

August 9, 2010

**F** Superior Court of California **F**  
County of Butte  
AUG 12 2010  
Kimberly Flenet, Clerk  
By *[Signature]* Deputy

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

**RE: RESPONSE TO 2009-2010 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 2009-2010 Grand Jury.

FINDINGS & RECCOMENDATIONS REGARDING ANIMAL CONTROL:

**Grand Jury Findings:**

F1. In Butte County, 90% of calls for service are generated by 10% of the population, who are habitual offenders.

**The respondent neither agrees nor disagrees with the finding.** The Sheriff's Office lacks the statistical data necessary to verify this finding.

F2. Animal control has a much easier time identifying the owners of animals with implanted micro chips.

**The respondent neither agrees nor disagrees with the finding.** The Sheriff's Office lacks the statistical data necessary to verify this finding.

F3. Gridley Animal Haven does not have adequate separate accommodations for new intakes and quarantined animals. Currently they are in the same area with adoptable animals.

**The respondent neither agrees nor disagrees with the finding.** The Sheriff's Office does not operate the Gridley Animal Haven and has not made an inspection of the facility. Accordingly, the Sheriff's Office is not in a position to comment on this finding.

- F4. Gridley Animal Haven does not have an alternate, reliable contact phone number posted when the officer is not available.

**The respondent neither agrees nor disagrees with the finding, for the reasons stated above in our response to F3.**

- F5. Gridley Animal Haven is still in need of improvement to the facilities. Currently the animals remain in a cage where they eat, sleep, and defecate. They are only exposed to exercise when taken for a walk if someone is available or to a portable caged area in the asphalt parking lot. The caged area is small, the size of one parking space, and has no grass.

**The respondent neither agrees nor disagrees with the finding, for the reasons stated above in our response to F3.**

- F6. The Butte County Animal Control is a division of the Department of Public Health.

**The Respondent agrees with this finding.**

- F7. The Town of Paradise needs a separate intake and quarantine area for the animals.

**The respondent neither agrees nor disagrees with the finding.** The Sheriff's Office does not operate the Town of Paradise's animal shelter and has not made an inspection of the facility. Accordingly, the Sheriff's Office is not in a position to comment on this finding.

- F8. The facility currently being utilized by the Butte Humane Society, which is owned by the City of Chico, is old, inadequate, outdated, and in poor repair.

**The respondent neither agrees nor disagrees with the finding.** The Sheriff's Office does not operate the Butte Humane Society and has not made an inspection of the facility. Accordingly, the Sheriff's Office is not in a position to comment on this finding.

- F9. The City of Chico does not have a low-cost spay and neuter clinic.

**The respondent neither agrees nor disagrees with the finding.** The Sheriff's Office does not oversee the City of Chico's animal control programs and is not in a position to comment on this finding.

- F10. Most facilities have expressed a desire to be able to accept credit cards for payment of all imposed fees and fines.

**The respondent neither agrees nor disagrees with the finding.** The Sheriff's Office has not conducted a survey of the various facilities and is not in a position to comment on this finding.

- F11. Butte County does not allow the Northwest SPCA to collect imposed fees and fines. Animal owners must make payment of county fees and fines directly to the Butte County

Animal Control, thereby precluding owners from retrieving their pets whenever county offices are closed.

**The respondent neither agrees nor disagrees with the finding.** The Sheriff's Office does not oversee the Butte County Animal Control and is therefore not in a position to comment on this finding.

### **Grand Jury Recommendations:**

The Respondent is unable to comment on Recommendations 1-5 and 7-8, as the entities to which the recommendations were directed do not fall under the purview of the Sheriff's Office.

- R6. The Butte County Board of Supervisors should consider placing Butte County Animal Control under the jurisdiction of the Sheriff's [Office] or Butte County Animal Control should be dispatched through the Sheriff's [Office] for increased officer safety.

**The recommendation will not be implemented because it is not reasonable.** The Sheriff's Office understands and appreciates the time and effort the Grand Jury put into their report and in making this recommendation. The Sheriff's Office has given serious consideration to this recommendation as it is committed to providing the best possible service to the citizens of Butte County. In preparing this response the Sheriff's Office looked closely at the potential impact the implementation of this recommendation would have on public safety, as well as the feasibility of implementation. The Sheriff's Office provides the following analysis in support of its response to this recommendation.

