



OFFICE OF  
INSPECTOR GENERAL  
SACRAMENTO COUNTY

# Sacramento County Sheriff's Department Jail Operations Audit



Sheriff's Main Jail, Sixth & I streets

September 2009

LEE DEAN  
Inspector General



OFFICE OF INSPECTOR GENERAL  
Inter-Department Correspondence

LEE DEAN  
Inspector General

September 21, 2009

To: Sheriff John McGinness

From: Inspector General Lee Dean

**RE: Jail Operations audit**

With your backing, an audit of jail operations in Sacramento County has been completed by the Office of Inspector General and is enclosed herewith for your review.

In early 2009, the Sacramento County Board of Supervisors approved an audit of local jail operations, focusing principally on causative factors and remedial strategies linked to jail overpopulation.

It comes as no surprise, that overpopulation in Sacramento County's jail system has reached a critical stage. The reasons are varied and complex. Proactive steps designed to bring about immediate, short term relief, and strategies to ensure sustained management of the inmate population are imperative.

Your staff is currently preparing a *Master Plan for Correctional Services* which will serve as something of a map for jail operations. Urgency is added here from a combination of factors addressed in this report, not the least of which, are the collateral impacts from what most believe will be a large-scale release of state prisoners.

A number of remedial recommendations are offered throughout this report to assist your efforts in finding viable and lasting solutions to these daunting challenges. Absent your support of transparency, and diligence from your staff in providing pertinent background, this audit would not have been possible.

Thank you.

Copy:  
Members of the Board of Supervisors  
Terry Schutten, County Executive Officer  
Robert Ryan, County Counsel  
Mark Norris, Administrator – Internal Services Agency

# Sacramento County Sheriff's Department

## Jail Operations Audit

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## Prologue

Jail overpopulation in Sacramento County was identified as a critical issue in the *Sacramento County Office of Inspector General 2008 Annual Report*. In response, the Sacramento County Board of Supervisors authorized an audit of local jail operations, presented here, which reaffirms the urgency stated. Under the auspice of the Inspector General, expert consultation was provided by Mr. Larry Stamm to facilitate this audit, focusing principally on causative factors and remedial strategies linked to jail overpopulation. As a field representative for the California State Board of Corrections, Mr. Stamm spent many years auditing jail operations throughout the State. He is a 31-year veteran of the Sacramento County Sheriff's Department, having served as Undersheriff, Chief Deputy of Corrections, and Commander of the Main Jail. His expertise and dedication to the task made completion of this audit possible. The findings from this audit have been presented to Sheriff McGinness and his staff for reference in developing their forthcoming *Master Plan for Correctional Services*.

**Sacramento County Inspector General**  
**Sheriff's Department Jail Operations Audit**

**Executive Summary**

**Purpose**

Communities embrace certain expectations regarding crime and punishment, to include the central role of government in protecting the public interest. To this end, the Sacramento County Sheriff's Department (SSD) will soon publish a *Master Plan for Correctional Services* as an integral part of its SSD 2008-2013 Strategic Plan.

The purpose of this audit is to independently evaluate core facets of the Sheriff's jail operations, focusing primarily on causative factors and remedial strategies linked to jail overcrowding. Complaints of misconduct against jail personnel are not within the scope of this audit; (*the Office of Inspector General 2009 Annual Report* will address this topic).

Transparency, alternative thinking and a long-range perspective are central to this report, which contemplates sweeping changes in the state correctional system and confronts the reality of collateral impacts on local jail operations. Many questions remain in terms of essential public services and the fiscal challenges that lie ahead. The impetus here is to engage a proactive assessment of local jail operations in anticipation of inevitable forces, which will change the landscape of correctional services.

The five categories covered in this report are best viewed along a continuum; i.e., they are linked by virtue of how each influences the others. These categories are:

1. Collateral Impact of State and Federal Action;
2. Staffing Standards;
3. Service Alternatives;
4. Medical / Mental Health;
5. Measures in Mitigation.

**Summary of Findings**

1. Collateral Impact of State and Federal Action

By all accounts, the state of California correctional system is in disarray. Responsive strategies by government to address this reality will place an ever-increasing burden on local jails to deal with the resulting fallout. Of central concern is the court-ordered early

release of thousands of state inmates, many of whom will be under little or no continuing supervision; (execution of this order has been stayed pending appeal by the State's Attorney General.)

A present reality is that Sacramento County receives substantial annual revenue under contract to house state and federal prisoners. As a result, its jails are overstretched to the extent that local needs become subordinate to these ongoing contractual obligations. For example, all misdemeanor offenders are cited and released back into the community, where many reoffend or simply fail to appear for court. Indeed, Sacramento County jail commanders report that the local jail system is beginning to more closely mirror prison conditions in terms of inmate behavior and institutional culture. There is little doubt that the recidivism factor linked to a broad-scale early release of state prisoners will compound this problem.

## 2. Staffing Standards

Prior studies have cited understaffing as a critical concern within the SSD jail system. Steps have been taken to address this deficiency, but staffing remains under the levels recommended by an internal audit. Sacramento County is one of only nine counties in California that exclusively use sworn deputy sheriffs to perform jail-officer duties; the industry trend in this regard is toward a correctional officer/assistant position with lesser authority to perform such duties. Evaluating which employee classifications strike the most practical and cost effective approach to staffing corrections is something all counties throughout the State, including Sacramento County, must weigh.

SSD jail deputies work a 12-hour shift. This model represents the predominant staffing standard for local jail systems in California. The efficiency and effectiveness of this model is a question which has been asked and answered and its continued use by the SSD would seem to make sense.

## 3. Service Alternatives

In 1993 a lawsuit over conditions adversely effecting pretrial inmates in the SSD jail facilities led to a federal consent decree regarding the care and treatment of inmates. In 1998, a modification to this consent decree was approved which increased the Main Jail population cap from 2,000 to 2,432 inmates. The Main Jail appears to be operating within the provisions of this consent decree. Overpopulation at the Sheriff's Rio Cosumnes Correctional Center (RCCC) has steadily risen however since that facility has become the "relief valve" for overcrowding at the Main Jail.

By recent agreement between the Sacramento County Superior Court Presiding Judge and the Sheriff, misdemeanor offenders with a no-bail warrant or failure to appear, or those subject to a court ordered non-release provision, are not subject to citation and release until after their court appearance. Estimates are that this change in procedure adds about 30 inmates to the average Mail Jail population at any given time.

Regrettably, proactive screening and release of pretrial inmates has effectively come to a stop within the SSD jail system. Estimates are that 50 to 70 inmates eligible for pretrial release are now held in custody. A viable program to screen inmates eligible for release from custody pending their day in court, can clearly help reduce jail overcrowding, without unduly jeopardizing public safety.

There is no question that expanding the use of Home Detention, Work Project, and the Sheriff's Parole Program, as alternatives to "jail time," is a strategy whose time has come for SSD correctional services. This is driven primarily by the need to mitigate jail overcrowding. It also makes good business sense purely in terms of measuring the effective allocation of resources against the demand for service. Conversely, the practice of sentencing out-of-custody inmates to serve time via weekends at the RCCC is inefficient and problematic. The administrative overburden by way of staff time to process these weekenders is simply not justified in light of the competing needs of running the facility.

The vision of establishing a Sacramento Superior Court facility in close proximity to Folsom Prison to prosecute prisoners charged with in-custody crimes has never reached fruition. In 1980, the city of Folsom built its new police station with holding cells and a well designed high-risk security courtroom. When the effort faltered, this facility was put to alternate use.

The Sacramento County District Attorney's Office has for the past few years done video arraignments for prison cases. These cases nonetheless pose a significant and ongoing challenge in terms of staffing and logistics tied to adjudication. There is nothing on the prison-reform drawing board which leads one to believe that this picture will change anytime soon. The enormous staffing costs associated with these trials, when coupled with the fiscal realities facing California and Sacramento County alike, make a compelling case for revisiting this long-overdue venue.

#### 4. Medical / Mental Health

The "system" must provide incarcerated individuals with access to medical and mental health services that are consistent with industry standards and within constitutionally acceptable parameters. As services on the outside dry up for want of funding, a steady influx of inmates with a host of chronically neglected medical and mental health issues stand to overwhelm local jails seeking to remediate these often acute individual health conditions.

The magnitude of this challenge is illustrated by the numbers themselves. Sacramento County is among the 15th largest county jail systems in California, which together have a combined population in excess of 83,000 inmates, comprising over 60% of all inmates held in local jails. Clearly, a compelling interest exists to think in terms of examining alternative strategies to providing medical and mental health services to the incarcerated population.

In Sacramento County, oversight of inmate medical / mental health services rests with the Sheriff's Department Correctional Health Services Division (CHS). Of concern is how CHS budget cuts for FY 2009/10 will adversely impact delivery of essential services. Critical to this discussion are the issues of constitutional minimums for correctional medical and psychiatric services, and the legal standard of deliberate indifference. The Office of County Counsel has opined that CHS must provide certain minimum service thresholds to meet constitutional mandates. CHS must walk a tightrope in trying to meet this expectation, with staffing levels that have not kept pace with a steady increase in the Sheriff's jail population. In order to make ends meet, CHS has undertaken a redistribution of resources, the impacts of which remain to be seen. Timely follow through to assess these impacts is essential.

