

August 12, 2013

Honorable, Stephen E. Benson Presiding Judge
c/o Court Administration
Superior Court of California, County of Butte
One Court Street
Oroville CA 95965

F Superior Court of California
I County of Butte
L AUG 13 2013
E Kimberly Flener, Clerk
D By K. M. [Signature] Deputy

RE: RESPONSE TO 2012-2013 GRAND JURY REPORT

Dear Judge Benson:

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 2012-2013 Grand Jury.

BUTTE COUNTY JAIL

Grand Jury Findings:

F1: The Butte County Jail is operating well. Professionalism by correctional deputies and staff was demonstrated throughout the tour and interviews. Inmates were treated with respect and the jail was clean and orderly.

The respondent agrees with this finding.

F2: Jail overcrowding is evident now and destined to become worse in the near future if additional space is not found. The Sheriff's Office is actively searching for solutions.

The respondent agrees with this finding. That said, the jail is better described as being at capacity as opposed to being overcrowded.

F3: Alternative Custody Supervision programs are an effective way to minimize overcrowding and reflect a collaborative effort of the Sheriff's Office, Probation Department and the courts.

The respondent agrees with this finding.

F4: Modification in the pod tower control center would improve safety for correctional deputies. In the event of a disturbance in the housing pods, as it stands now, a door has to be opened to use deterrents such as pepper spray. This exposes the deputy to potential danger.

The respondent agrees with this finding. The addition of secure ports in the pod tower glass over each housing unit would allow introduction of deterrents into the unit while greatly reducing the danger to staff.

F5: In the protective custody housing sections T3 and T4, the camera only shows the hallway. A camera is needed over the door so officers can monitor what's going on in the cells.

The respondent agrees in part with this finding. The need for additional cameras in that area of the jail warrants further study.

F6: The wait for medical and dental appointments is sometimes excessive. Before AB109, most sentences were short term, and the County Jail was more involved with medical emergencies. Now there is a greater need to focus on long-term medical care.

The respondent agrees in part with this finding. Although the wait time for routine medical and dental appointments has increased as the jail has experienced higher average daily populations post AB 109, the time frame for inmates to be seen by a medical professional is in accord with community standards. Emergency and/or serious medical conditions are handled expeditiously.

F7: Butte County Jail is not set up to effectively treat mental health disorders.

The respondent does not agree with this finding. The Butte County Jail, through its contracted health care provider, has the ability to competently treat inmates with a wide range of mental health disorders. The jail has 24 hour, 7 day per week access to a Board Certified Psychiatrist, a Marriage Family Therapist (MFT), a Licensed Clinical Social Worker (LCSW), registered nurses with mental health training and a discharge planner. The services offered to inmates with mental health disorders include:

- Psychiatric assessments and treatments with Board Certified Psychiatrist,
- Assessments, referrals and therapy (with a Cognitive Behavioral emphasis) with a MFT,
- Assessments and referrals with a LCSW,
- Discharge planning for transitions back into the community including collaboration with probation, public health, housing, social services and treatment programs,
- Socializing and psycho-educational opportunities targeting patients in isolated housing, and
- Intercommunication and collaborating with Butte County Behavioral Health, the legal system and other entities to facilitate stabilization of patients in crisis or with severe mental health issues.

F8: There are some concerns among the correctional deputies due to the stress of managing security issues in an overcrowded jail.

The respondent partially agrees with this finding. The jail is full, but not overcrowded. Correctional deputies do face increased challenges providing safety and security for a more criminally sophisticated and longer term inmate population.

F9: Having only seven female deputies is insufficient for a 24/7 operation.

The respondent partially agrees with this finding. Currently the Butte County Jail employs 16 female correctional deputies in various capacities. Due to a variety of reasons, the jail does face recurrent challenges ensuring adequate staffing of female correctional deputies.

Grand Jury Recommendations:

R1: The Butte County Sheriff's Office, in cooperation with other county agencies, is encouraged to actively search for interim housing to accommodate inmates until jail expansion is completed.

