

TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

JAMES W. MELE
SHERIFF-CORONER

MEMORANDUM

DATE: July 9, 2010
TO: Honorable Eric L. DuTemple, Presiding Judge of the Superior Court
FROM: James W. Mele, Sheriff-Coroner
CC: Craig Pedro, County Administrator
SUBJECT: Response to Grand Jury 2009-2010 Final Report

TUOLUMNE COUNTY JAIL

The Problem

This facility was first constructed in 1959 with two additions, the first in 1987 and the last in 2002. Due to the age of the structure (51 years) it is continually in need of repair. This puts a large burden on the Facilities Management Group and our own jail staff.

The Solution

The solution is to construct a new facility. The previous Grand Juries have made this recommendation for the past 17 years and it still remains a high priority.

Findings and Recommendations from the 2009-10 Tuolumne County Grand Jury

1. **Finding:** *The jail is seriously understaffed due to lack of funding.*
 - a. *Current staff assigned to maintain safety of jail personnel and maximum 149 inmates:*
 - i. *One (1) Administrative Sergeant*
 - ii. *Four (4) Deputies*
 - iii. *Two (2) Transport Deputies*
 1. *Note: the two (2) transport deputies leave the jail when an inmate(s) has a court appearance. This leaves just five (5) jail staff members for 149 inmates.*

Subject: Response to the Grand Jury

To: Honorable Eric L. DuTemple

From: Sheriff James W. Mele

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- b. The second floor/west side holds the majority of inmates and is overcrowded and understaffed. Two (2) deputies maintain the security for the second floor and the majority of the 149 inmates.*
 - c. If a violent event were to occur on the third floor where the exercise area is located, the coverage and response time for the lone deputy on the third floor is too long.*

1a. Response – I partially agree with this finding. The Jail is understaffed due to lack of additional funding. There is also no ability to have a relief factor for shift coverage due to staff time off for vacation, sick, work comp, etc. The Current minimum staffing level is one (1) Sergeant, who is the Watch Commander (there is not an Administrative Sergeant), one (1) Corporal, and three (3) to four (4) Deputies per shift. The self imposed capacity by the Sheriff is 140 inmates.

Currently the Jail has two (2) Transportation Deputies whose shift is from 0730 to 1330 hours Monday through Friday. They do the in county transports as well as the out of county transports such as prison or other counties.

1b. Response – I agree with this finding. The second floor of the jail has two distinct posts. The J2 section has 4 dorms and a maximum/administrative segregation section consisting of 10 single cells. One deputy is responsible for as many as 54 inmates in that section. The J3 section has 7 housing units which are the oldest in the jail (built in 1959). One deputy is responsible for the 43 inmates in that section.

1c. Response – I agree with this finding. The exercise yard is located on the 3rd floor which is the roof of the jail itself. This is the only location of the size necessary to have the mandated exercise yard. One deputy supervises the inmates who come up to the yard for their required 3 hours per week. The deputy's post is secured behind a glass wall with a locking door. If assistance is needed in the yard those responding must run up the stairs on 2 or 3 floors. There is no other area available to relocate the exercise yard.

Note – Officer safety is of the highest priority for the Sheriff's Office. We have been doing more with less for years. We've been able to utilize grants and other funding to improve the safety issues in the jail. The jail has been outfitted with cameras that are monitored 24/7 as well as tasers to assist the staff with inmates that are uncontrollable by any other means. Safety procedures and policy's are reviewed regularly and any officer safety issues that are noted are addressed right away. We do the very best we can with the staff that we have, however additional staffing is always requested and denied due to lack of funding.

- 2. **Finding:** *The jail is grossly outdated, unsafe and has many hazards.*
 - a. Visiting/Interview area is too small with just five (5) intercom phones. One (1) of these is in a sound proof area for attorney/client conversations.*
 - b. Control room is cluttered due to lack of storage space, but has improved security and safety levels.*

Subject: Response to the Grand Jury

To: Honorable Eric L. DuTemple

From: Sheriff James W. Mele

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- c. *There is a significant amount of mold on the walls migrating from the ceiling to the stairs in the stairwell between the first and second floors. This mold is professionally removed periodically. With the poor ventilation system, health hazards to staff and inmates are a possibility.*
 - d. *The ceilings of the jail show signs of leakage, rust, and peeling paint. The roof to the jail has been replaced since the 2008-2009 Grand Jury report. The damage to the interior ceilings will not improve, but is not expected to get worse.*
 - e. *The Sally Port is a secure gated vehicle bay designed for the safe transfer of arrested individuals and inmates between law enforcement vehicles and the jail itself. One third of the Sally Port is currently being utilized for storage and unavailable for use by law enforcement vehicles.*

2a. Response: I agree with this finding. The visiting area is used seven (7) days a week. The inmates have visitations based on the housing units where they are located. There is no room for expansion of the visiting area in the current facility.