##### 5. Measures in Mitigation

Thousands of inmates will soon be released from California prisons to reduce overcrowding. Whether this results from judicial mandate or administrative fiat is immaterial; the important point is it's going to happen. Time is of the essence in terms of addressing the public safety and institutional viability implications from this evolving scenario, which when coupled with overcrowded conditions already existing in the local jail system, are significant. Sadly, recidivism rates argue that the majority of prisoners released will reoffend; thus, the predictable impact on local jail systems is ominous.

One critical factor is that state and local law enforcement resources traditionally brought to bear in such circumstances have been markedly diminished due to budget shortfalls. A well defined approach under the auspice of SSD Correctional Services to factor in planning, directing, oversight, and reporting on measures in mitigation is no longer an option.



## Sacramento County Inspector General

### Sheriff's Department Jail Operations Audit

#### Overview of Sheriff's Jail Operations

SSD Correctional Services are administered through four operational divisions. The scope of services provided by each of these divisions entails an ongoing balancing of resources.

The **Main Jail Division** is the largest single division within the Sheriff's Department, with over 250 sworn deputies and 130 civilian staff. The maximum capacity for this facility, which does not house juveniles, is 2,432 inmates with an average daily count of 2,400. No single jail facility in California surpasses the Main Jail in terms of average bookings per year (56,000). The Main Jail is the primary custodial facility for pretrial inmates awaiting adjudication from the Sacramento County courts. This facility is also the primary housing unit for newly arrested inmates from federal, state, and local law enforcement agencies, as well as prisoners in transit to other jurisdictions. About 170 sentenced inmate workers are included in the daily population count at the Main Jail.

A portion of the first floor at the Main Jail is dedicated to four courtrooms inside the Lorenzo E. Patino Hall of Justice, where an average of 6,800 cases per month are calendared, mostly for defendants who are in custody at the Main Jail.

The **Rio Cosumnes Correctional Center (RCCC)** is the primary custodial facility for inmates sentenced by the Sacramento County courts. RCCC also houses inmates in transit to other jurisdictions as well as state and federal prisoners under contract. In total, 300 deputies and civilian staff work around the clock to ensure that inmates are secured and cared for while in custody at this facility.

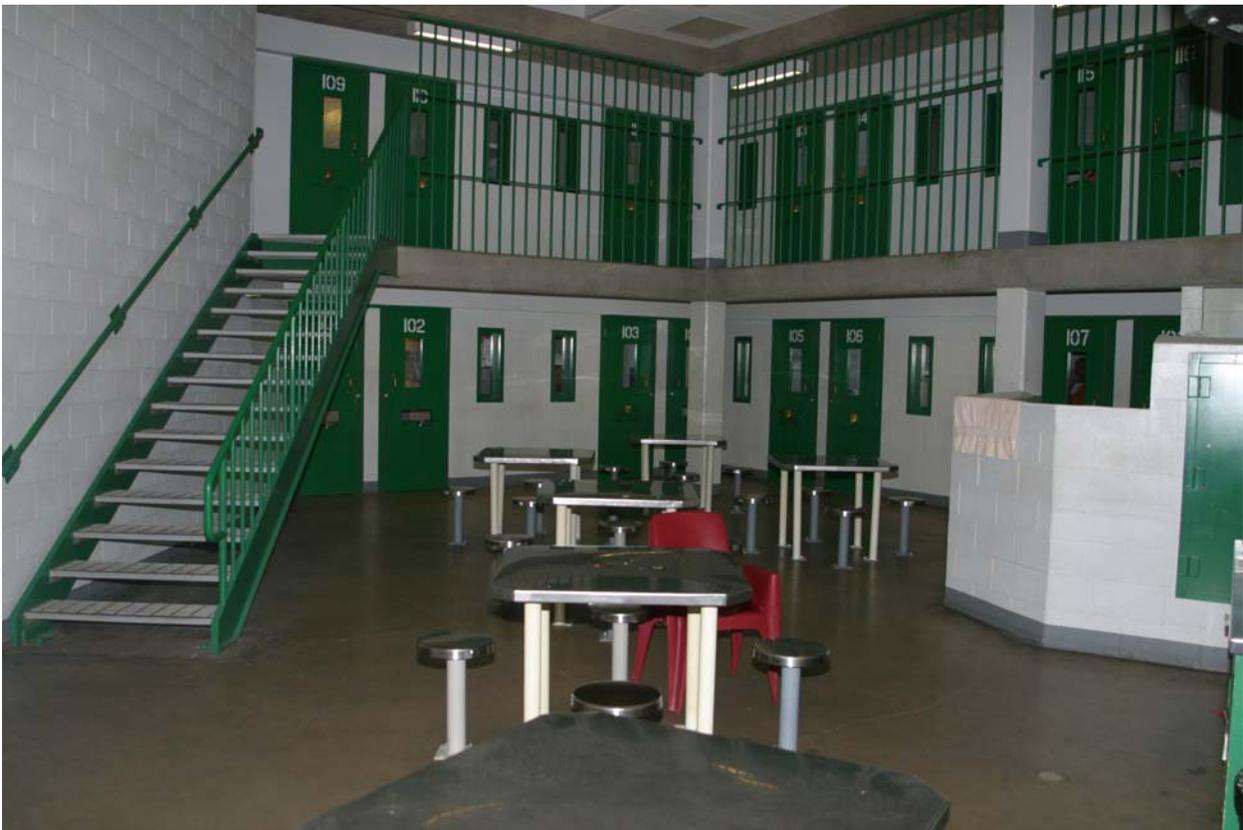
The RCCC is the principal reception point for parole violators held pending revocation hearings in the Sacramento Valley Region. It is also the central transportation point for all defendants sentenced to state prison by Sacramento County courts. Additionally, RCCC serves as an adjunct facility for pretrial inmates from the Main Jail.

A women's dorm, as well as minimum, medium, and maximum security facilities are located on-site at the RCCC; daily population count ranges from 2,100 to 2,400 inmates. In August 2008, the Roger Bauman Facility reopened, which created 275 new beds for the facility. A variety of support services are offered to assist inmates including educational, vocational, medical, and psychological programs.

The **Correctional Health Services Division (CHS)** provides medical, mental health, and dental services to the County's inmate population (approximately 4,500) housed at the Main Jail and the RCCC, at an annual budget of \$44 million. This includes on-site care as well as case management of care provided to inmates via off-site facilities. CHS operates daily

nurse and physician sick-call, providing over 130,000 visits annually. On any given day, approximately 65% of the inmate population is receiving medications.

The **Work Release Division** employs a wide array of alternatives to traditional incarceration, thereby reducing both jail population pressures and the enormous cost of incarceration. The program was created in 1978 and has evolved into one of the largest alternative correctional programs in the nation. On average, 1,500 inmates participate in the program during any given week along with 300 inmates on home-detention electronic monitoring.



**Rio Cosumnes Correctional Center**

# Sacramento Sheriff's Department

## Jail Operations Audit

### 1. Collateral Impacts of State and Federal Action

#### Central Findings

##### Fiscal

The Sacramento County Sheriff's Department (SSD) generates substantial annual revenue by contracting to house state and federal prisoners in local jail facilities.<sup>1</sup> While this revenue model has been in place for many years, the number of state-contracted beds has steadily grown, and is now disproportionate when benchmarked against surrounding counties; see Attachment-1.

The California State Department of Finance establishes the current daily amount paid to local municipalities for housing state prisoners at \$77.17 per day. The federal rate of \$88.00 per day is a negotiated amount representative of actual cost. Thus, it is fair to say that Sacramento County is underpaid for housing state prisoners; from a prudent business perspective, the ante needs to be upped here to meet the actual cost of providing this service. Beyond this, alternative venues for housing state and federal prisoners must be evaluated, inasmuch as Sacramento County jail facilities are stretched beyond capacity.

Oversight of public assistance paid to Sheriff's inmates continues to be a worthy endeavor. During 2008, SSD was one of the leading reporting agencies submitting information to the Social Security Administration to suspend payment of benefits to 992 inmates, resulting in a "finder's fee" of \$385,800 paid to the County. The Welfare Fraud unit of the County Department of Human Assistance monitors welfare benefits and suspends payment to incarcerated individuals after 30 days. According to benefit specialists in the state of California Unemployment Office, benefits are regulated by the State to ensure that incarcerated individuals are not receiving benefits. An obvious weakness here is the missing interface between and among these public assistance systems to mitigate fraud and abuse.

##### Housing

In April 2009, Sacramento County entered into a multi-year contract with the California Department of Corrections and Rehabilitation (CDCR) to extend and expand the availability of bed-space for state prisoners. This agreement calls for housing 464 prisoners in Sacramento County jails. A long-standing agreement between SSD and the Federal Government likewise calls for housing 400 federal inmates.<sup>2</sup> These contracted beds would otherwise be available for local inmates. By contrast, the surrounding counties allocate very few beds for state and federal prisoners. Additionally, it was discovered during this audit that 161 pre-trial detainees under state-mandated parole hold were being held between the

Main Jail and the RCCC. Importantly, there is no reimbursement to the County for the cost of housing pretrial prisoners under state-imposed parole hold; see Attachment-1.

State reimbursement is, however, available for inmates awaiting post-conviction transport to state prison. Timely notice and billing to state officials for post-conviction inmates awaiting transport to state prison needs to be perfected by SSD in order to net fees under Penal Code (PC) Section 4016.5, and more importantly, to encourage prompt removal of these inmates from SSD jails. (At the time of this audit, 250 post-conviction inmates at the RCCC were awaiting transport to state prison, totaling \$19,292 per day in reimbursable fees available to the County. Upon notice by SSD to state officials of its intent to seek reimbursement, 159 post-conviction inmates were scheduled forthwith for transport to state prison.)

