
BUTTE COUNTY GRAND JURY REPORT 2009-2010**BUTTE COUNTY JAIL****SUMMARY**

The Grand Jury is required by law to make annual inspections of the operation and management of the county jail. The 2009/2010 Butte County Grand Jury (Grand Jury) made our first visit to the Butte County Jail in September 2009. The current Grand Jury was in agreement that it is not an easy task to provide hot food, good medical care, and safety and security for those who need to be temporarily removed from society. Most inmates, when questioned, had a positive attitude about their care. The Grand Jury's required inspection of the jail (Penal Code § 919) was made easier by a proficient staff member and orderly tour.

At the conclusion of the jail inspection some jurors had lingering questions about some administrative procedures concerning jail bookings, cleanliness of inmate housing, and educational programs such as GED, Alcoholics Anonymous, Narcotics Anonymous, and parenting classes. We noticed the lack of a child-friendly visitation room. Medical procedures by staff during bookings were not always followed. On a more solemn note, a Grand Jury investigation of two jail deaths was required. Inquiries to the Sheriff's Department and the viewing of jail security tapes were a huge aid in providing answers. Further visits to the jail focused our attention on the inadequacy of the women's facility. Funds received from the U.S. Marshall's Office to house federal prisoners have greatly reduced the financial burden the jail places on the county budget.

GLOSSARY

ACO – Alleged Criminal Offender

combative cell – locked cell, with restraining chair, used when offenders are combative and a danger to themselves or others – all items that may be used to inflict harm are removed

detoxification cell – locked cell used when offenders are under the influence but not a danger to themselves or others

GED – General Education Diploma

Grand Jury – 2009/2010 Butte County Grand Jury

sally port – secured area preceding the booking area that allows the ACO and the arresting officer to safely enter the jail

Type II Facility – facility which receives and houses misdemeanor and felony ACOs from all local law enforcement agencies

Universal Precautions – refers to medical gloves, goggles, and face shields

BACKGROUND

The Grand Jury is required by law to make annual inspections of the operation and management of the county jail. The Butte County Jail is a Type II facility which receives and houses misdemeanor and felony ACOs from all local law enforcement agencies. The jail also houses inmates sentenced to county incarceration, and inmates sentenced and awaiting transport to state prison. The Butte County Jail is the largest jail north of Sacramento, California. The main jail facility was constructed in 1964 and had a capacity of 197. The north and south dormitories constructed in 1968 and the state-of-the-art west facility completed in 1994 increased the inmate capacity to 614.

Previous grand juries have expressed concern with the section of the jail that houses women.

The Grand Jury is also required to review the investigations of any deaths in the jail.

APPROACH

The Grand Jury's first visit to the jail was announced. The Grand Jury asked the Compliance Officer as many questions as time would allow and inspected the jail for cleanliness, maintenance, and jail procedures. In order to assemble this report the following activities occurred:

- The Sheriff-Coroner presented an informative orientation of the Sheriff's Department and the county jail.
- Fifteen members of the Grand Jury toured the Butte County Jail in September of 2009.
- Two on-site inspections were conducted and four video surveillance tapes of the booking process were reviewed at length by the Grand Jury.
- Grand Jury members met with the Chief Deputy Coroner for an orientation of the Coroner's Office procedures.
- Several unannounced visits were made to the jail to inquire about procedures such as inmate booking, vocational training, and filing of inmate grievances.
- A team of Grand Jury members met with the District Attorney and members of the jail staff to discuss jail deaths and view related documents and videos of the actions taken by jail personnel.
- Inmates were interviewed about treatment, quality and the variety of foods served, how mail was handled, grievance procedures, and medical treatment. Some

inmates were chosen by jail personnel and others were chosen at random by Grand Jury members.

DISCUSSION

The Butte County Sheriff's Office is charged with providing the constitutional, secure, and humane detention of arrested persons who cannot be released, persons convicted of misdemeanor offenses and sentenced to jail time, and convicted felons awaiting transport to state prison. The Jail Commander is a captain assigned by the Sheriff and is responsible to insure that all inmates receive medical and mental health care, nutritious meals, recreation, clean environment, and religious counseling.

The jail has a self-contained kitchen that provides nutritionally balanced meals. This includes one hot meal per day. This same kitchen has the ability to serve up to 15,000 meals during a county-wide disaster.

During the Grand Jury's first visit to the jail, the inmate population totaled 539 with an on-duty correctional staff of 14. When we arrived at the jail, some new Alleged Criminal Offenders (ACO) were being processed. During the booking process, the Grand Jury observed that some of the intake medical staff was not following Universal Precautions, such as wearing gloves and face shields. After booking, cooperative ACOs are placed in the docile inmate waiting area. Those who are unruly are put into a holding cell for their own protection, the officers' protection, and others who are in the docile inmate waiting area. There is also a cell with a restraining chair for combative ACOs. All ACOs confined in the intake area are continuously monitored to insure their compliance and welfare.

