

BUTTE COUNTY GRAND JURY REPORT BUTTE COUNTY JAIL

SUMMARY

Several findings, and subsequent recommendations, were made by the 2007-2008 Butte County Grand Jury while inquiring into the operations at the Butte County Jail. Foremost was the realization that we in the county are extremely fortunate to have the dedication and levels of competence exhibited by everyone there from the Jail Commander to the kitchen staff preparing hot meals. It was apparent to us that it is no easy task to provide the security and safety required of those who need to be removed temporarily from our streets. Not least are the noteworthy services provided by members of the medical, religious, and other communities vitally linked to the success of the operations at this jail facility. That being said, there will always be room for ongoing improvements in such a complex institution.

The current Grand Jury was pleased with the attention paid to the previous Grand Jury's request for improvements to the operational capabilities of the Evidence Building and its program. We do not want to detract from the significant accomplishments here, but one concern involving the sustainability of biological evidence material was noted and a recommendation made.

A long term complaint from previous Grand Juries has been the substandard accommodations for women inmates housed in the "old jail". The possibility of a future solution looks very real due to the availability of state bond funding which is being actively sought by our county Board of Supervisors. Recently they increased impact fees for the unincorporated areas of the county to go towards the 25% match in funding required by the state. However, the city officials representing the incorporated areas need to do the same to reach this critical goal. After all, inmates in our jail do come from all parts of Butte County.

Another problem has been the overburdening of the officer who staffs the Central Control room at the jail. The use of an adequate monitoring system to "see" all parts of this large facility is critical for maintaining a safe and secure environment. Too many tasks placed on the sole officer assigned this responsibility seems to be asking for trouble. The Grand Jury recognizes that the county has limited resources but urges that a solution be found as soon as possible.

Inmates' rights and their effective access to them was a concern noted when the Grand Jury reviewed sample grievances that had been filed. We also examined the directions for filing grievances in the Jail Information Handbook provided to new inmates (Attachment A). Examination of written grievances from some of these inmates indicated that their reading and writing abilities might not be sufficient. Because of this, it keeps many of them from being involved in the process.

The last issue that had to be looked at was the recent spike in deaths occurring while in custody during 2007 at the jail. Since all deaths in custody are classed initially as homicides and scrutinized as high up as the California Attorney General's Office and the Department of Justice, the Grand Jury focused on how repeats of these tragedies might better be prevented in the future. Faced with inmates that sometimes arrive in extremely poor physical as well as mental health, and with increased tendencies toward self-destruction, the county needs to make sure everything is done that is humanly possible to prevent such tragedies.

BACKGROUND

The Grand Jury is required by law to inquire into the condition and management of the public prisons within our county annually. The subject of this report, the Butte County Jail, is the largest jail to be found north of Sacramento in California. The Corrections Division and corresponding correctional facilities fall under the authority of the Butte County Sheriff's Office (BCSO). The Corrections Division is charged with providing the constitutional, secure, and humane detention of arrested persons who cannot be released. Essentials of human life (i.e., medical and mental health care, nutritious meals, recreation, clean environment, and religious counseling) are to be provided to inmates. A self-contained kitchen is supervised to provide nutritionally balanced meals to inmates including one hot meal per day. According to the Kitchen Supervisor, this same kitchen has the potential to serve up to 15,000 meals during a county-wide emergency disaster. A Captain is assigned as Jail Commander to oversee the various components of a safe, habitable, and secure facility. According to the biennial Corrections Standards Authority (CSA) inspection, there were 413 males and 82 females incarcerated on March 27, 2007, when their last report was issued. The CSA falls under the state Department of Corrections and Rehabilitation. Capacity of the jail is set at 614. The original jail is a Type II facility (for local detention) originally constructed in 1965. Considering its age, the overall condition of the jail has been found generally to be certainly satisfactory, and well maintained. However, the previous Grand Jury (2006-2007) had concerns in two areas that will be followed up on in this year's report – the Evidence Building and the section of the jail housing the women. It should be noted that, although included in previous Grand Jury reports concerning the Butte County Jail as far back as 2000-2001, probably due to the fact that it is "a separate area of the (jail) facility", the Evidence Building actually falls under the jurisdiction of the Services Division, rather than the Corrections Division of the Sheriff's Department (Attachment B). We include it here again because of this tradition and to attest to the efforts made to upgrade this facility.