2b. Response: I agree with this finding. The control room is staffed by at least one (1) booking clerk at all times. It has three (3) computers which are used by the Watch Commander, the booking clerk and a second booking clerk during overlap periods. The control room door is secured at all times. Again, with the lack of space in the current facility, there is no room for expansion or alternative storage space.

2c. Response: I agree with this finding. Facilities Management has been a vital part of addressing the mold problem in the jail and consistently take steps to get it removed. They have also installed a heating system in the stairwell to cut down the humidity there.

2d. Response: I agree with this finding. The Jail roof still has a small number of leaks in the winter. Again, Facilities Management is promptly responsive to the leaks when they occur.

2e. Response: I agree with this finding. The basement/Sally Port is a depository for stored items as well as discarded office equipment. These items are placed there until the county has room for them in their surplus location and the discarded items are there until they can be hauled away. Again, with the current facility there is no extra space for anything and extra items have to be placed somewhere until they can be properly disposed of or put in their desired location.

3. **Finding:** *The living, sleeping, and eating conditions for inmates are adequate. The majority of these necessities is regulated by state and federal law and are vigorously observed and implemented by the Sheriff. The Jail contracts with an outside private company for meal preparation. This has proven to be cost effective.*

a. **Response:** I agree with this finding. ARAMARK Corp. handles the inmate meals and utilizes inmate workers to prepare and serve the three (3) meals per day.

Subject: Response to the Grand Jury

To: Honorable Eric L. DuTemple

From: Sheriff James W. Mele

4. **Finding:** *Medical treatment of inmates is adequate.*
- a. *There is a nurse on duty at all times with a physician in attendance one day a week.*
 - b. *Inmate medications, diabetic blood sugar issues, and communicable diseases are monitored daily.*
 - c. *An inmate with an emergency will be transported to the hospital by two (2) deputies.*
 - d. *Dental needs are provided by transporting the inmate to a local dentist.*

4a. Response: I agree with this finding. California Forensic Medical Group (CFMG) provides medical coverage for the Jail twenty (20) hours per day. The nursing staff is on duty from 0730 until 0330.

4b. Response: I agree with this finding. The nursing staff has sick call daily.

4c. Response: I agree with this finding. If a medical emergency arises the inmate may be transported to the hospital by ambulance or the jail transportation deputies or any deputy(s) on duty.

4d. Response: I agree with this finding. The nurses keep an ongoing dental list and each month the inmates are transported to the contracted county dental facility.

5. **Finding:** Several areas of concern were noted and two (2) correction notices were issued during a recent fire inspection.

- a. The areas of concern were:
 - i. All fire extinguishers need to be inspected monthly.
 - ii. Improve general housekeeping to maintain area in a neat and orderly manner to minimize fire loading to prevent spread and maintain fire safety.
 - iii. Penetrations in fire rated walls and ceilings must be maintained in accordance with applicable fire codes.
- b. The corrections notices were for:
 - i. The fire extinguisher in the elevator service room needs to be serviced
 - ii. Fire caulking in the ceiling and wall joints of the library, the female dorm area, and the "J" tank area needs to be brought up to code standards.

5a. Response: I agree with this finding. All fire extinguishers are inspected monthly by the Jail Fire Safety Officer. The entire Jail is also inspected by a Jail Sergeant monthly to be sure all maintenance items are being addressed by Facilities Management. The County Fire Inspector toured our facility in May and all items were addressed and work orders were sent to Facilities for items needing repair.

Subject: Response to the Grand Jury

To: Honorable Eric L. DuTemple

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5b. **Response:** I agree with this finding. All of the fire extinguishers in the Jail are currently scheduled for service in July. The fire calking in the dorms and the library has been done.

Recommendations

1. **Recommendation for finding (1): Increase staffing at the jail to:**
 - a. One (1) Administrative Sergeant
 - b. Six (6) Deputies
 - c. Four (4) Transportation Deputies

Response: For FY 10/11 the Sheriff's Office requested an addition of one (1) Jail Administrative Sergeant, six (6) Jail Deputies, one (1) additional transportation Deputy and one (1) Jail Booking Clerk. Due to County budget cuts there will be no added staffing. The Jail is experiencing a reorganization which included the elimination of the Jail Commander position with a demotion to Jail Sergeant, a Jail Sergeant demotion to Jail Corporal and a Jail Corporal being demoted to a Jail Deputy.

2. **Recommendation for finding 2(a): A deputy should be present to observe inmate interactions with visitors.**

Response: Presently there is only one (1) Jail Deputy to work the intake area during visiting. The deputy does monitor the inmates as much as time allows along with the two (2) housing units under their control which house 58 inmates.