One underlying factor in differing inmate populations between Sacramento County and the surrounding jurisdictions is judicial intervention with respect to the number of prisoners or the time which they may be held in local facilities. For example, Yolo County and San Joaquin County have court-ordered population caps. Importantly, most litigation in the State stems from pretrial prisoners subjected to overcrowded conditions. In Sacramento County, because a Federal Consent Judgment caps the Main Jail population at 2,432 prisoners, there are over 500 pretrial detainees being held at the RCCC, which has a state-rated capacity of 1,625 inmates. Bunks have been added at this facility to allow for 2,648 prisoners, and it appears that with the increase in state and federal contracted bed-space, these bunks will be filled, creating a host of additional non-compliance issues with the State Corrections and Standards Authority.

### Safety & Security

One hypothesis for the disparity in inmate populations among local jail systems is that Sacramento County has become a de-facto repository within the corrections industry, as something of an avenue of least resistance for outside agencies looking to house prisoners. As noted, the County is compensated under contract for housing these prisoners. The viability of this revenue-based model begs the question of both public safety and institutional security.

For example, with rare exception, all misdemeanor offenders are released back into the community because there simply is no room at the local jail. Many if not most of those released are repeat offenders. Beyond this, state prisoners held in the local system, as a group, predominately reflect a history of violence, drug abuse, and/or gang affiliations. As this incidence increases, Sacramento County jails begin to more closely mirror California prisons insofar as behavioral problems associated with this population.<sup>3</sup> While there are no easy answers, this dilemma is inextricably tied to formulating the *Master Plan for Correctional Services*.

During the course of this audit, it became clear that the nature and extent of prisoner history information on both state and federal inmates booked into the Sacramento County jail system is inadequate. For example, information central to the safety and security of the

institution, which should be included as part of an inmates background includes: criminal history, gang affiliation, disciplinary record, incident history, assaultive behavior, escape attempts, other subversive activity, and medical / mental health history. Regrettably, it appears that this information is not provided with any level of consistency. A Main Jail classification audit of state and federal prisoners to evaluate the nature and extent of prisoner history information being provided at time of booking will serve to identify corrective action needed to address any deficiencies.

Revamping of the state parole system is projected to exacerbate over-population of Sacramento County jails. On April 8, 2009 there were 146,823 parolees in the state of California; 5302 of this number reside in Sacramento County, which at the time, recorded 339 parolees at large. During the same month, 368 parolees were being held at the RCCC. Imminent changes in CDCR release policies are projected to increase the number of prisoners being returned to local communities, and to reduce or eliminate their level of supervision. This in turn, will ultimately increase the number of parole violators being held in Sacramento County jails, and in all likelihood, the 464 set-aside beds under state contract will surge to capacity. Jail commanders will be left with few alternative housing remedies to address disciplinary problem inmates, assaultive behavior, risk mitigation, and other potential safety concerns.

### Summary

Housing state and federal prisoners in the Sacramento County Sheriff's jail system will continue as a premier issue as the *Master Plan for Correctional Services* is developed under the SSD 2008-2013 Strategic Plan.<sup>4</sup> As presently constituted, infrastructure constraints within the Sacramento County jail system are prohibitive in terms of increasing, and arguably maintaining, the number of prisoners being held under contract. Clearly, there is a balance to be struck that contemplates urgently needed revenue along with public and institutional safety.

### **Key Factors**

California's fiscal meltdown and resulting changes in the state prison/parole system are likely to have a long-term, residual adverse impact on the Sacramento Sheriff's jail system in terms of exacerbating overcrowded conditions;

These changes at the state level will unquestionably influence the Sheriff's ability to achieve the objectives set forth in his Strategic Plan, under Strategic Direction 7.0, Enhanced Correctional Services; see Attachment-2;

Infrastructure constraints in the Sheriff's jail system are simply tapped out in terms of providing space for additional inmates. Alternative strategies to managing this reality against a growing demand for services must be evaluated within the context of industry standards and best practices;

At the end of March 2009 CDCR owed Sacramento County \$5,135,223 in state prisoner fees. (Of this amount parole revocation hearings and parole violator housing accounted for \$4,976,192.) SSD remains up-to-date in submitting charges monthly to CDCR, with the exception of timely notice pursuant to PC 4016.5 for post-conviction inmates waiting transport to state prison;

CDCR is falling behind on payments and past history of making payments has been irregular. CDCR does not allow for payment of booking fees, while these fees are paid under federal prisoner contract. CDCR is starting to resist charges for medical transport and officer time for inmate services required outside SSD correctional facilities.

## **Recommendations**

- **Effect timely notice and billing to state officials for post-conviction inmates awaiting removal from the County jail system to state prison, in order to net fees under PC Section 4016.5 and to encourage prompt removal of these individuals from county facilities;**
- **Consider legislation through the California State Sheriffs' Association to add 30-day delinquent interest/penalty fees for contract prisoners, and for fees due under PC Section 4016.5;**
- **Facilitate a 30-day Main Jail classification review of state and federal prisoners to evaluate the nature and extent of prisoner history information provided at time of booking. Ensure corrective action as needed to include follow through with the State Corrections Standards Authority relative to uniformity of procedures;**
- **Revisit what seems to be an inefficient practice of booking the majority of parole violators at the Main Jail subject to transport and housing at RCCC;**
- **Mitigate fraud and abuse of public assistance programs (SSI, welfare, unemployment) by developing an internal system to interface tracking of assistance payments to County jail inmates;**
- **At a minimum, hold in abeyance any expansion of state or federal prisoner contracts pending resolution of jail infrastructure constraints;**
- **Identify medical transport in state and federal prisoner contracts as a compensated activity, and add a provision to allow for screening and rejection of certain prisoners based on past behavior, known medical conditions, criminal sophistication, etc.**

## Scope of Inquiry

### Release of State Prisoners

- Interview with State Parole Region I Supervisor to confirm release and discharge list sent to local agencies;
- Northern Jail Managers Meetings, June 24, 2009 – Shasta County Sheriff’s Department.

### Prisoner Housing Contracts

- Interview with U.S. Marshal Supervisor in regard to classification information on federal prisoners (See Recommendations for 30-day review regarding adequacy of information provided);
- Interview with SSD Chief Budget Officer in regard to fees owed by the State to the County under prisoner housing contract.

### Prisoner Public Assistance

- Social Security: Interview with SSA program expert in regard to “finder fees” established that during 2008, SSD was one of the leading reporting agencies submitting information to the Social Security Administration to suspend payment of benefits to 992 inmates, resulting in \$385,800 paid to the County;
- Welfare: Interview with Welfare Fraud unit of the County Department of Human Assistance, which monitors welfare benefits and suspends payment to incarcerated individuals after 30 days;
- Unemployment: Interview with benefits specialist to confirm that benefits are regulated by the state of California to ensure that incarcerated individuals are not receiving benefits.

### Documents Reviewed

1. SSD State and Federal Monthly Invoice/Payment Activity Reports;
2. State and County Agreement for 464 contract beds for parolees at RCCC;
3. Inmate count at RCCC for April 6, 2009 showing number of pretrial inmates;
4. “Inmates with Foreign Charges Report” for April 6, 2009 Showing 161 parolees with local charges: 145 males and 16 females;
5. State Parole Automation Report for April 8, 2009 showing weekly institution population at RCCC: 348 males and 20 females;
6. Office of Inspector General 2008 Annual Report;
7. Joseph Brann & Associates, 2006 Jail Operations Report;
8. Sacramento County Grand Jury Final Report, 2007-2008 Criminal Justice – Pages 68-82;
9. SSD 2008-2013 Strategic Plan;
10. Correctional Services Staffing Analysis, Lt. Pattison, July 16, 2007;

11. Correctional Standards Authority Biennial Inspection – 2008 Main Jail and RCCC;
12. Jail Overcrowding and Safety Concerns, Captain Tim Sheehan, Nov. 8, 2008;
13. RCCC Statistics and Trends Report, Captain Tim Sheehan, 2007;
14. RCCC Health Authority Inspections Report 02/29/2008;
15. State Fire Marshall Inspection Report 10/22/2008;
16. U.S. Marshal Service Investigative Report 09/31/2007;
17. Correctional Services Alternative Program, Lt. Ilg (Draft);
18. Social Security Administration Audit Report, July 2003;
19. Correctional Standards Authority – “Jail Profile Survey”;
20. Correctional Standards Authority – 2008 Report to State Legislature;
21. California Code of Regulations – Minimum Standards for Local Detention Facilities – Title 15 and Title 24.



Attachment-1

Sacramento County Jail System Beds Allocated for State and Federal Prisoners					
County	State Parole Violators	Post Convictions Awaiting State Prison	Pre-Trial Detainees with Parole Holds	Federal Contract Beds	TOTAL
<b>Sacramento</b>	<b>464</b>	<b>165</b>	<b>161</b>	<b>400</b>	<b>1190</b>
Placer	4	13	31	0	48
El Dorado	10	20	20	0	50
San Joaquin	0	43	9	0	52
Yolo	6	4	36	20	46
Sutter	13	13	15	0	41
Yuba	2	9	20	0	31

Definitions:

State Parole Violators: Prisoners booked by parole agents & processed by CDCR
Post Convictions Awaiting State Prison: Prisoners at local facilities awaiting transport to state prison
Pre-Trial Detainees with Parole Holds: Prisoners in or awaiting trial with state-mandated parole holds
Federal Contract Beds: US Marshals Service, Bureau of Prisons, Homeland Security / ICE

Note: On June 4, 2009, the Commander of the Butte County Jail reported that his agency had signed a contract with federal authorities to house 115 federal prisoners. Pursuant to this agreement, Butte County agreed to transport 40 federal prisoners from the Sacramento County Main Jail.