APPROACH

In order to assemble this report, the following activities occurred in the process of gathering information to determine the Findings and Recommendations presented below:

- The Sheriff-Coroner gave a very informative presentation to the full Grand Jury on August 10, 2007, for the purpose of orientation to the department
- The full Grand Jury visually inspected the jail facilities on September 21, 2007
- On October 18, 2007, the Grand Jury conducted an unannounced inspection of the Butte County Jail, including the Evidence Building
- On November 29, 2007, members of the Grand Jury met with the Jail Commander and staff to obtain requested documentation concerning the three deaths that occurred during 2007 at the Butte County Jail
- On December 12, 2007, members of the Grand Jury met with the Jail Commander and staff, including the Jail's Medical Director, to obtain further information involving the three deaths that occurred during 2007 at the Butte County Jail
- Members of the Grand Jury reviewed documentation pertaining to the jail's operation including but not limited to: BCSO Corrections Division Policy and Procedures Manual, Corrections Standards Authority biennial report, annual reports of the local health officer and fire authority, current Request for Proposals (RFP), relevant Board of Supervisor (BOS) agenda minutes, a recent three month period of inmate grievances and incident reports, local news media coverage, BCSO website info, past Grand Jury reports.

DISCUSSION

First, we will comment on the two areas of concern by last year's Grand Jury and then move to the other areas of need determined by this year's panel.

- This year's Grand Jury found the Evidence Building to be functioning at a high level of effectiveness and was impressed with the competence of its Evidence Technicians as well as the practical sophistication of the new inventory and disbursal system. Butte County Facilities Services did excellent and timely work in upgrading and installing needed components to the structure. This operation will only get better when the move to a new building, planned for 2009, is completed. Security was adequate and staff now has everything needed to continue the excellent job they have been doing. Only one matter that could have a bearing on the preservation of biological evidence surfaced during our inspection, and it is explained in the first of our Findings.
- The women's section of the jail has been a negative aspect of an otherwise outstanding correctional program for quite a few years because of the age of the current facility and the need to maintain separate facilities due to legal and practical reasons. Remodeling has occurred twice since initial construction. The situation for the women inmates is finally going to change, although not

immediately. Plans have been developed and funds are actively being sought (see our second Finding and Recommendation) to modernize their facilities and programs. The Butte County BOS has done their share already in reaching this goal by increasing the unincorporated area's jail impact fees to contribute to a 25 per cent matching funds requirement for AB900 (Lease Revenue Bond) monies from the state Department of Corrections and Rehabilitation (Attachment C). It would likewise seem appropriate for city officials representing the incorporated areas to do the same in reaching this critical goal. Meanwhile the jail staff should continue their efforts to make this part of their operations as functional as possible.

- Central Control, with its limited space, is currently staffed by one person. This person is responsible for monitoring all the closed circuit television cameras, identifying newly arrived arresting officers, opening and closing the sally port gates and other doors, monitoring the casual area, observing preliminary processing of the newly arrived prisoners, and answering the phone and routing calls. The heaviest load of incoming calls occurs during the day when extra help rerouting calls could be used. In the Grand Jury's opinion, security could be compromised when all the aforementioned tasks cannot be performed effectively while the sole Central Control officer is on the phone. An RFP for installation of a new system-wide CCTV network was recently issued by the Sheriff's Department and is due for completion in 2008. Upgrading all monitors, cameras and control equipment should help maintain the effectiveness of this critical area.
- The Jail Information Handbook given to newly arrived inmates is the primary vehicle used to convey the rights remaining to them during their period of incarceration. The Grand Jury reviewed three months of grievances filed at the jail. It should come as no surprise that many inmates are lacking in their educational background. While national literacy surveys since the 1930s have shown that the average adult in the U.S. reads at an 8th grade level, the Grand Jury can assume that many inmates would register significantly lower on the average. Laws often require writing medical and safety information at the 5th grade level, and experts recommend writing legal and health information at the 7th grade level. Nearly all of today's blockbuster writers write at the 7th grade level, including John Grisham, Stephen King, and J. K. Rowling. Using a readability formula commonly used in our public school system, the Fry Readability Formula (Attachment D), an analysis was made using pages 15 and 16, two full 8 ½ X11 inch pages single spaced with ten sub-procedures titled the Inmate Grievance Procedure, from the detailed 34 page Jail Information Handbook. Samples were selected from the beginning, middle and end of this section. Applying data from the samples to Fry's graph, a reading level equivalent to the 9th grade surfaced. Add to this the requirement that each grievance be referenced by the inmate to a specific law, regulation, right, rule or policy in order to be processed, and potentially inmates could have difficulty exercising their legal rights while incarcerated.