This recommendation is being implemented. The Sheriff's Office has an agreement with the Sutter County Sheriff's Office to house low level sentenced offenders at the Sutter County Jail. This agreement has allowed the Sheriff's Office to house a limited number of inmates in the Sutter County Jail. Additionally, the Sheriff's Office has issued a Butte County centered Request for Proposal (RFP) for Sober Living Environment (SLE) housing with an aim to place otherwise homeless inmates into an SLE situation if they would benefit. The Sheriff's Office will explore the possibility of utilizing SLE placement over the course of the next year.

R2: The Butte County Sheriff's Office should continue its search for adequate funding to enlarge the jail.

This recommendation is being implemented. In an effort to obtain jail expansion funding pursuant to Senate Bill 1022, we have contracted with a consultant to help us apply for funding and are working closely with the Butte County Administration Office and General Services Departments to coordinate the effort.

R3: Develop a tracking system to evaluate the effectiveness of the ACS programs.

This recommendation has already been implemented. The Butte County Sheriff's Office, specifically its Alternative Custody Supervision (ACS) unit, enjoys a close relationship with criminal justice researchers from the California State University, Chico. Those researchers have twice, since October 2011, published independent academic studies of the programming offered through ACS, gauging effectiveness and efficiencies when measured against "best practice" norms.

R4: Install ports in the pod tower control room to have direct access to the interior of the pods to introduce deterrents.

This recommendation is being implemented. Earlier this year, jail staff examined a commercially manufactured aluminum port and evaluated its utility as a "pass-through port" for the West Facility tower control rooms. We requested the manufacturer to design and build a larger version as the currently offered version is too small to allow for the use of sighting devices on weapon platforms, such as the less-lethal 40mm munitions launcher. We are also in discussion with a local glass company examining alternative means of installing secure ports in the tower windows.

- R5: Install a security camera over the doors of T3 and T4 so officers can monitor activity in the cells.

This recommendation will be studied further. T3 and T4 have traditionally housed female inmates. Out of a heightened sense of privacy protection, we have historically not placed security cameras in locations that would diminish the privacy of female inmates using the shower and/or toilets in those housing units. Over the course of the next six months we will evaluate whether this practice should continue or be modified.

- R6: Due to increased incarceration time, expand medical and dental care to cover the longer term needs of inmates.

This recommendation is being implemented. We are currently negotiating a contract with a local optometrist and dentist to assist with some needs and have added more dental hours under the current contract. We are exploring expansion of jail medical care with our contracted health care provider.

- R7: Look for evidence-based methods of dealing with mental health disorders and formulate a plan for implementation at the County jail.

This recommendation is being implemented. In the last contract we added staff for release planning to help with coordinating after care for at risk people as well as expanding the socialization program for administratively segregated persons suffering from isolation or mental illness. It is our desire to substantially improve Mental Health Services in the jail by locating and operating a Psychiatric Health Facility (PHF) as part of the proposed jail expansion. This concept is currently being discussed between the Sheriff's Office and the Butte County Department of Behavioral Health.

- R8: Conduct an anonymous survey of the correctional deputies for any possible concerns. Formulate a plan to address any issues and provide feedback to the deputies.

This recommendation will be studied further. The Sheriff's Office values input from staff members and has practices in place designed to elicit input and address concerns of staff. Jail managers and supervisors meet regularly with members of the Corrections Division including representatives from the employees' bargaining unit. We have found this style of communication to be an effective way for line staff to communicate concerns to management and for management to return feedback and updates to staff. Additionally, in conjunction with researchers from California State University, Chico we have used anonymous surveys

in the past to elicit input and feedback from staff in reference to our implementation of programs designed to deal with the impact of AB 109. Over the course of the next six months we will evaluate this recommendation to determine if the use of a survey is warranted.

R9: Recruit additional female deputies.