## Sacramento County Sheriff's Department

### Strategic Direction 7.0

#### 7.0 Enhanced Correctional Services

- 7.1 Provide a safe and secure correctional environment
- 7.2 Provide optimum health care services
- 7.3 Promote rehabilitative opportunities
- 7.4 Optimize system management

## Sacramento County Sheriff's Department

### 7.1 Provide a safe and secure correctional environment

Strategic Actions		Year
7.1.1	Properly plan for growth in inmate populations	1
7.1.2	Standardize policies and procedures	2
7.1.3	Enhance and standardize facility security practices	2

### 7.2 Provide optimum health care services

Strategic Actions		Year
7.2.1	Establish on-site pharmacies at the Main Jail and RCCC	1
7.2.2	Develop medical residency program with UC Davis School of Medicine	3
7.2.3	Develop a comprehensive in-house nursing training program to serve both jail facilities	2

### 7.3 Promote rehabilitative opportunities

Strategic Actions		Year
7.3.1	Establish collaborations with private and public stakeholders to develop and expand vocational training opportunities to improve post release employment	2
7.3.2	Expand and enhance in-custody substance abuse, cognitive behavioral and mental health treatment programs	3
7.3.3	Expand adult education and community college partnerships to provide continuing education opportunities to offenders	3

### 7.4 Optimize system management

Strategic Actions		Year
7.4.1	Evaluate and pursue technologies to track and manage all inmate movement	1
7.4.2	Evaluate and pursue technologies to track and manage all inmate property	2
7.4.3	Construction of commissary warehouse	3
7.4.4	Construction of cook/chill facility and warehouse	4

# Sacramento Sheriff's Department

## Jail Operations Audit

### 2. Staffing Standards

#### Central Findings

Significant staffing deficiencies at Sacramento County Sheriff's Department (SSD) jails were noted in an independent audit commissioned by the County Board of Supervisors in 2006.<sup>5</sup> Subsequent internal studies completed by the SSD Management Analysis and Planning Bureau (MAP) highlight these staffing deficiencies.<sup>6</sup> Both the audit and the later study identify the high cost of overtime and extra help used at jail facilities to maintain what is characterized as "bare bones" staffing. Current staffing level at the respective facilities reflects:

Main Jail deputy sheriff positions:

**250** positions recommended by MAP study;  
229 authorized positions;  
221 positions currently filled.

Rio Cosumnes Correctional Center deputy sheriff positions:

**243** positions recommended by MAP study;  
183 authorized positions;  
175 positions currently filled.

In November 2008, RCCC Commander Captain Timothy Sheehan completed a report entitled Jail Overcrowding and Safety Concerns at RCCC.<sup>3</sup> Citing minimal resources coupled with an increasing demand for services, this document predicts that overcrowding and low staffing levels will exacerbate unsafe conditions at the RCCC, leading to chronic non-compliance with regulatory mandates, as reported by the California Correctional Standards Authority in their biennial inspections.<sup>7</sup>

Outdated dormitories at the RCCC built to house minimum security inmates now house maximum and medium security inmates in numbers that outstrip their original design. A host of physical plant issues have arisen from this make-shift use, to include a lack of dormitory and dayroom space, toilets, wash basins, and showers. These conditions are further magnified in that the RCCC is located on 70 acres of land. Dormitories are separated over large areas making the movement of inmates costly and inefficient.

Importantly, a comprehensive video monitoring system was installed at the RCCC in 2008 to help facility staff monitor inmate movement both on-grounds and inside the facilities. Whether this added surveillance will help to mitigate adverse incidents or simply serve as a

useful investigative tool remains to be seen. Although clearly a valuable addition to the facility, video monitoring is not a viable substitute for functional staffing levels.

### Shift Schedules

Most county correctional systems throughout California staff their line-level operations using 12-hour shifts. This holds true for all but one (Yuba County) of the seven counties surrounding Sacramento. Twelve-hour shifts are used by the nine counties in California that still rely exclusively on the deputy sheriff classification to staff their jails. Yuba County has employed a 5/8 – 5/8 – 4/10 plan in their jail for over 10 years. They believe this configuration is the most efficient for their operation. A two-hour overlap created by the 4/10 plan on graveyard allows for all shifts to be briefed daily. They perform 15-minute training sessions for all personnel, and can conduct cell/housing area searches on a regular basis under this schedule. Command staff can attend four briefings and reach all personnel. This is seen as central to ensuring that jail officers see the importance of their assignment as an integral part of the organization.

The Sacramento Sheriff's Department has a great deal of experience with the 5/8 – 5/8 – 4/10 jail staffing schedule. From the mid 1980s to 1996, this plan was in effect at the Main Jail. Some current supervisors who worked this shift during the period noted believe that it has merit today. Their rationale is that seasoned staff can benefit from the 4/10 schedule and concurrently serve to mitigate problems on the less desirable shifts.

Twelve-hour shifts for local jail operations vary in makeup throughout the State; the principal applications for this deployment model include:

3/12 – 4/12: 84 hours bi-weekly (most pay four hours at straight time rates, while a few pay four hours at the rate of time and one-half);

3/12 – 3/12– 1/8: 80 hours bi-weekly;

5/12 – 2/12: 84 hours bi-weekly at straight time rates.

The San Diego County Sheriff's Department uses the 5-/12 - 2/12 plan which allows each employee fourteen consecutive days off monthly. Personnel work a 12½ hour shift paid at straight time with a half-hour lunch break. This half-hour overlap facilitates daily shift briefings.

Most of the large agencies employ 12½ hour shifts and provide for a half-hour lunch period along with a briefing for each shift; no overtime expense is incurred with this model. A few agencies provide for up a 10-minute exchange of information between officers at shift change (Placer County pays 12 minutes of overtime daily for this purpose) while others have no briefing, opting instead to rely on computer messaging, review of log books, and supervisory liaison with subordinate staff during their shift. The Alameda County Sheriff's Department uses staggered shift-start times, which allows part of each shift to be used for daily briefing of all personnel.

**SSD** staffs its jails under a 3/12 – 4/12 schedule, with 84 hours of straight time paid bi-weekly. Each shift team is provided an additional half-hour of overtime pay so that all personnel are briefed once per pay period. Otherwise, there is an exchange of information at shift change between officers, and they review messages and shift logs for important information. Shift Sergeants liaison with officers during their 12-hour shift to pass along important information and matters of interest to the facility. Candid feedback from representative supervisors reflects that from an accountability and oversight perspective, an actual start-of-shift briefing would be preferable. For this reason, the majority of agencies surveyed do provide for such briefings.

Jail managers report that the vast majority of line officers like the 12-hour shifts. They enjoy the extra days off, fewer trips to and from work, and more time for personal business. A four-team model is used to facilitate better supervisory control. The trade-off is that this deployment model has a tendency to develop four differing shift cultures, characterized by nuances between and among staff and supervisors, which make up the teams within each facility. This reportedly leads on occasion to confusion among inmates in terms of conforming to differing expectations relative to shift activities, behavior and procedures.

As noted, the 12-hour schedule has become something of a California industry standard in county corrections. This arose over the course of many years through the collective bargaining process and countless cost-benefit studies. Sacramento County has its own history in this regard, and over time, the 12-hour staffing model has clearly become institutionalized within SSD corrections. Unless it can be shown that transition to an alternate staffing model will reduce costs, it makes little sense for Sacramento County to move in this direction. The reality is that this cost-benefit question has been exhaustively asked and answered. No findings were identified during the course of this audit which would likely produce a different outcome today.

#### Correctional Officer Classification

In California, certain statutory requirements in the Penal Code, as well as regulations promulgated by the Commission on Peace Officer Standards and Training (POST), and the Corrections Standards Authority set the requirements for personnel working with inmates in local jails. PC Section 830 defines a law enforcement officer with full peace officer authority; Sacramento County jail deputies fall within this classification. These officers have completed POST academy training (6 months) in addition to a 56-hour supplemental course for officers assigned to corrections entitled, Standards in Training for Corrections (STC).

Section 830.1(c) PC defines a peace officer with limited powers employed to perform custodial duties. Also, PC sections 831 and 831.5 define public officers, as opposed to peace officers; these custodial officers are restricted from performing full peace officer duties. Finally, PC section 831.7 defines custodial assistants and outlines the duties that they may perform to assist peace officers within a jail setting.

The merits of supplanting fully POST certified jail officers with one or a combination of the above-noted classifications have drawn attention from agencies both large and small. The

impetus of course is to reduce personnel costs, which explains the industry trend toward using employee classification other than fully sworn officers to staff corrections. It should be noted, however, that in many instances, the collective bargaining process has led to wage parity for custodial officers whose duties largely parallel their 830 PC peace officer counterparts; incentive pay and other collateral benefits reserved exclusively for full peace officers may then be the only residual cost savings.