- In the four years prior to 2007 there were two deaths in custody at the Butte County Jail, one each in 2003 and 2004. There were none in 2005 and 2006. This record ended in 2007, with three deaths occurring, two of which were self-inflicted. Between December 2006 and November 2007, there were a total of 355 patients placed on suicide watch at this facility. These deaths were investigated initially as homicides and reports were made to the California Attorney General's Office and the Board of Corrections. The Grand Jury reviewed the documentation, autopsies and reports surrounding these deaths to see if there was anything that might have been done to prevent them. Also interviewed were jail staff, and local media reports were surveyed to get a better understanding of what happened. A Lieutenant on the jail's staff is a trained Suicide Prevention Instructor and was able to shed some light why on average 20 inmates per month are actively placed on suicide watch. More attempts at self-harm are experienced at local detention centers because this is where the stark reality of the serious consequences for breaking the law comes to realization. Jobs are lost, marriages dissolve, desertion by loved ones occur, finances are ruined and the resulting trauma can be overwhelming. Consequently, the suicide rate is significantly higher at local detention facilities than in California's state prison system. The rate of suicides in the state prison system is comparable to the general population because the inevitable has been accepted by the time of arrival there and coping to a greater extent has occurred. Policies exist at the county jail to alert staff to put potential victims on suicide watch to prevent such occurrences. Special precautions taken included the suicide smock, plastic eating utensils, heightened monitoring and counseling. However, the Grand Jury became concerned about those times when detainees are not directly under jail supervision, i.e., during the processes of arrest, interrogations and court hearings. The Findings and Recommendations section in our report reflects those concerns.
- The Grand Jury wants to note that another inmate was recently found dead in his cell, at 12:10 A.M on Sunday, May 25th, apparently by hanging. An investigation is being undertaken.

FINDINGS

F1. While the functioning of the Evidence Building has been brought up to standards in the Grand Jury's opinion, one concern remains – evidence, stored as biological materials in the building's huge freezers, is at risk of being compromised should the freezers fail.

F2. The women's section in the "old jail" still does not meet the definition of an adequate humane environment even though staff has done everything reasonable to make it so. The solution lies in acquiring funds for a 25% match to a portion of the 4.1 billion dollars being made available in Assembly Bill 900 for the construction of new local jail space.

F3. The staffing level of Central Control has been a concern as far back as the 1998 – 1999 Grand Jury Report which read “The inmate monitoring station is understaffed. One officer should not be expected to adequately observe the activities of the many inmates.” In response a request was made in that year’s budget presentation to the BOS. The Grand Jury observed one officer still assigned to observe 2 large monitors containing a total of 25 (16 + 9) smaller screens. Added to this was the responsibility for answering a nearby phone where, according to jail staff, about 85% of the incoming calls to the facility are received.

F4. The length, readability, and complexity of the Jail Information Handbook provide significant difficulties in comprehension, and therefore usability, by many inmates. Grievances are sometimes denied because “You have failed to comply with Section II, Procedure 04 (located on page 15) of the Jail Information Handbook, in that you have not referenced what constitutional right, state or federal law, Board of Corrections – Title 15 section number, or Departmental policy or rule that has been violated. No further action will be taken on this grievance as you have exhausted your administrative remedy.”

F5. Deaths in custody might better be prevented if a comprehensive and enforceable policy were in place that required reporting to the Jail Commander when self-threats occur during, for example, preliminary and other judicial hearings while in custody, interrogations/questioning by law enforcement and related agencies prior to as well as during custody, and interviews/consultations by attorneys such as public defenders that also take place during custody. Such a policy might be modeled after the Child Abuse and Neglect Reporting Law first passed in 1963 by the California Attorney General’s Office. Originally only physicians were included in this law but later a very comprehensive list of mandated reporters emerged as well as serious penalties for failures to report.

RECOMMENDATIONS

R1. An automatic alarm system should be installed and activated to report, perhaps at Central Control, a failure of the large freezers in the Evidence Building. This is especially important during the summer months, and would allow duty personnel to respond in a timely manner to system failures in order to preserve biological materials stored there.

R2. While the increase in the Jail Impact Fees approved by the Butte County BOS on July 10, 2007, is a major step forward, the Grand Jury wishes to take this opportunity to recommend that the incorporated towns and cities contribute to this shared, local need by collecting their own impact fees. These additional fees, collected within the incorporated areas, should insure prompt success in achieving AB900 funding to help alleviate the substandard conditions for women inmates in our county.