This recommendation has already been implemented. Currently we have 16 female Correctional Deputies. We continue to actively seek out and recruit new female correctional deputies; in fact we swore in our newest female correctional deputy on July 2, 2013.

BUTTE COUNTY'S RESPONSE TO AB109

Grand Jury Findings:

F1: AB109 realignment legislation has aggravated an already serious overcrowding problem. This has emphasized the need for additional jail space.

The respondent agrees with this finding, but would add the following clarification. The Butte County Jail is better described as being at full capacity. The rated capacity of the Butte County Jail is 614 beds. The jail has maintained an average daily population (ADP) of 600 since AB 109 went into effect in October of 2011. Prior to that, the ADP was 540 inmates per day. At no time has the jail exceeded its maximum capacity or entered into an "overcrowded" status. This is due to the court ordered population cap known as the "Consent Decree," which provides a mechanism for early releases. Without the Consent Decree, the Butte County Jail would in fact be overcrowded. That said, there has been an increase in the number of inmates who should be housed or remain housed in the jail due to concerns for public safety. Additionally we have seen a significant increase in the number of early releases from custody, as mandated by the Consent Decree, since the implementation of AB 109. This does indeed illustrate the need for additional capacity within the jail.

F2: The Butte County Sheriff's Office has approached realignment in an innovative manner.

The respondent agrees with this finding.

F3: Inadequate local information and community conversation have resulted in a misunderstanding of AB 109 by the public.

The respondent agrees in part with this finding. Although confusion and misunderstanding of AB 109 still exist in some segments of the community, substantial effort has been made to provide information to the public about the impacts of AB 109 in Butte County by the Sheriff's Office and other Criminal Justice Stakeholders.

F4: The Day Reporting Center program has been implemented in a manner that has been cost effective for county taxpayers.

The respondent agrees with this finding.

F5: There are inmates in the County Jail that could qualify for Alternative Custody Supervision if they had an acceptable place to live.

The respondent agrees with this finding.

F6: Medical needs of inmates in alternative custody programs are not taken care of by jail medical services or other governmental programs.

The respondent agrees with this finding, but would add that there are governmental programs on the horizon which will mitigate this condition.

F7: The CSUC research group is a valuable resource for the Butte County Sheriff's Office and this is a productive partnership.

The respondent agrees with this finding.

Gran Jury Recommendations:

R1: Butte County needs to obtain funding to expand the critically overcrowded Butte County Jail, as recommended in the March 2013 Jail Needs Assessment

The Sheriff Office is working to implement this recommendation. Under our efforts to obtain jail expansion funding pursuant to Senate Bill 1022, we have contracted with a consultant to help us apply for funding and are working closely with the Butte County Chief Administrator's Office and the Finance and General Services Departments to coordinate the effort.

R2: The Sheriff's Office should designate a public information officer to keep the citizens of Butte County better informed.

This recommendation has already been implemented. The Butte County Sheriff's Office employs a media liaison, who coordinates media inquiries and manages the content of the Sheriff's Face Book and Twitter pages. The media liaison has provided information pertaining to AB 109 on a number of occasions. Since October 2011, the Sheriff's Office authored and distributed press releases regarding our successes and challenges dealing with the impacts of AB 109. Additionally members of the Sheriff's command staff have made public presentations pertaining to AB 109 to numerous community based organizations including Rotary clubs, Exchange clubs, Kiwanis clubs, the Oroville and Chico Republican Women's club, the Chico Tea Party, the League of Women Voters and the Butte County Homeless Continuum of Care.

- R3: Butte County should explore ways to provide temporary housing options for indigent inmates who would otherwise qualify for alternative sentencing.

The Sheriff's Office is working to implement this recommendation. Through our Alternative Custody Supervision unit, we have issued a Butte County centered Request for Proposal for Sober Living Environment (SLE) housing with an aim to place otherwise homeless inmates into an SLE situation if they would benefit.

- R4: Butte County should explore ways to provide basic medical care to those alternative custody inmates who do not qualify for state or federal health care assistance.

