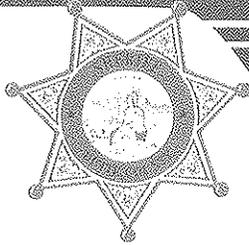


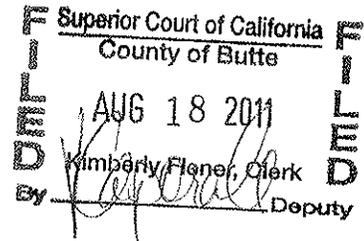
AUG 18 2011



BUTTE COUNTY OFFICE OF THE
SHERIFF

JERRY W. SMITH
SHERIFF-CORONER

August 15, 2011



The Honorable Steven Howell, Presiding Judge
Butte County Superior Court
One Court Street
Oroville CA 95965

RE: RESPONSE TO 2010-2011 GRAND JURY REPORT

Dear Judge Howell:

On behalf of the Butte County Sheriff's Office, I would like to thank the members of the Grand Jury for their many hours of dedicated service to the citizens of Butte County. The Grand Jury function is critical to ensuring the efficient operation of local government and I appreciate their efforts in regards to the Sheriff's Office. In accordance with Penal Code Sections 933 and 933.05, please accept this response to the findings and recommendations of the 2010-2011 Grand Jury.

Grand Jury Findings Regarding the Butte County Jail:

F1: There is an Inmate Welfare Fund at the Butte County Jail with funds available at the time of this report. The Grand Jury is not aware of an audit of this fund.

The Respondent agrees with this finding.

F2: The GED program is currently limited to independent study.

The Respondent agrees with this finding.

F3: Inmates who work in the kitchen receive training while they work, for which they can receive a certificate as a kitchen helper.

The Respondent agrees with this finding. Specifically, they receive a certificate in "Institutional Food Preparation and Sanitation Services."

F4: There are no vocational training programs for inmates, other than the kitchen program.

The Respondent agrees in part with this finding. In addition to providing vocational training to inmates assigned to the kitchen, the Sheriff's Office maintains an inmate Road Crew that is sent out into the community to engage in clean-up projects for the Butte County Public Works Department. These inmates are trained to safely use mowers, trimmers, chainsaws and other hand tools. They are also trained in traffic control and flagging procedures so that they can safely work on and near the roadway. The Sheriff's Office is currently exploring options to expand this program.

- F5: The women's facility is in need of maintenance and eventual replacement or remodeling when funds become available.

The Respondent agrees in part with this finding. Construction of the section of the Butte County Jail currently being used to house female inmates was completed in 1965 and has a linier style design that is outmoded when compared to more modern correctional facility designs. A remodel of that section is in order, as an updated design would enhance the staff's ability to supervise the inmates being housed there and provide inmates with a more comfortable and open environment in which to live. However, that section of the jail has been continually maintained by a professional maintenance staff and remains a habitable and humane environment for the inmates being housed there. This assertion is supported by the fact that the Butte County Jail is inspected bi-annually by the Corrections Standards Authority, a division of the California Department of Corrections and Rehabilitation, to ensure that the facility is in compliance with minimum standards of design and operation of local adult detention facilities as set forth in Title(s) 15 and 24 of the California Code of Regulations. The female section of the Butte County Jail has been found to be in compliance with those regulations.

- F6: Health, spiritual and drug & alcohol rehabilitation programs are offered to inmates.

The Respondent agrees with this finding.

- F7: Food served in the jail meets federal nutrition guidelines.

The Respondent agrees with this finding. As a point of clarification, the Sheriff's Office is required to provide inmates with meals that are compliant with standards set forth in Title 15 of the California Code of Regulations, which it does.

- F8: Inmates do not always have access to the telephone numbers stored in their cell phone once they have been booked into the jail.

The Respondent agrees with this finding.

- F9: The current jail handbook is being revised.

The Respondent agrees with this finding.

F10: The ventilation system in the women's facility does not operate properly, causing an uncomfortable draft. This ongoing issue has remained unresolved by county maintenance staff for several years.

The Respondent does not agree with this finding. The ventilation system in the section of the jail used to house females is operating properly. In January 2011, the Butte County General Services Department brought in Heating, Ventilation and Air Conditioning (HVAC) specialists, who discovered an air condition return was out of balance between two HVAC systems directly serving that section of the jail. The problem has since been remedied. There have been no subsequent complaints and records indicate that the temperature in that section of the jail is continually maintained at a range of 70 to 74 degrees.