A reason often cited in favor of hiring custodial officers is that they come to the agency knowing full well that their future is in corrections. The **San Joaquin County Sheriff's Department** has an exceptional training program for custodial officers appointed under 830.1(c) PC. All instruction is provided by senior officers or supervisors knowledgeable of corrections. This training exceeds the required 176 hours of core STC training for this classification of officer, and every new employee learns exactly what is expected of them. Upon completion of this basic training they are assigned to a jail training officer for three months of instruction within the facility. New-hires are not allowed to work in the facility alone until this training is completed. Jail staff projects a high level of esprit-de-core and dedication to their assigned task. The captain in charge of corrections meets the requirements of 830 PC (full peace officer power).

The **San Diego County Sheriff's Department** has transitioned to staffing its jails almost exclusively with custodial officers under 830.1(c) PC. They like the utility of this classification which authorizes field deployment of correctional officers during declared emergencies. (Santa Barbara County was able to draw on this resource during its recent devastating fire storms.) San Diego Sheriff's officials report that they are highly satisfied with this change in classification, and point to a reduction in jail complaints/lawsuits as an apparent collateral benefit, which they believe is attributable to the mindset of officers who enter corrections with the expectation of it being a career, versus merely a stop-over in their law enforcement experience.

Evaluating which classification of jail employee best suits the needs of a particular organization should include evaluating the experience of other custodial agencies. A strongly held belief among the agencies surveyed is that a career ladder within the custodial officer classification, along with top-quality training and entry-level screening, need to be contemplated in transitioning to this classification of employee for jail operations. Also cited is the critical need for correctional officers to have powers of arrest while working within the facility. The prevailing feedback is that together, adherence to these "quality control" standards will serve to ensure the long-term efficacy of using 830.1(c) PC officers in jail operations.

There are nine counties remaining in California that rely exclusively on 830 PC fully POST certified peace officers in their jail operations: Los Angeles, San Bernardino, Ventura, Marin, Alameda, Contra Costa, Monterey, San Francisco, and Sacramento. Although the San Francisco Sheriff's Department has no street enforcement activities, they retain this classification simply to avoid detrimental reliance on outside agencies to perform any necessary law enforcement functions. Officers are fully aware that their career as a San Francisco deputy sheriff will be in corrections.

*All counties that retain 830 PC officers cite as their underlying reason the unrestricted peace officer authority with this classification of employee. They have developed a variety of classifications to handle assignments that do not require making arrests or performing other sworn peace officer duties, and use these classifications to work public counters, control rooms, security gates, and other like functions in order to cut personnel costs.*

The Riverside County Sheriff's Department has developed a plan to keep 20-30% of their sworn staff in the 830 PC classification and transition the balance of their custody staff to public officers. This plan entails becoming a designated agency under PC section 831.5(g), so that their correctional officers can conduct strip searches, use sting-balls, testify in court, make felony arrests, and perform the other duties enumerated in this authority.

The Orange County Sheriff's Department is moving toward a balance of 65% deputy sheriffs and 35% correctional assistants. Salary savings is the impetus for this transition, and their design is to use correctional assistants in control rooms and other non-law enforcement assignments.

*The **Sacramento County Sheriff's Department** currently employs sheriff's records officers and security officers to perform a variety of correctional duties which do not require a sworn officer. Until recent budget cuts, on-call deputies, (those working less than full time), and retired annuitants were relied upon as a steady supplemental resource to staff jail and security operations. Roughly 292 SSD retired annuitants and 124 annuitants from outside agencies were available for deployment. Over the years, the on-call and annuitant classifications grew exponentially in number and evolved from a short-term back-fill resource, to a stable pool for supplanting full-time positions.*

Utilizing annuitants and on-call officers amounted to the least costly way to fill positions, since no benefits other than vacation, and uniform allowance were paid to these part-time employees. This supplemental workforce was deployed to a varying extent in place of filling full-time authorized positions, which by design, were left vacant to accrue salary savings. This background is useful merely to help understand the rationale behind how SSD went about staffing its jails. Mandatory layoff procedures triggered by cuts in the Sheriff's FY 2009/10 budget have put at issue the continuing use of this part-time workforce.<sup>8</sup>

Central to this discussion is the efficacy of academy training sponsored through the regional facility. Recruits with little or no experience attend the academy with the hope of being hired as full-time law enforcement employees. Entry-level training costs borne by the SSD are largely mitigated due to an underwriting agreement with the local Community College District. This forum has produced excellent cadets for hire, and there remains a strong pool of candidates for each academy class. *Budget constraints preclude even nominal pay for trainees; recruits either pay their own way or simply forego the training.* (In the past recruits were hired and paid while attending the intensive, full-time academy.)

The SSD academy commander anticipates that a similar academy for custodial officers with limited peace officer powers would attract a number of applicants in the present economy. Most see this is an optimal situation in terms of being cost effective.

*Regardless of how the SSD ultimately resolves the employee classification question, an emphasis on the importance of jail operations, as consuming over half of the Department's resources, is critical.* The jail training officer program along with supervisory oversight needs to be evaluated on a regular basis to ensure that both new and tenured officers assimilate the importance of their role in the Correctional Services. Any propensity to view corrections as little more than a proving ground for street enforcement duties must be dealt with at the outset and strictly monitored thereafter. Jail training officers must be carefully selected, trained and supervised, and all training of jail officers should be completed prior to their unsupervised assignment.

Affording a stable, trained cadre of employees to staff the jails is a challenge that the Sheriff's Department will need to address in its *Master Plan for Correctional Services*. Looming budget cuts and negotiated layoff procedures will curtail a measure of flexibility in terms of staffing the jail. As noted, sheriff's records officers and security officers are already deployed to supplement the role of jail deputies. They perform duties which fall within acceptable parameters for these non-sworn positions. Between and among these positions and the other employee classifications identified in this report, there is likely room to evaluate alternative staffing models which may make sense in terms of mitigating the adverse impacts from a reduction in resources department-wide.

## **Key Factors**

Regular sworn staff at the Main jail and the RCCC work a 7/12 schedule. During one week of the biweekly pay period, employees work three shifts of 12 hours each, and during the other week, they work four shifts of 12 hours each;

The Sacramento County Deputy Sheriffs Association Bargaining Agreement reflects that continuation of the 7/12 work schedule is at the sole discretion of the County;

For FY 2008/2009, the total overtime and extra help allocation for the Main Jail and RCCC was \$3,126,655; expenditures totaled \$6,410,074. Factors contributing to this overage include vacant unfilled positions, assorted emergencies, and required back fill for sick leave, vacations, CTO, training, and leave of absences;

SSD requires that all deputy sheriffs while assigned to the Main Jail or RCCC successfully complete patrol training before completing their probationary period. This an unfunded training cost absorbed by Correctional and Field Services;

Agencies using correctional officers appointed under PC section 830.1 attribute a drop in liability cases to the mindset of officers who enter corrections with the expectation of it being a long-term commitment as opposed to merely an interim stop-over in their career;

During a five-year period from 2004 to 2008, Sacramento County Risk Management data reflects an expenditure of \$2,891,582 to settle and defend claims and lawsuits against the Main Jail and RCCC;

The use of overtime to maintain minimal staffing reflects the adverse impact that operating with vacant positions has on the budget. Also, earlier studies reference the habitual use of overtime in the jail environment and the impact on officers' fatigue, morale, absenteeism, burnout, and job performance;

On-call deputies and retired annuitants have been cost saving positions for the Sheriff's Department given the lower pay and limited benefits with these classifications. County annuitants can work a maximum of 960 hours yearly-retired annuitants from other agencies and on-calls may work up to 1560 hours yearly;

Salary savings from unfilled positions will continue so long as the positions carried as unfilled are allocated within the Sheriff's budget; such savings are in all probability offset by expenditures for overtime, extra help, litigation, and lost time due to working conditions, injuries, etc.;

Jail scheduling which provides for regular briefings, unannounced shakedowns, and in-house training sessions enhances the efficient and effective operation of a complex correctional system. Reports reviewed reflect that proactive shakedowns result in a reduction in the amount of contraband;

The Main Jail and RCCC are together operating with 97 fewer full-time positions than the requisite posts identified in an internal staffing study call for. A review of the past two years clearly shows that the jails have consistently expended substantial overtime and extra help funds in providing minimum staffing.

## **Recommendations**

- **Implement staffing recommendations for the RCCC and Main Jail set forth in the SSD Management Analysis and Planning jail operations study;**
- **Examine the feasibility of utilizing a variety of employee classifications to staff the jails, in order to mitigate costs and maximize resources;**
- **Stress the importance of jail operations during entry-level training as well as continuing professional training to reaffirm professional expectations and mitigate liability exposure;**
- **Regularly evaluate the jail training officer program and supervisory oversight to ensure that both new and tenured officers assimilate the importance of their role in corrections through mentoring, leadership development, and deployment practices which preempt the underlying causes of misconduct;**
- **Ensure that all jail training officers are carefully selected, trained and supervised, and that all training for jail officers is completed prior to unsupervised assignment;**
- **If the practice of patrol training for probationary jail officers is to continue, (not recommended due to the unfunded liability cost), track and evaluate the**

**costs associated with this unfunded liability within the scheme of budgetary and operational priorities.**

## **Scope of Inquiry**

### Interviews with State of California Correctional Standards Authority Personnel

- Deputy Director Gary Wion
- Retired Deputy Director Jim Sida
- Field Representative Pat Lantz – SCT Core Course Coordinator
- Field Representative Dan Hanson
- Field Representative Neil Zinn – Retired