3. **Recommendation for finding 2(e): The Sally Port should not be used for storage.**

Response: The garage "Sally Port" is in the process of being cleared of all items, however with the serious lack of space in the current facility items will need to be stored in the garage area until they can be disposed of or placed in their desired location. Staff diligently works to keep this area as cleared out as possible.

4. **No Recommendations for remainder of finding 2, or finding 3 and 4.**

5. **Recommendation for finding 5: All areas mentioned in the annual fire inspection need to be corrected as soon as possible.**

6. **Response:** Everything is in the process of being corrected with the annual fire extinguisher service scheduled for July, all items will be completed.

7. **Recommendation:** This recommendation does not relate to any specific finding. The problems noted can be fixed, but in the longer term, only a larger, more secure and modern jail can actually remedy the problems with the present jail.

Subject: Response to the Grand Jury

To: Honorable Eric L. DuTemple

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Response: The Sheriff's Office has been requesting a new Jail for many years. The County has plans for a new Jail as part of the Law and Justice Center.

Tuolumne County Superior Court
Transportation and Detention

1. ***Finding:*** Each day at 4:00 PM jail staff members setup a video link with the Superior Court, Department 4. All individuals arrested within the pervious 24 hours (weekends/holidays excluded) have their first court appearance (arraignment from the jail via the closed circuit video link. This process can take as little as fifteen minutes or up to one (1) hour depending on the number of defendants. The process occupies the time of three (3) deputies leaving one (1) sergeant, one (1) deputy and two (2) transportation deputies to maintain the jail.

Response: I partially agree with this finding. Video Arraignment is subject to the desires of the court. Normally, each day at 1600 hours and on Monday at 1330 hours, video arraignment is held in the jail library. Usually from one (1) to three (3) jail deputies are involved in the procedure. This is the overlap time which lasts until 1730 hours during which time there could be as much as two shifts on duty.

2. ***Finding:*** There are no lockup holding facilities in any of the five courtrooms. Defendants must be transported to the courtroom for his/her hearing and then be transported back to the jail for holding. If a defendant has a morning and afternoon hearing, then he/she will be transported a total of four (4) times during the day. The two (2) transportation deputies must stay with the defendant at all times. If more than one defendant has a court appearance, additional deputies, being paid overtime, are used.

Response: I agree with this finding. The jail transportation deputies make as many trips to the courts as is required by the court calendar.

3. ***Finding:*** During transportation and most court appearances, inmates wear ankle and wrist restraints. With few exceptions, during trials and when a defendant is in front of a jury, no restraints are allowed.

Response: I agree with this finding. All inmates being transported to court wear belly chains and leg shackles unless mandated by the court to the contrary.

4. ***Finding:*** Vehicles used for transportation are well maintained and very secure. Some of the vehicles are approaching the need to be replaced due to high mileage.

Response: I agree with this finding. The Jail currently has three (3) vans and a sedan for transportation use. A new replacement van is on order at this time.

Subject: Response to the Grand Jury
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Recommendations

1. **Recommendation:** *For Finding 1, the use of closed circuit video arraignment is efficient and profoundly increases safety for the judge and court staff as well as defendants, inmates and jail staff. This video arraignment procedure mitigates the danger created by not having holding facilities in the courts and should be continued and encouraged.*

Response: Video arraignment has become an intricate part of the jail and there are no plans to discontinue it.

2. **Recommendation:** *For Finding 2, the lack of physical security leaves the courtrooms highly susceptible to escape during a trial. As the physical aspects of the courtrooms will not be changed anytime soon, the number of transport deputies and bailiffs should be increased when deemed necessary. This would be temporary and be assessed and determined by the Sheriff utilizing criteria such as the defendant's history, current charges, and potential length of sentence.*

Response: Each inmate to be transported to the courts is evaluated as to their potential for escape or violence. Every measure is taken into consideration when assigning staff to do the transportation detail. If an inmate is considered especially dangerous we have at times used Patrol Deputies and even Sonora Police Officers to assist in the court room.

3. **Recommendation:** *There is no recommendation for Finding 3.*
4. **Recommendation:** *For Finding 4, replace vehicles as they age out.*

Response: The Jail currently has a replacement van on order.

Tuolumne County Early Release Program

1. **Finding:** *After reviewing a "simulated early release evaluation: the Grand Jury found the Sheriff's policy to be subjective but sound. Supervising jail staff assured the Grand Jury no inmates with violence on their record would be released without completing their entire court ordered sentence.*

Response: I agree with this finding.

Recommendations

1. **Recommendations:** *There are no recommendations for the Sheriff's early release program.*