R3. At the least video monitoring and phone answering responsibilities should be divided among two persons, rather than one, for the safety and security of both staff and

inmates. Daytime operations are busiest at the jail and should get first consideration for extra assistance.

R4. If inmates must reference alleged violations in grievances to a specific “constitutional right, state or federal law, Board of Corrections – Title 15 section number, or Department policy or rule”, assistance should be provided by an intermediary because of the general inability for many inmates to comprehend such a vast array of legal material. Legal Services of Northern California or the Community Legal Information Center at CSU, Chico, for example, might be queried as to availability for such intervention services. Denying grievances on the aforementioned basis raises questions of unfairness. Additionally, the Jail Information Handbook is capable of being simplified and shortened to avoid this perception by ensuring an adequate comprehension level and increased usability in the hands of most inmates. County resources available for accomplishing such a task might be found among the Butte County Office of Education or the District Attorney’s office. A Spanish version, as is the current practice, should continue to be made available.

R5. The Butte County Sheriff, or designee, should consider how a comprehensive policy of notification to jail personnel, when self-threats are made by detainees outside of the jail facility or environment, might effectively be implemented and enforced to help preserve and enhance the excellent safety record of the BCSO Corrections Division.

RESPONSES REQUIRED

From the following individual:

- Butte County Sheriff-Coroner

From the following governing bodies:

- City of Oroville (F2/R2)
- City of Chico (F2/R2)
- City of Gridley (F2/R2)
- City of Biggs (F2/R2)
- Town of Paradise (F2/R2)

ATTACHMENT A

SECTION II

INMATE GRIEVANCE PROCEDURE

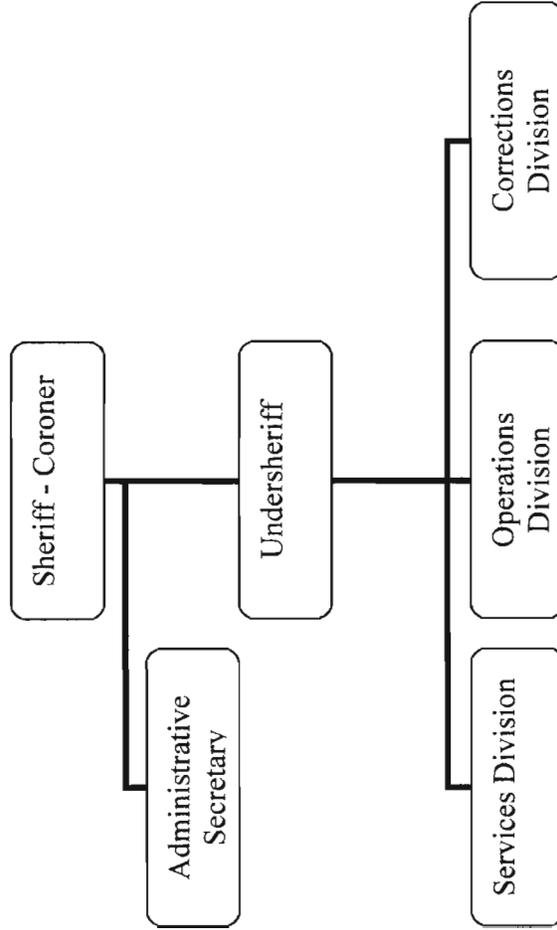
- POLICY:** Inmates housed in the Butte County Jail will have access to a grievance/appeal process which relates to conditions of confinement including, but not limited to, medical care, general classification actions, general disciplinary actions, program participation, telephone, mail, visiting, food, clothing, and bedding.
- PROCEDURE 01:** An inmate wishing to file a grievance will request an Inmate Grievance Form by filling out an Inmate Request Form and handing it to the housing officer. The housing officer will ask the inmate the nature of the grievance and attempt to resolve the grievance. The housing officer will sign and date the form and give the pink copy of the Inmate Request Form to the inmate. The housing officer will forward the Inmate Request Form to the Team Sergeant.
- PROCEDURE 02:** The Team Sergeant receiving the Inmate Request Form will ask the inmate the nature of the grievance and attempt to resolve the grievance. The Team Sergeant will forward the Inmate Request Form to the Administrative Sergeant.
- PROCEDURE 03:** The Administrative Sergeant will issue a serial numbered Inmate Grievance Form within twenty-four (24) hours of receipt to the requesting inmate excluding holidays and weekends. The serial numbered Inmate Grievance Form will be recorded in the Inmate Grievance Form Log.
- PROCEDURE 04:** The inmate will complete the Inmate Grievance Form, within seventy-two (72) hours of receipt, by describing and referencing the alleged violation. The completed form will be given to the housing officer who will sign and date the form and give copy four (4) to the inmate. The housing officer will attempt to resolve the grievance at that level. The housing officer will forward the Inmate Grievance Form to the Team Sergeant if it cannot be resolved.
- PROCEDURE 05:** The Team Sergeant receiving the completed Grievance Form will sign and date the form. The Team Sergeant will not accept the grievance form if it is not properly completed and not submitted within seventy-two (72) hours. The Team Sergeant will direct a full investigation of the grievance and attempt to resolve it within forty-eight (48) hours. The Team Sergeant will make a proposed resolution of the grievance to the inmate. The inmate will sign and date the form and check one of the two blocks. Checking the "has been" block terminates the grievance. The Team Sergeant may deny the grievance. The Team Sergeant will state in writing on the Grievance Form or a separate memorandum the reason for the denial.