There are approximately 10,000 bookings each year. A state required, minimum booking time of three hours allows the staff to complete evaluation and paper work. Most ACOs are issued citations to appear and are given a court date. Those remaining in custody are then classified based upon the level of the alleged crime, social interactions, and mental stability. After classification, the inmates are given jumpsuits, which by color inform the jailers of the inmates' classifications. The classification colors are: white – kitchen workers, orange – minimum security, red – high security, yellow – anti-social, green – sexual crimes and informers, and black and white stripes for those not allowed out of their cells without being handcuffed and accompanied by two officers.

As part of the booking process, those arrested on misdemeanor crimes, who are not a danger to society and can be cited, are given a court date and released on their own recognizance. The rest are incarcerated until their attorneys can arrange bail or they are brought before a judge for arraignment.

Butte County Superior Court Order #84429, also known as the Consent Decree, was issued to resolve overcrowding in the jail. This order allows the Sheriff to release low-level, pre-sentenced inmates followed by unsentenced, non-violent misdemeanor offenders to make room for new inmates. The first to be released are the low-level crime

inmates. They are followed by the nonviolent misdemeanor offenders. Those arrested on felony charges are never released under the Consent Decree.

After completing our first tour, we met with staff in the staff conference room and discussed the complexities of operating and maintaining such a large facility. Following our discussion with the staff, inmates pre-selected by the staff were interviewed. Some Grand Jury members expressed concerns that the inmates may have been prompted on how to answer our questions. In later visits, inmates were randomly chosen by the Grand Jury, not only to discuss their housing and care, but also to review the grievance procedures. This second set of inmates appeared to be more candid and less rehearsed.

Several areas of concern were noted during the Grand Jury's visits, the first of which is the 92 bed women's facility. Of the 92 beds, six beds are designated as "interchangeable beds" for either male or female inmates. The women's facility is overcrowded, allows no privacy, is poorly ventilated, and constantly in need of plumbing and electrical repairs that are consistent with a 45 year old building. Another concern is the visitation room where children are allowed to visit their parents in the jail. The area is small and is not child-friendly. The children are not allowed to bring anything into the room with them when visiting. Changes should be made in this visitation room as soon as possible because child welfare is always critical.

An additional area of concern is that educational programs, except for videos, are no longer available to the inmates due to budget constraints. The Grand Jury would like it to be mandatory that inmates sentenced for alcohol or drug related crimes be required to attend AA/NA programs, while incarcerated. We were informed that such a requirement must come from the court system. Lastly, the Grand Jury members noticed buckets of dirty mop water left standing in the halls and in every pod.

To obtain additional revenues, the Sheriff has entered into a contract with the U.S. Marshall's Service to house 144 federal inmates at the county jail. This contract has generated approximately \$4 million in revenue to help offset budget shortfalls. Without this contract, the jail would have had to close a wing and release 250 inmates in order to continue operating. This contract will end in April of 2012.

One of the functions of the Grand Jury is to review the actions by jail staff when a death in the jail occurs. During the term of the 2009/2010 Butte County Grand Jury, two inmate deaths occurred. Each death was investigated by the proper authorities. With the District Attorney's assistance, the investigations were reviewed by the Grand Jury. In addition, videos and documentation were reviewed independently by the Grand Jury. In each incident it appeared that the attending staff operated quickly and efficiently. Based upon our review of the investigations, it appears to the Grand Jury that all appropriate procedures were followed.

COMMENDATIONS

- To former Sheriff Perry Reniff for his service and dedication to the people of Butte County
- To whomever developed the jumpsuit color coding system

FINDINGS

- F1. Mop buckets containing dirty water were observed in several areas of the jail.
- F2. The women's facility is overcrowded and outdated. It is in extreme need of a major re-model or a new structure.
- F3. The current visitation room is too small and is not child friendly. Children are not allowed to take anything into the room when visiting.
- F4. Funding and/or volunteers are no longer available to provide educational services.
- F5. Intake medical staff does not always follow Universal Precautions guidelines such as using gloves and face shields to protect themselves at all times from fluid and blood borne pathogens.
- F6. The Sheriff's Department is continually working with federal agencies to obtain additional funds to operate the jail.
- F7. The Grand Jury found inmate requests and grievances were handled according to well-established procedures.

RECOMMENDATIONS

- R1. Empty the dirty water from the mop buckets several times a day.
- R2. Make obtaining funding for re-modeling or building of an adequate women's facility a high priority.
- R3. Find a larger room for the parent/child visitation with a chalk board for drawing and a table with a game board already displayed on it similar to the ones used in Juvenile Hall with fabric game pieces. Pre-screened children's books should be offered.
- R4. Research a funding source for reinstating the GED program as well as vocational training and parenting classes. Participation in Alcoholics Anonymous and Narcotics Anonymous should be required for all inmates incarcerated for alcohol or drug related crimes.
- R5. Intake medical staff should follow Universal Precautions guidelines such as wearing gloves and face shields to protect themselves at all times from fluid and blood borne pathogens.
- R6. Continue working with the federal government to obtain funds to operate the jail.

REQUEST FOR RESPONSES

Pursuant to Penal Code §§ 933 and 933.05, the 2009/2010 Butte County Grand Jury requests responses as follows:

- Butte County Board of Supervisors
- Butte County Sheriff

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

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.