#### Animal Control as a Unit of Sheriff's Office:

Currently the Department of Public Health provides animal control services to citizens living in the unincorporated areas of Butte County from 8:00 am to 5:00 pm, Monday through Friday. Additionally, they provide animal control services on an on-call basis during weekends from 8:00 am to 4:00 pm.

In contrast, the Butte County Sheriff's Office provides twenty-four hour, seven day per week law enforcement services to the citizens living in the unincorporated areas of Butte County. If the Board of Supervisors chose to place animal control under the direction of the Sheriff's Office, the citizens of Butte County would understandably expect the Sheriff's Office to provide animal control services on a twenty-four hour, seven day per week basis. In order to provide the expanded service, the Sheriff's budget would need to be substantially increased in order to recruit, hire and train additional animal control officers. Given the County's current financial limitations it is not feasible to implement this recommendation.

Along with the increased costs associated with employing enough Animal Control Officers to provide full-time animal control services, there would likely be further impacts to the Sheriff's Office. In addition to enforcing laws relating to animals, the Department of Public Health is responsible for issuing licenses for animals, releasing impounded animals and maintaining records and reports generated in the course of business. Statistics provided

by Department of Public Health indicate that in 2009 there were 3,583 licenses issued and 4,260 animals impounded. Presumably, if animal control responsibilities were shifted to the Sheriff's Office, all of the duties described above would become the responsibility of the Sheriff's Office. Needless to say, the increased workload would further stress the already limited resources of the Sheriff's Office and directly impact the Sheriff's ability to provide currently mandated services.

Dispatch services provided to Animal Control by the Sheriff's Office:

The Grand Jury's recommendation that Animal Control be dispatched through the Sheriff's Office appears to be rooted in a concern for the overall safety of the Butte County animal control officers. The Sheriff's Office is keenly aware of the hazards associated with enforcing the law and the role that dispatchers play in ensuring officer safety. In analyzing the feasibility of implementing this recommendation it was necessary to consider the increased workload that would be experienced by the Sheriff's dispatch center and the impact of that increase on the safety of the public and the deputy sheriffs patrolling our communities.

In 2009 the thirteen dispatchers employed by the Sheriff's Office handled nearly 200,000 telephone calls. Roughly twenty percent of those calls came in through 911 and were potentially life threatening emergencies. This was in addition to monitoring radio traffic and dispatching deputies to calls for service.

In that same time frame Butte County Animal Control documented over 7000 incidents in which an animal control officer responded. It is estimated by the Department of Public Health clerks who answer the telephone calls for Animal Control, that for each incident documented, approximately five telephone calls are received. This translates to over 35,000 telephone calls received by Butte County Animal Control during that time period.

Using the 2009 statistics as an indicator, if the Sheriff's Office were to take over call taking and dispatching duties for Butte County Animal Control, the Sheriff's dispatch center's would experience an average increase in call volume of approximately one-hundred calls per day. In addition, there would be an increase in the amount of radio traffic handled by the dispatchers. The Sheriff's Office is concerned that the increased workload would have a potentially negative impact on public safety and the safety of the deputy sheriffs assigned to patrol our communities.

As it currently stands, the Sheriff's Office has a good working relationship with Butte County Animal Control. Their officers frequently contact the Sheriff's dispatch center to obtain officer safety related information concerning the locations they are going to. Additionally, animal control officers occasionally request the assistance of Sheriff's deputies when they feel a uniformed presence would be helpful. Butte County Sheriff's dispatchers monitor the "Local Government" radio frequency, which is utilized by the Sheriff's Team of Active Retired Seniors (S.T.A.R.S.) and Butte County Animal Control during regular business hours. The animal control officers know the Sheriff's dispatchers monitor the frequency and have been encouraged to request immediate assistance if necessary. Based upon the forgoing, the Sheriff's Office believes the officer safety

interests of the animal control officers are being adequately served by the existing arrangement.