ATTACHMENT A (cont.)

- PROCEDURE 06: The Team Sergeant will forward the denied, unresolved, and the resolved grievances to the Administrative Sergeant. The Administrative Sergeant will annotate the Grievance Log. The denied and resolved grievances will be forwarded to Classification. The Administrative Sergeant may deny the grievance. The Administrative Sergeant will state in writing on the Grievance Form or a separate memorandum the reason for the denial.
- PROCEDURE 07: If an unresolved grievance is an allegation of a violation of a Sheriff's Office policy, state law, or federal law by a Sheriff's Office employee assigned to the Jail, which could result in formal discipline (i.e., reprimand, suspension, termination), it will be referred to the Sheriff through the Jail Commander. The Sheriff will decide a course of action that will be put in writing with a copy to the inmate within twenty-four (24) hours excluding holidays and weekends. The inmate will sign and date the form and check one of the two blocks. Checking the "has been" block terminates the grievance. The Administrative Sergeant will annotate the Grievance Log.
- PROCEDURE 08: Other unresolved grievances are to be forwarded to the appropriate Correctional Lieutenant for a hearing. The Lieutenant will hold the hearing not later than seventy-two (72) hours after receiving the grievance excluding holidays and weekends. The Lieutenant will hear the inmate, witnesses, and review pertinent information. The inmate may be assisted by another inmate or a member of the Sheriff's Office who is willing to act as the inmate's representative at the hearing. The representative will be entitled to attend and participate in the grievance hearing, informal conferences, or reviews in which the inmate participates. The Lieutenant will attempt to resolve the grievance. A written statement of the results will be given to the inmate on the same date on which the hearing was held. The inmate will sign and date the form and check one of the two blocks. Checking the "has been" block terminates the grievance. The Lieutenant may deny the grievance. The Lieutenant will state in writing on the Grievance Form or a separate memorandum the reason for the denial. The Administrative Sergeant will annotate the Grievance Log.
- PROCEDURE 09: The grievance will be reviewed as an appeal within forty-eight (48) hours of the disposition of the Lieutenant, excluding weekends and holidays, by the Jail Commander or a designated representative. The Jail Commander will render a decision in writing to the inmate as to the findings. The inmate may pursue the grievance through the court system if the grievance has not been resolved to the inmate's satisfaction.
- PROCEDURE 10: Disposition: Original (white) - Inmate's file, 2nd (canary) – Classification, 3rd (pink) - Inmate at final resolution, 4th (goldenrod) - Inmate receipt.