### Interview with California Peace Officer Standards and Training Representative

- Supervisor Mike DiMiceli
- Training Coordinator Cliff Peppers

### Interviews with Sheriff's Department Personnel

- Lieutenant Rick Pattison – Management Analysis and Planning Bureau
- Lieutenant Dave Torgerson and staff at the RCCC
- Sergeant Dan Morrissey and staff at the Main Jail
- Captain Gordon Smith, Prior TA for Training Division
- Holly E. Fancher, SRO III, SSD – Human Resources
- Nancy Gust, ASO III, SSD – Administrative Division
- Phillip Vogel, Assistant Reserve Forces Coordinator

### Jail Commanders for the Following Counties

- Alameda County – Lieutenant John Wonley
- Contra Costa – Lieutenant Nat Scholler
- El Dorado - Sergeant Chris Koontz
- Los Angeles County – Deputy Daniel DelGada
- Monterey County – Sergeant Bill Napper
- Orange County – Captain Tim Board
- Placer – Captain George Malim
- Riverside – Lieutenant Adams and Lieutenant Nash
- San Barbara – Operations Commander Jenny Sams
- San Bernardino – Retired Chief Norm Hurst
- San Bernardino, West Valley Detention Center – Lieutenant Tomlin

- San Diego – Detention Captain Dana Pena
- San Francisco – Chief Deputy Keller
- San Joaquin – Captain John Huber
- Sutter – Correctional Officer Crawford
- Yolo – Captain Larry Cecchetti
- Yuba County – Captain Mark Chandless
- Northern Jail Managers Meeting - June 4, 2008 – Shasta County

#### Documents Reviewed

1. CSA Correctional Standards Authority Biennial Inspections 2006 – 2008;
2. Joseph Brann and Associates , February 2006 and Jail Report and Assessment Study, June 20, 2006;
3. Staffing Analysis by SSD Management Analysis and Planning – 2006 and November 14, 2008 Staffing Report for RCCC;
4. Jail Overcrowding and Safety Concerns by Captain Tim Sheehan, Published November 2008;
5. 2007 Statistics and Trends at RCCC –by Captain Tim Sheehan and Sheriff’s Records Officer 1 Mark Arsenault, Published March 2008;
6. Budget Review Memorandum by Lieutenant Milo Fitch, December 14, 2006;
7. STC Training Standards;
8. Sacramento County Deputy Sheriff’s Association Memorandum of Understanding.



# Sacramento Sheriff's Department

## Jail Operations Audit

### 3. Service Alternatives

As a constitutional officer, the Sacramento County Sheriff is charged with the responsibility of local jail operations. This section examines some of the history underlying how the Sheriff's Department meets this mandate, and addresses certain strategies that have the potential to mitigate jail overcrowding.

#### Central Findings

##### Consent Decree

Over the years, California has seen its share of civil rights lawsuits by inmates held in local jail systems. In many instances, such litigation has necessitated major capital outlay by municipalities as part of court-ordered corrective intervention. Importantly, most of these lawsuits were filed on behalf of pretrial inmates. *Presently, there are 16 counties throughout California operating under court orders and/or consent decrees.<sup>9</sup> The Courts have made it clear that practical insolvency is no defense to a municipality in terms of tacitly condoning unconstitutional conditions within its local jail system.*

In 1993 a lawsuit over conditions adversely affecting pretrial inmates in Sacramento County jail facilities led to a federal consent judgment regarding the care and treatment of these inmates, and capped the main jail population at 2,000 inmates. In 1998, a modification to this consent decree was approved which raised the Main Jail population cap to 2,432 inmates, subject to the conditions that inmates shall not be held in booking areas in excess of 12-hours and that all inmates shall have a fixed permanent bunk and be provided dayroom access.<sup>10</sup> Importantly, the design and infrastructure for this facility call for housing just over 1,200 inmates. In the mid 1990s the County requested and received approval to "double-bunk" inmates. The problem is that staffing levels and facility infrastructure (kitchen, medical facilities, day rooms, holding tanks, plumbing, etc.), for the most part, still reflect the original design intent of around 1,200 inmates. This greatly compounds the challenges associated with operating the Main Jail.

Meanwhile the Main Jail does appear to be operating within the provisions of its federal consent decree, which has indeed, had a positive effect on the Main Jail by keeping the inmate population to a prescribed level. The tradeoff has been that conditions at the Sheriff's RCCC have steadily deteriorated, since that facility has become the "relief valve" for overcrowding at the Main Jail. A total of over 500 male and female pretrial prisoners are incarcerated at the RCCC. The facility houses over 2,400 inmates in total, but is rated for a population of only 1,625 prisoners. While all inmates are presently assigned a permanent bunk, the crowded conditions are self apparent. (It is noteworthy that the courts have never approved of providing a mattress on the floor to suffice for jail beds, and only in a few

instances are cots permissible. Both of these remedies, out of necessity, have been used as prior interim measures at the RCCC.)

Jail overcrowding ups the ante in terms of the staffing concerns addressed in category-1 of this audit. Virtually every aspect of an inmate's daily existence is controlled by staff within the facility. In order for inmates to sleep, eat, receive adequate medical services, and access mandated activities such as exercise, commissary, and visitation, both staffing as well as the physical plant conditions must be adequate to the task. *Proactive intervention to mitigate overcrowding and its collateral impacts at the RCCC is the subject of considerable focus by the Sheriff's Command and Executive Staff. Simply put, time is of the essence in addressing this matter.*

### Pretrial Accelerated Release

Except as otherwise directed by local judicial fiat, all misdemeanor offenders, if not cited and released in the field, are booked at the Main Jail and then released under citation as quickly as possible. By recent agreement between the Sacramento County Superior Court Presiding Judge and the Sheriff, misdemeanor offenders with a no-bail warrant or failure to appear, or those subject to a court-imposed no-release provision, are not subject to citation and release, pending their court appearance. Estimates are that this change in procedure adds about 30 inmates to the average jail population.

*A viable pretrial release program to screen inmates eligible for release from custody pending their day in court can clearly help reduce jail overcrowding. Sonoma County views its pretrial release program as a critical "gatekeeper" function within their criminal justice system.<sup>11</sup> They assume a proactive role by ensuring that release decisions are based on verifiable information and that post-release tracking is in place pending adjudication. Roughly 74% of their misdemeanor inmates and 62% of their felony offenders are released from jail prior to trial; this has cut the average length of stay for all pretrial inmates roughly in half, with an average reduction of 24 days for felony offenders.*

The SSD pretrial release program, formerly a 24/7 operation staffed with 10 employees and a supervisor, now operates Monday through Friday 8 am to 5 pm; two employees merely collect information for review by the arraignment judge. Regrettably, proactive screening and release of pretrial inmates has effectively come to a stop within the SSD jail system. Estimates are that 50 to 70 inmates eligible for pretrial release are now held in custody. This is a mirror opposite of what needs to occur to help reduce overcrowding.

Importantly, Shasta County operates under a court order which provides for a cap on the inmate population in all housing areas, including medical housing. This order authorizes the jail commander to screen inmates for release, per the criteria specified in the order.<sup>12</sup>

### Home Detention, Work Project and Sheriff's Parole Program

*For the SSD, there is no question that expanding the use of Home Detention, Work Project and the Sheriff's Parole Program, as alternatives to "jail time," is a strategy whose time has*

*come*. This is driven primarily by the urgency to mitigate jail overcrowding. It also makes good business sense purely in terms of measuring the effective allocation of resources against the demand for service.

**Home Detention:** The SSD Home Detention Program is a well-run operation with around 300 inmate participants at any given time. Electronic monitoring is the backbone of this fee-based program. For many years, SSD operated its Work Furlough Program from a central facility on North Fifth Street in Sacramento. Inmates were confined to this facility, but were able to participate in supervised work details to reduce their length of confinement. This program was discontinued in the 1990s and has been fully replaced by the SSD Home Detention Program.

Several possibilities of expanding the program were discussed with staff to include more proactive screening of eligible candidates, and greater collaboration between the RCCC and the Work Release Division which administers the home detention program. One example would be expanding the program to fulfill the mandatory custody provisions applicable to certain DUI offenders. Home detention coupled with alcohol testing can, and should be, substituted in lieu of incarceration on a case-by-case basis. This alternative to incarceration will serve the ends of justice and at the same time help to reduce the number of DUI offenders doing time in the RCCC.

**Work Project:** The Contra Costa County Custody Alternatives Work Project Unit is operated by two non-sworn sheriff's assistants and two clerical personnel. Roughly 500 to 600 inmates are assigned to Work Project at any given time. All inmates are assigned to sheriff's worksites, or to worksites developed by agreement with county and city public works/recreation departments, school districts, sanitation districts, fairgrounds, and Caltrans. Job-site supervision is borne by the entity that "employs" the inmate workers. Sworn peace officers are called upon to intervene when an individual shows up at a worksite under the influence of drugs or alcohol, or refuses to follow directions. In such instance, the program participant is returned to custody forthwith consistent with the agreed-upon dictates of the program.<sup>13</sup>

Participants in the Contra Costa County Work Project Program are charged a \$100 application fee and a daily administrative fee of \$12; these fees are currently under review, and will likely increase somewhat. *No one, however, is turned away based on their inability to pay the specified fees, which can be waived based on demonstrated hardship.* As presently administered, there is little flexible in terms of waiving program fees in the SSD Work Project Program. Staff nonetheless point to the viability of expanding home detention in collaboration with the RCCC in order to further mitigate jail overcrowding. Based on notions of equal access, this unwritten "rule" relative to fees needs to be changed to more closely mirror the Contra Costa County model.