The Sheriff's Office is working to implement this recommendation. We currently encourage ACS inmates in need of medical care, whom otherwise cannot pay, to go to Shalom Free Clinic in Chico. We do allow inmates in the ACS program to provide for their own medical care when such care may be accomplished with the use of over the counter medications. We recently opened an internal dialogue to explore the possibility of providing a "clinic day" at the Day Reporting Center. Alternative Custody Supervision inmates in need of basic medical care, treatment or advice could attend the clinic, operated by the jail medical provider, and receive care as if they were in the actual jail.

The Sheriff's Office is also working with Butte County Department of Employment and Social Services (DESS) exploring the possibility of a Certified Expenditures for County Jail Patient Inmates program. Under such a program, hospitalized or inpatient ACS Inmates would be covered by MediCal.

With a January 1, 2014 implementation date of the Affordable Care Act (ACA) fast approaching, the Sheriff's Office is partnered with DESS in an effort to assess any impacts the ACA will have on our inmate population.

- R5: Proposed changes in alternative custody programs by the CSUC study group should be prioritized by the Butte County Sheriff's Office.

This recommendation is being implemented. The more CSUC continues to study the effectiveness and efficiency of programming through our Alternative Custody Supervision program the clearer the picture becomes of our efforts. The Butte County Sheriff's Office is committed to remaining a model for California of how an alternative custody program should be run.

BUTTE COUNTY'S RESPONSE TO EVIDENCE STORAGE/MORGUE

Grand Jury Findings:

- F1: The existing Evidence Storage Facility is outdated and needs to be replaced.

The respondent agrees with this finding.

F2: Past attempts, dating back to 2003, to upgrade the Evidence Storage Facility or build a county-owned morgue have failed due to lack of funding.

The respondent agrees with this finding.

F3: Combining evidence storage with a Butte County morgue would be cost effective.

The respondent agrees with this finding.

F4: Any new facility should be located geographically near the Sheriff's Office.

The respondent agrees with this finding.

F5: Evidence is a critical component of criminal cases.

The respondent agrees with this finding.

F6: Butte County Evidence Storage Facility management and staff are doing an exceptional job of protecting evidence within the current facility.

The respondent agrees with this finding.

RECOMMENDATIONS

R1: Continue with the proposed plan for a new modernized evidence storage/morgue facility.

This recommendation has been implemented. The construction of an evidence/morgue facility remains on the list of projects to be completed pursuant to the County's Capital Improvement Program.

R2: Solicit help from all funding sources to secure adequate funding for this critically-needed project.

This recommendation has been implemented. The Sheriff's Office continues to work with the County's Administration and the Board of Supervisors to identify funding for this project.

BUTTE COUNTY JUVENILE HALL

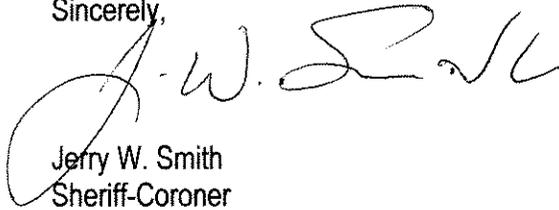
RECOMMENDATIONS

R7: Make use of jail dog to randomly search the exercise yard.

The Sheriff's Office is prepared to implement this recommendation, if the Probation Department determines that it is warranted.

This concludes my response to the 2012-2013 Grand Jury report. Once again, I appreciate all the recommendations made by the Grand Jury, and remain convinced that this type of citizen participation in the operations of government is crucial to our successful operation.

Sincerely,

A handwritten signature in black ink, appearing to read "J. W. Smith". The signature is written in a cursive style with a large initial "J" and "S".

Jerry W. Smith
Sheriff-Coroner

cc: Board of Supervisors
Steve Lambert
Bill Connelly
Larry Wahl
Maureen Kirk
Doug Teeter
Paul Hahn, Chief Administrative Officer