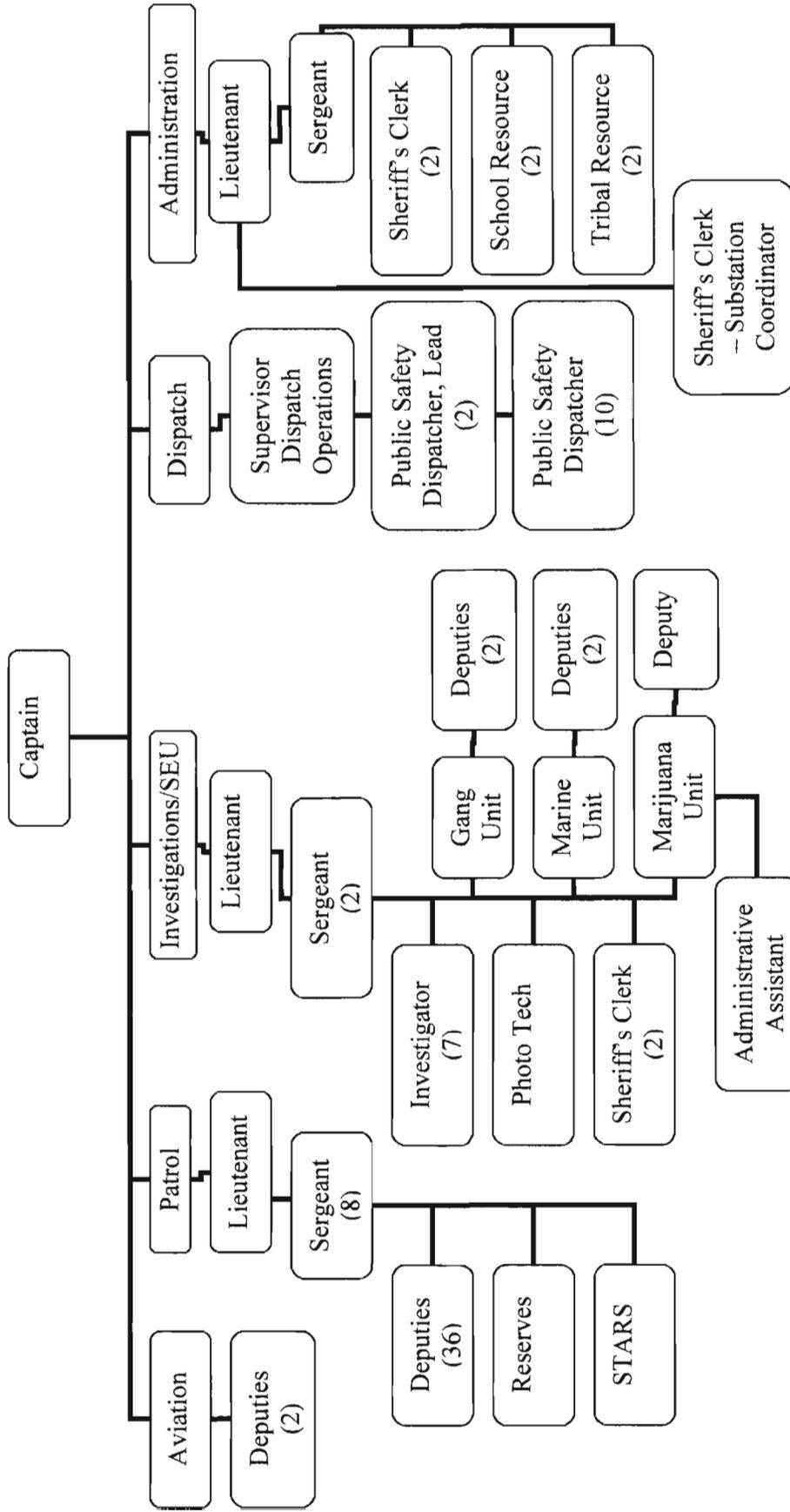
Butte County Sheriff's Office

Major Divisions



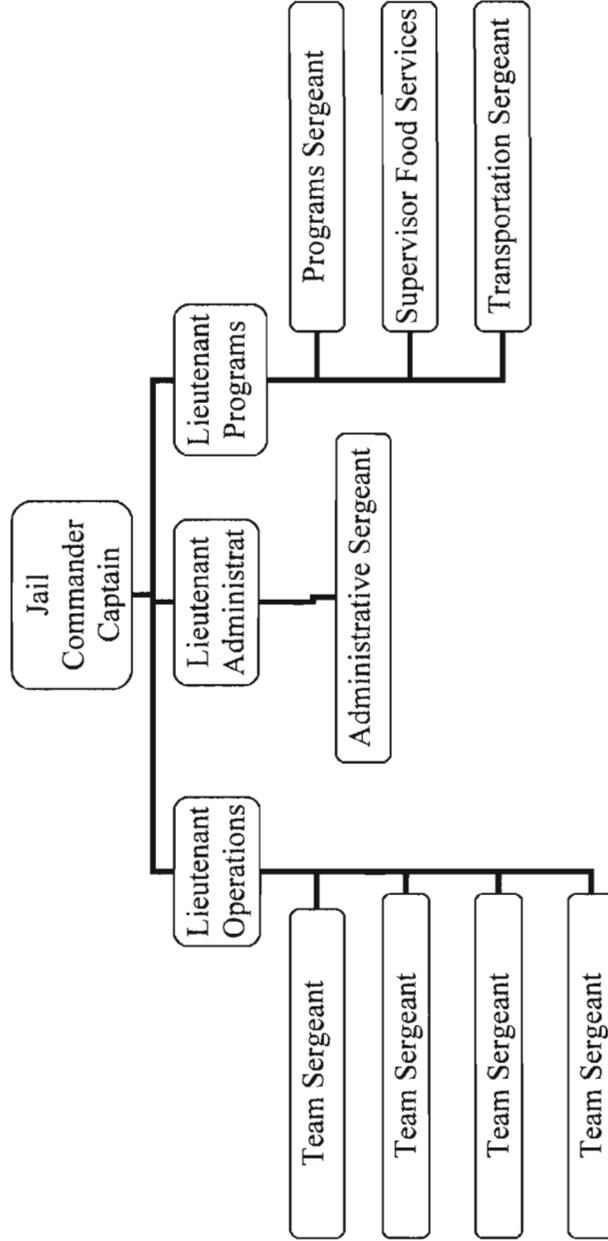
Butte County Sheriff's Office

Operations Division



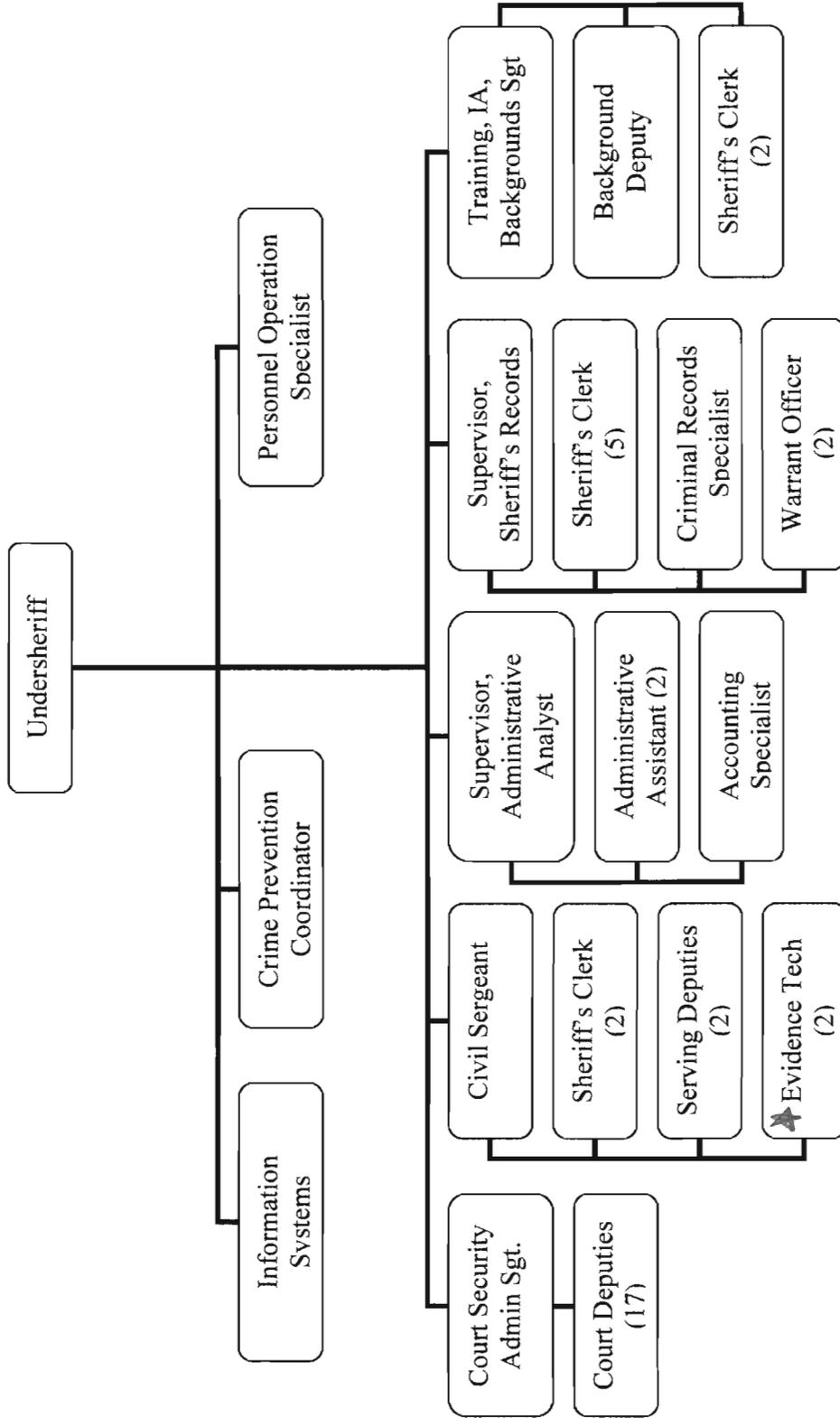
Butte County Sheriff's Office

Corrections Division



Butte County Sheriff's Office

Services Division



ATTACHMENT B

ATTACHMENT C

AB 900 Jail Construction Funding

AB 900 was signed by Governor Schwarzenegger on May 3, 2007 appropriating \$1.2 billion in jail construction funding through state lease-revenue bonds. In administering this funding, The Corrections Standards Authority (CSA) is utilizing a competitive Request for Proposals (RFP) process for determining awards.

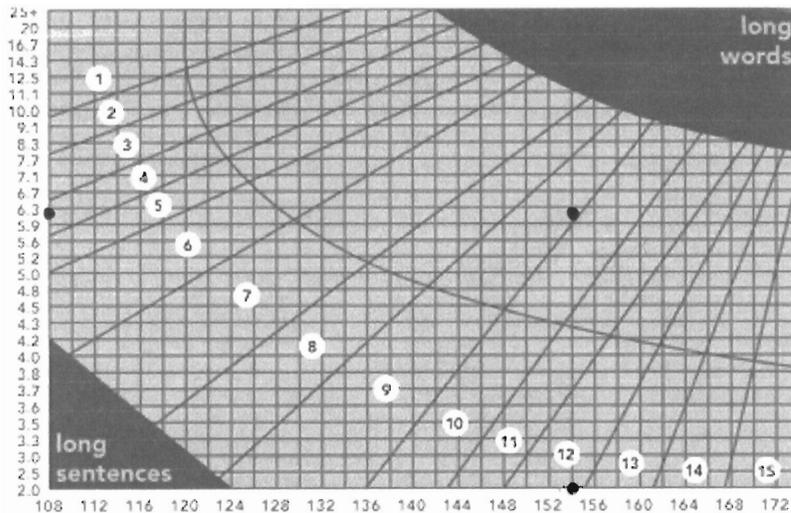
Highlights of AB 900 Legislation

- \$1.2 billion in lease-revenue bond financing for jail construction
 - \$750 million in Phase I; \$470 million in Phase II
 - Phase I funding expires in 2017
- The Department of Corrections and Rehabilitation, the State Public Works Board and the County will enter into agreements related to performance expectations, guidelines and criteria for use of the bonds, and ongoing maintenance and staffing responsibilities for the term of the financing