The SSD Work Project Program is patterned after the same community service model employed by Contra Costa County. On average, 1,500 inmates are assigned to this program at any given time. Over the years, SSD Work Project has provided a great deal of public assistance at widely varied work sites. Many of the inmates express a personal level of

satisfaction about giving back to the community. This program is a vital alternative to incarceration in Sacramento County.

Prior to budget cuts, 25 on-call deputies were assigned to specific worksites and 10 on-call deputies were assigned to Home Detention. *Staffing cuts threaten to cripple work project as one venue to reduce jail overcrowding; this is precisely the opposite of what needs to occur.* The efficiencies built into the Contra Costa County Work Project Program, if at all possible, need to be emulated by SSD to expand the reach of its program.

**Sheriff's Parole Program:** *Finally, a review of the Sheriff's Parole Program reveals that this avenue to alleviate jail overcrowding has rarely been used over the past several years.* The Sheriff's Parole Program is authorized under California Penal Code section 3075, "County Boards of Parole Commissioners." Individuals who would otherwise be required to serve time in custody may apply for sheriff's parole, which is approved or denied by the local commission on a case-by-case basis. In conjunction with the other alternatives covered here, *this program should be revisited as a means to proactively serve the ends of justice, and at the same time reduce jail overcrowding within the Sheriff's correctional facilities.*

#### Weekender Jail Time

*The practice of sentencing out-of-custody inmates to serve time via weekends at the RCCC is inefficient and problematic.* The rationale that these individuals can remain productive members of their community and still "pay their debt" to society, can be applied to the other alternatives venues noted, without creating an administrative overburden at an already maxed-out facility. The extensive staff time and expense required to process these weekenders at the RCCC is simply not justified in light of competing needs from running the facility.

Beyond this, the constant battle around introduction of contraband into the facility is magnified by weekenders leaving and returning to do their time. Thus, 40 beds set-aside from the main population have been designated for weekenders. The RCCC can ill afford earmarking this number of beds for weekenders, and the practice is currently under review. *By mutual agreement between the Sacramento County Superior Court Presiding Judge and the Sheriff, weekender jail time at the RCCC needs to largely become a thing of the past in order to free up badly needed bed space.* An agreement of the sort suggested has been in effect in Contra Costa County for years, as reported by their Custody Alternatives Program Commander. Pursuant to this arrangement, they rarely have an inmate assigned to in-custody weekends. This approach by Sacramento County Judges would free up 40 set-aside beds at the RCCC.

There are a certain number of inmates who would rather do straight time or weekends based on personal preference. An informal survey at the RCCC found that about two-thirds of the inmates were in this category, and were therefore not interested in the Sheriff's Work Release Program. Fees associated with alternative programs may have something to do with this response. *An individual's inability or willingness to pay for these services, or their*

*personal preference as to how they do their time, should not be decisive in terms of drawing on alternatives to incarceration to mitigate overcrowded conditions.*

### Folsom Court

The vision of establishing a Sacramento Superior Court facility in close proximity to Folsom Prison to prosecute prisoners charged with in-custody crimes has a checkered past. In 1980, the city of Folsom built its new police station with holding cells and a well designed high-risk security courtroom. The City even offered to pave a road from the prison to the back door of the jail to provide ultimate security while transporting prisoners. The local bench however did not support the quest for an outlying court, and thus, the effort failed. A second chance to open this court developed during the trial of Charles Ng (accused and ultimately convicted of mass-murder in Calaveras County in the 1990s). The District Attorney of Calaveras County succeeded in establishing venue for the trial in San Andreas, at considerable taxpayer expense.

The Sacramento County District Attorney's Office has for the past few years done video arraignments for prison cases. These cases nonetheless pose a significant and ongoing challenge in terms of staffing and logistics tied to adjudication. There is nothing in the cards in terms of prison reform which leads one to believe that this picture will change as the future unfolds. *The enormous staffing costs associated with Folsom Prison trials, when coupled with the fiscal realities facing the State, as well as the County of Sacramento, make a compelling case for revisiting this long-overdue venue.*

The original high-security courtroom inside the Folsom Police Department is now used for a command center. The current Chief of Police indicated little interest in pursuing the original intent for this space, but opined that if a new police building were to be constructed, the city might be interested in re-visiting this concept. By contrast, CDCR Division Planning, Acquisition and Design Director Carl Larson, indicated an interest in exploring the concept, both as a cost-saving measure and as a means of facilitating requests for a change in venue associated with such cases. Relevant information will be forwarded to Director Larson, Folsom Police Chief Sam Spiegel, Sacramento County Chief of Court Facilities, Chuck Robuck, and Solano County Sheriff Gary Stanton, chair, State Sheriff's Association Sub-Committee on Detention and Corrections.

### **Key Factors**

By recent agreement between the Sacramento County Superior Court Presiding Judge and the Sheriff, misdemeanor offenders with a no-bail warrant or failure to appear, or those subject to a court-imposed no-release provision, are not subject to citation and release, pending their court appearance. Estimates are that this change in procedure adds about 30 inmates to the average Mail Jail population;

The SSD pretrial release program, formerly a 24/7 operation staffed with 10 employees and a supervisor, now operates Monday through Friday 8 am to 5 pm; proactive screening and release of pretrial inmates prior to arraignment has effectively come to a stop. Estimates are that 50 to 70 inmates eligible for pretrial release are now held in custody;

The Main Jail appears to be operating within the provisions of its federal consent judgment. However, conditions at the RCCC have steadily deteriorated, causing an increase in population to overcapacity, since that facility has become the “relief valve” for overcrowding at the Main Jail;

The average length of custody for pretrial inmates held in the Sacramento County jail system is currently not tracked. Anecdotal experience suggests that the length of stay in exceptional cases has been protracted;

The Sacramento District Attorney’s Office has instituted a highly effective night court program for violation of probation cases. This model could be replicated to screen cases for pretrial release to help alleviate overcrowding in the SSD jail system;<sup>14</sup>

Significant numbers of inmates held at the RCCC are taking up bed space needed for more serious offenders, making the urgency of alternative sentencing via Home Detention, Work Release, and the Sheriff’s Parole Program a top priority;

State officials express interest in a secure court facility for Folsom Prison trials in close proximity to the prison. Public safety along with mitigation of taxpayer expense and a drain on downtown court facilities argue strongly in favor of such a facility.

## Recommendations

- **Track the length of stay for pretrial felony inmates in SSD jail facilities. Include this as a standing item for oversight by the Sacramento County Criminal Justice Cabinet in order to examine ways to mitigate jail overcrowding;**
- **Monitor the impact of an agreement by the Sheriff to hold specified misdemeanor offenders pending court appearance, and report on same at regularly scheduled sessions of the Sacramento County Criminal Justice Cabinet;**
- **To the extent possible, expand the scope of the SSD Work Project, Home Detention, Pretrial Release, and Sheriff’s Parole Program, as alternatives to jail time. Visit the Contra Costa County Custody Alternatives Program and import procedures which make sense for Sacramento County;**
- **Eliminate as inefficient the practice of having sentenced inmates serve weekends at the RCCC, which creates an administrative overburden and exacerbates an already acute overpopulation dilemma at this facility. Present this recommendation to the Sacramento County Criminal Justice Cabinet for review and action;**
- **Contact state officials to examine the viability of establishing a court facility to handle Folsom Prison inmate trials. Public safety, access to justice, and mitigation of taxpayer expense argue strongly in favor of such a facility.**

## Scope of Inquiry

### Site Visits and Interviews

- Interview with Jail Commander regarding conditions of Consent Decree;
- Pre-trial Release Program – Interview with Mr. Mark Meray;
- Tour and discussion with staff in the Main Jail Booking and Receiving;
- Interview with the Commander and Administrative Sergeant of the Work Release Division;
- Visit to RCCC to observe weekenders and straight time inmates reporting for custody.

### Meeting with Chief Deputy District Attorney and Assistant District Attorney

- Average length of time to try a pretrial felon is not tracked;
- They are willing to examine with the Sheriff effective ways to engage pretrial release strategy;
- Discussed the success of violation of probation in night court as possible model for other intervention to relieve jail overcrowding.

### Inter-County Contacts

- Sonoma County Early Intervention Program; discussion with Captain Philip Lawrence;
- Yuba County Commander; discussion regarding the Yuba County Criminal Justice Council;
- Yolo County Commander; discussion regarding the review of average length of stay of pre-trial felons;
  - Top 20 inmates account for 84 years of custody time;
  - Five inmates are charged with murder and have been in custody since 2003;
  - One federal prisoner has spent nine years in their custody;
  - The D.A., courts and the Sheriff have reduced some cases to change this pre-trial length of stay.
- Contra Costa County Alternatives to Custody Program Commander; discussed assigning inmates to Caltrans and other governmental agencies and not requiring deputy supervision; Lt. Brian Kalinowski 925-313-4291.

### Sacramento County Department of Revenue and Recovery

Discussed revenue collections within the context of stayed commitments and inmate benefits.

