

**TRINITY COUNTY GRAND JURY
2010-2011**

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

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

Approved 06/21/2011



**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.