- CSA shall consider cost-effectiveness in determining approval of a project
- County matching funds for projects shall be a minimum of 25 percent of total project costs; however, CSA may reduce matching fund requirements for a county with a general population below 200,000 upon the county's petition to the CSA
- Funding preference shall be given to counties that:
 - Assist the state in siting reentry facilities
 - Assist the state in siting mental health day treatment and crisis care for parolees
 - Provide a continuum of care so that parolees with mental health and substance abuse needs can continue to receive services at the conclusion of their period of parole
- Phase II funds may not be accessed until the following conditions have been met:
 - At least 4,000 of the local jail beds are under construction or sited
 - At least 2,000 of the reentry beds are under construction or sited

ATTACHMENT D

Fry Readability Formula

From Wikipedia, the free encyclopedia



A rendition of the Fry Graph.

The **Fry Readability Formula** (or **Fry Readability Graph**) is a readability metric for English texts, developed by Edward Fry.

The grade reading level (or reading difficulty level) is calculated by the average number of sentences (y-axis) and syllables (x-axis) per hundred words. These averages are plotted onto a specific graph; the intersection of the average number of sentences and the average number of syllables determines the reading level of the content.

The formula and graph are often used to provide a common standard by which the readability of documents can be measured. It is sometimes used for regulatory purposes, such as in healthcare, to ensure publications have a level of readability that is understandable and accessible by a wider portion of the population.

Formula

To calculate a grade level score:

1. Randomly select three separate 100 word passages. (Count every word including proper nouns, initializations, and numerals.)
2. Count the number of sentences in each 100 word sample (estimate to nearest tenth).
3. Count the number of syllables in each 100 word sample. (Each numeral is a syllable. For example, 2007 is 4 syllables and one word.)
4. Plot the average sentence length and the average number of syllables on the graph.
5. The area in which it falls is the approximate grade