F11: Some jail security systems are in the process of being upgraded.

The Respondent agrees with this finding.

Grand Jury Recommendations Regarding the Butte County Jail:

R1: Develop a plan to reinstate the GED and other educational programs and provide a timeline for completion, including Inmate Welfare Fund as a potential funding source.

This recommendation is being implemented. The Sheriff's Office has sent out a solicitation for bids to provide a comprehensive education program for inmates in custody and inmates in alternative custody programming. This is being done in conjunction with a County wide plan to implement the 2011 Public Safety Realignment Act (AB109). We anticipate using the Inmate Welfare Fund in addition to funding provided by the State for the implementation of AB 109 to provide these programs.

R2: Evaluate the women's facility plumbing and ventilation systems using an outside licensed contractor and provide the contractor's written proposal for resolution and timeline for repair.

The recommendation will not be implemented because it is not warranted. The plumbing and ventilation systems in the section of the jail used to house females are in proper working order. When the need for repairs have arisen, the staff of the Butte County General Services have been diligent in making needed repairs and sought the assistance of independent contractors when necessary.

R3: Provide the anticipated date for completion of the proposed revisions to the Jail Handbook.

This recommendation is being implemented. It is anticipated that the revised Jail Handbook will be completed within the next six months.

R4: Provide a progress report on the status of the security system upgrades.

This recommendation has been implemented. The Butte County Jail's electronic control system is in the process of being replaced. The contractor installing the system advises

that the project is currently ahead of schedule and should be completed in September of 2011. The components being replaced include video cameras and monitors, intercoms, and the electronic system that operates the locking mechanisms of the doors.

- R5: Perform an independent audit of the Inmate Welfare Fund and provide an audit report and transparent financial statements which include an itemized cost per unit analysis.

This recommendation will not be implemented because it is not warranted. Pursuant to California Penal Code §4025, a county sheriff may establish and operate a store for inmates to purchase items. Any profits from the sale of goods shall be deposited to the Inmate Welfare Fund as well as any deposits from telephone commissions. The funds "shall be expended primarily for the benefit, education and welfare of the inmates confined within the jail."

The Sheriff's Office evaluated the suggestion to perform an independent audit on the Inmate Welfare Fund. The cost estimate for an independent audit is \$6,000. That would be a significant expenditure of funds, which would be better utilized for inmates and inmate programs. The Sheriff's Office has reviewed internal processes regarding the Inmate Welfare Fund and concluded that fraud and/or misuse of the funds would be immediately detected by internal controls currently in place.

All deposits to the fund are requested by the Sheriff's Office and performed by the County Treasury and ultimately posted to the county accounting system by the County Auditor's Office. Large deposits are made monthly and would be obvious if absent. All deposits are by hard check or requested via journal transfer thus the potential to reduce deposit amounts in order to misappropriate funds is precluded.

All Inmate Welfare Fund expenditures are made in compliance with the adopted *Butte County Contract's Purchasing Policy and Procedure Manual* thus assuring a competitive process for the best price for items and services. All budgeted expenditures are approved for appropriation by the County Board of Supervisors and the Sheriff's Office completes an annual expenditure report to the Board and public for review. Expenditure requests are separate from the deposit function, thus good accounting principles are practiced at all times.

All Inmate Welfare Fund deposits and expenditures are recorded and reviewed and available upon request. The Sheriff's Office is unclear as to the meaning of the request to provide "an itemized cost per unit analysis." If this request is made clear we will respond to the inquiry in the future.

- R6: Continue to offer the kitchen training program.

This recommendation has been implemented. The Sheriff's Office will continue to offer the current program. Additionally, we are exploring ways to enhance the program to include skills and certifications that will make graduates more likely to gain employment upon release.

R7: Develop a policy regarding retrieval of telephone numbers from inmate cell phones at the time of booking.

This recommendation has been implemented. During the booking process inmates are allowed to retrieve phone numbers from their cell phones, upon request. If an inmate is going to be housed in the jail his or her property is inventoried and sealed in a plastic bag for storage. After the inmate's property has been taken to storage, he or she is not generally allowed to access it, as that would be a significant burden on staff and increase the risk of the inmate's property being lost or damaged.

Sincerely,



Jerry W. Smith
Sheriff-Coroner

cc: Board of Supervisors
Bill Connelly
Larry Wahl
Maureen Kirk
Steve Lambert
Kim Yamaguchi
Paul Hahn, CAO