOM provides dispatching services for the Redding Police Department, Redding Fire Department and Shasta County Sheriffs' Office. Recently SHASCOM signed a contract with the City of Anderson to provide dispatching services for just under \$500,000. With the current state of the Trinity County Sheriffs' Office budget and the fact that we already have a functioning dispatch center the option of contracting with SHASCOM would be cost prohibitive. It is also my understanding that SHASCOM would need to install a new repeater (Hoadley Peak) to access existing Trinity County repeater sites and that cost would be past to Trinity County.

Recommendation 2c:

Explore work programs within the Jail that provides product or service of value that can partially offset operating costs of the Jail.

Response 2c:

We are currently reviewing work programs to address jail overcrowding. Low risk individuals, that qualify, would be required to work for various county departments for a length of time commensurate to their sentenced jail time. These individuals could be used to assist the General Services Department with park clean-up, painting and other non-skilled duties. In the case where an inmate has an expertise in a specific trade or discipline he/she may be used if the conditions are appropriate. The savings and value would be realized immediately upon implementation.

The Sheriffs' Office is not aware of county jail program that produces a saleable product to offset jail costs. With jail realignment every sheriff in the state is looking for ways to mitigate the costs of housing what have traditionally been state inmates. Though producing a saleable product is a great idea it is not practical with our current staffing levels and facility. Implementation of a production program would require an expert in the product, equipment, specialized training, a production location and additional supervision. As Sheriff I am open to all

cost saving measures and the future of inmate housing may very well include some type of production component, but for now it is just not practical.

Sincerely,

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

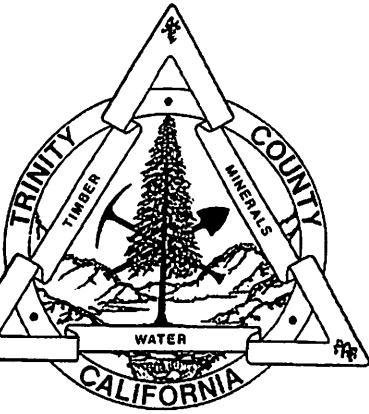
Bruce Haney, Sheriff
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Cc: Wendy Tyler, Trinity County Administrative Officer

RECEIVED

APR 17 2012

TRINITY COUNTY
SUPERIOR COURT



TRINITY COUNTY

Board of Supervisors

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*Reviewed
9/17/12*

TO: The Honorable James P. Woodward,
Presiding Judge of the Superior Court

FROM: Trinity County Board of Supervisors
Robert R. Jaegel

SUBJECT: Response to Recommendations of 2010-11
Grand Jury Judicial Committee, Trinity County Jail
Final Report

DATE: April 3, 2012

The Grand Jury Judicial Committee has requested a written response to their final report on the Trinity County Jail: "A Mandate or a Dead Weight" The response of the Board is as follows:

Finding #1:

There is no legal mandate for a county jail and alternatives exist under California Law.

Response: Agree.

Recommendation #1a: Conduct a County feasibility study to determine if contracting jail services in lieu of operating a jail is financially viable.

Response:

Will not be implemented. The recommendation is not currently viable due to the cost for a more extensive study. The concept is not new to the County and inquiries have been made to privatize the county jail via CSAC (8/5/11). The County's ability to contract out is detailed in Gov't Code Section 31000 and is limited to "special services" such as laundry, medical, etc. But Probation can run the jail and within the scope of AB109, this may be looked at.

Finding # 2:

If the Jail remains open there are cost saving measures to be immediately considered by the Sheriff.

Response: Agree

Recommendation # 2c:

Explore work programs within the Jail that provide a product or service of value that can partially offset operating costs of the Jail.

Response:

The recommendation requires further analysis. Through the realignment brought on by AB109, Trinity County has established the Community Corrections Partnership and a portion of that Partnership includes Work Furlough Programs and Day Supervision Programs. These programs are expected to begin during phase II in July of 2012. These types of programs are expected to put less demand on the jail as "clients" may be housed at their own homes, or only in the jail on a limited basis, thereby reducing the jail cost. Community Supervised programs can include park clean up, work at the animal shelter, etc. These alternative programs are still being developed and all ideas are welcomed. Meetings of the Community Corrections Partnership are open to the public.