## FINDINGS & RECCOMENDATIONS REGARDING THE BUTTE COUNTY JAIL:

### **Grand Jury Findings:**

F1. Mop buckets containing dirty water were observed in several areas of the jail.

**The Respondent agrees with the finding.**

F2. The women's facility is overcrowded and outdated. It is in extreme need of a major remodel or a new structure.

**The Respondent agrees with the finding.**

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.

**The Respondent agrees in part with the finding.** The current visitation room is a recent upgrade from a less desirable space. The current room was carpeted and equipped with child safe tables and chairs to better accommodate the needs of children.

F4. Funding and/or volunteers are no longer available to provide educational services.

**The Respondent agrees in part with the finding.** Although there has been a decrease in funding for educational services, there are still a substantial number of volunteers who come to the jail on a regular basis to provide religious programs and alcohol and drug abuse recovery services. All of which have an educational component.

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.

**The Respondent agrees in part with this finding.** The finding suggests that members of the medical staff take unnecessary risks by not "following Universal Precautions" during all intake screenings. As noted below in the response to R6, such precautions are not always medically indicated.

F6. The Sheriff's Office is continually working with federal agencies to obtain additional funds to operate the jail.

**The Respondent agrees with the finding.**

- F7. The Grand Jury found inmate requests and grievances were handled according to well-established procedures.

**The Respondent agrees with the finding.**

**Grand Jury Recommendations:**

- R1. Empty the dirty water from the mop buckets several times a day.

**The recommendation has been implemented.** It has been the longstanding practice to refresh the water in the mop buckets twice daily. The mop buckets are cleaned and refilled with soap and water and placed back into the housing units with trash can liners and spray bottles containing disinfectants and cleaners. Inevitably, the water in the buckets will become dirty between cleansings. Refreshing the water more than twice a day would be unduly burdensome.

- R2. Make obtaining funding for re-modeling or building of an adequate women's facility a high priority.

**The recommendation has been implemented.** The County is currently collecting impact fees for the construction of jail facilities. Additionally, the Sheriff's Office continues to seek out funding opportunities for construction or remodeling of the jail.

- R3. Find a larger room for the parent/child visitation with a chalkboard 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.

**This recommendation will not be implemented because it is not currently feasible.** The Sheriff's Office would very much like to implement this recommendation in its entirety; however, space limitations and funding restrictions prevent us from finding a larger room. The current visitation room is a recent upgrade from a less desirable room where unsafe conditions existed. The current room is the best available space at this time. The current room was carpeted and equipped with child safe tables and chairs to better accommodate the needs of children. The Sheriff's Office is exploring the possibility of equipping the room with games and books for use during the visits.

- 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.

**The recommendation has been partially implemented.** Providing educational opportunities is a high priority for the Sheriff's Office and we are actively pursuing options to increase what is available to our inmate population. The greatest obstacle is the decreasing funding to adult education programs at the state level, as well as the limited availability of teachers for jail programs.

There are a significant number of community volunteers who come to the jail weekly to offer inmates the opportunity to participate in drug and alcohol abuse recovery programs. However, participation cannot be mandated unless it is a condition of a sentenced inmate's probation.

- 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.

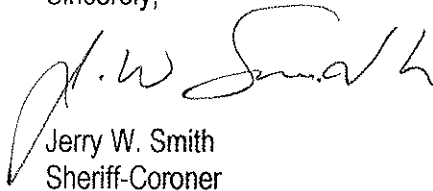
**The recommendation has been partially implemented.** Universal Precautions are taken when necessary. However, the majority of intakes do not pose a risk to staff that would require them to take extraordinary precautions to avoid blood borne pathogens. Gloves are routinely worn by members of the medical staff during intakes; however, wearing face shields when not medically indicated would create a barrier to communication and inhibit the nursing/patient relationship.

- R6. Continue working with the federal government to obtain funds to operate the jail.

**The recommendation has been implemented.** The Sheriff's Office will continue to seek funding from all available sources.

This concludes my response to the 2009-2010 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,



Jerry W. Smith  
Sheriff-Coroner

cc: Board of Supervisors  
Bill Connelly  
Jane Dolan  
Maureen Kirk  
Steve Lambert  
Kim Yamaguchi  
Scott Tandy, Interim CAO