## Documents Reviewed

1. Memo dated April 8, 2008 from the SSD Department Legal Advisor to the Undersheriff regarding Main Jail Consent Decree/Addendums;
2. Joseph Brann and Associates Audit of SSD Correctional Services, dated February 2006;
3. Correctional Standards Authority (CSA), 2006-07 and 2007-08 Reports to the California State Legislature;
4. Shasta County Court Order re: Inmate Population Capacity – 7/22/2005;
5. Sonoma County Early Intervention Program (electronic and physical copies – 361 pages – on file in the OIG office);
6. Draft RCCC Operations Order – Processing Commitments – Weekend Reporting;
7. District Attorney's Violation of Probation and Night Court Memos, dated June 9, 2009 and Statistics for 7/1/2008 through 6/30/2009;
8. Interview of In-custody Sentenced Inmates at RCCC Report 4/30/2009 and 5/2/2009;
9. Internet for Cost Estimates of the Charles Ng Murder Trial, <[http://www.skcentral.com/print.php?type=N&item\\_id=139](http://www.skcentral.com/print.php?type=N&item_id=139)> ;
10. Copy of Internet Map Showing the City of Folsom – Location of the Original Courtroom Constructed at the Folsom City Police Department.



Sheriff's Main Jail, Sixth & I streets

## Sacramento Sheriff's Department

### Jail Operations Audit

#### 4. Medical / Mental Health

##### Central Findings

###### Mandated Services

The "system" must provide incarcerated individuals with access to medical and mental health services that are consistent with industry standards and within constitutionally acceptable parameters. The latter has been subject to protracted litigation for many years. As a result, the scope of these services has expanded and parallel costs have skyrocketed to become one of the single-greatest challenges facing state and local corrections authorities.

*As services on the outside dry up for want of funding, a steady influx of at-risk, often drug-dependent inmates, with a host of chronically neglected medical and mental health issues, stand to overwhelm local jails tasked with remediating these often acute individual health conditions.* The magnitude of this challenge is illustrated by the numbers themselves. Sacramento County is among the 15th largest county jail systems in California, which together, have a combined population in excess of 83,000 inmates, comprising over 60% of all inmates held in local jails.<sup>9</sup>

Clearly, a compelling interest exists to think in terms of examining alternative strategies to providing these services. A number of professional associations are available to elicit best practices, shared support, and information exchange to ensure a fluid assessment of medical / mental health services to incarcerated individuals. These include the: California State Sheriffs' Association and its subcommittee for Detention and Correction, Northern Jail Managers, Bay Area Jail Managers, Correctional Standards Authority (CSA) Board meetings, Corrections Health Services Organization, and the American Jail Association.

###### Sheriff's Correctional Health Services Division

In Sacramento County, oversight of inmate medical / mental health services rests with the Sheriff's Department Correctional Health Services Division (CHS). A looming concern is how CHS budget cuts for FY 2009/10 will adversely impact delivery of essential services. *Of critical note, are the long-standing discussion of constitutional minimums in terms of inmate medical care, and the legal standard of deliberate indifference. The Sacramento County Office of County Counsel has opined that certain delivery-of-care minimums must be met by CHS.*<sup>15</sup> Obviously, concurrent staffing must be in place to meet this mandated delivery of service. CHS is walking a tightrope in trying to meet these minimum service levels with staffing which has not kept pace with growth in the SSD inmate population.

*In order to make ends meet, CHS has undertaken a redistribution of resources, the impacts of which remain to be seen.* For example, one and sometimes two intake nurses will now be on duty at any given time to medically screen inmates brought to the Main Jail. Last year, over 65,000 inmates were booked into this facility by federal, state and local agencies. There is a very real likelihood that this minimal staffing, when coupled with an already stressed system, will jeopardize the effectiveness of screening and potentially bottleneck the system, thereby taking field units out of service for extended periods, raising corollary concerns around public safety. Follow through reporting to assess the nature and extent of any resulting lapse in service is critical.

Closely related to the discussion of minimum service standards is the emerging concern from abuse and manipulation of the system by inmates seeking a prescribed course of treatment and medication rooted in individualized drug dependency. Recent investigative reporting by the Fresno Bee and the San Francisco Daily Journal conclude that this problem is serious, in terms of the spiraling costs of providing prescription medications to incarcerated individuals statewide.<sup>16</sup>

*Yet another complicating factor is the uncertainty around ongoing jail inspections.* The most recent local (County) health authority inspections were used during this audit to benchmark compliance with jail operations policy and procedures related to medical / mental health services. While no deficiencies were noted, Local Health Officer, Dr. Glennah Trochet, opined that due to budget cuts in their operation, jail inspections may, by necessity, be curtailed to some degree.

### Internal Procedures

**“High-risk inmates”** are initially taken to a sobering cell or safety cell, or are placed in the prostraint chair. All indications are that corresponding policies and procedures are adhered to in terms of cell checks and parallel documentation. Dr. Gregory Sokolov, Medical Director for Jail Psychiatric Services for Sacramento County, provided an overview of the steps involved in processing individuals with mental health issues through the system. The psychiatric beds in the Main Jail are used to provide early diagnosis and initial treatment of conditions before an inmate moves to “outpatient” status in order to free up bed space. This service to inmates appears to be effective.

*CHS reports that efforts are made with acute cases of mental illness to expedite their movement through the system. Nonetheless, the evaluative process inherent in these cases has been shown to result in protracted pretrial delays.* In one instance, a mentally ill inmate spent over two years at the Main Jail due to 51 continuances before the court remanded him to Napa State Hospital. This delay was tied to local process as opposed to any delay within the state hospital system.

While the average length of pretrial custody in these cases is not readily available, Dr. Sokolov agreed that *ongoing review of systemic impediments to the timely disposition of*

*these cases through the courts, and tracking their average length of stay, would be a valuable undertaking for the Sacramento County Criminal Justice Cabinet.*

California Code of Regulations Title 15, section 1209, Mental Health Services and Transfer to Treatment Facility, and California Penal Code section 1369.1, provide for the court-ordered administration of antipsychotic medication to inmates deemed to be incompetent and unable to provide informed consent due to mental disorder. The time period for such nonconsensual treatment shall not exceed six months on a case-by-case basis. Dr. Sokolov, was well aware of this authority. Indeed, Sacramento County is one of only a few jurisdictions to exercise this discretionary authority. CHS has relied on these statutes to enable the Sacramento County Main Jail to provide such diagnosis and treatment. This is a significant predicate to treatment which most California counties have not resolved.

**Lack of classification information**, in particular the absence of appropriate medical information for state and federal inmates booked into the Main Jail, is a major concern. Jail medical staff report that some information for state prisoners is listed on a "Medical Transfer Form," but that it is of limited use. California Code of Regulations Title 15, section\_1206, provides for a confidential folder with all pertinent medical information on prisoners being sent to state prisons and other correctional systems; it requires:

*"...the transfer of pertinent individualized health care information, or individual documentation that no health care information is available, to the health authority of another correctional system, medical facility, or mental health facility at the time each inmate is transferred and prior notification pursuant to Health and Safety Code sections 121361 and 121362 for inmates with known or suspected active tuberculosis disease."*

This is a long way from what SSD gets when new inmates are booked under contract with state or federal authorities. It is noteworthy that the classification information in question is not available through the state's "Parole Leads" database. Inmates transferred from one state institution to another are sent with their "Inmate Central File." When an inmate is released on parole or sent to a local jail however, the "Inmate Central File" is sent to archives. State Parole Officials indicate that they receive a condensed overview of this file from the California Department of Corrections and Rehabilitation which is of limited utility. The same deficiencies in terms of medical classification information on federal prisoners were noted, although the U.S. Marshals Office will often call and provide such information.

*Operating a jail facility with incomplete classification information is a risky proposition, particularly in light of the litigious and inherently dangerous aspects of corrections.* The safety implications for staff and inmates alike are clear. Within the operative prisoner housing contracts between SSD and state and federal authorities, CHS should reserve the right of refusal for inmates having major medical and/or mental illness. Additionally, complete classification information at time of booking should be expressly required under these contracts.

## Oversight and Accountability

**Continuing jail inspections by local health officials** are in question in terms of frequency and scope of coverage. This uncertainty arises from a reduction in funding and reallocation of resources earmarked for this oversight function. One potential forum to offset this diminishing oversight, is the monthly meetings between CHS staff and SSD jail management to discuss and review operational concerns. Adding a standing component to this forum focusing on joint oversight of operational procedures will help ensure both quality control as well as compliance with regulations. A list of suggested procedures to include in this review process is set forth in Attachment-3.

**Regaining accreditation through the Institute for Medical Quality (IMQ)** once held by the Sacramento County Correction Health Services is of interest to CHS.<sup>17</sup> Fewer than half of the Medical / Mental Health providers for county jail systems in California hold IMQ accreditation. This service protects the public and supports the integrity of correctional health practitioners through a system of quality control procedures designed to facilitate access to care. Accreditation is a source of pride in agencies that achieve this prestigious standing, since obtaining and sustaining this recognition takes considerable effort. Policy, procedure, record keeping, credentialing, and the gamut of medical / mental health industry standards are encompassed through the accreditation process. *From the standpoint of accountability, quality control, and consumer confidence, the goal of IMQ accreditation for CHS makes sense.*

**A new pharmacy management system** was brought on line in August 2009. During a prior audit of the Sacramento County Pharmacy, it was noted that direct delivery of drugs to SSD jails violates statutory regulations. CHS was directed to obtain pharmacy licensure and has since done so. In this regard, the State Board of Pharmacy requires strict accountability of drugs in terms of quantities ordered, dispensing procedures and individual delivery. The old CHS pharmacy system was problematic and error-prone. The new automated system is projected to mitigate error, increase efficiency, reduce staff costs, and facilitate a viable audit trail. This will result in fewer medication errors, better care and shrinking litigation.

California Code of Regulations Title 15, sections 1202 & 1216, Minimum Standards for Local Detention Facilities Health Service Audit provides for an annual pharmacy report by local authorities. CHS is required to complete this report, which shall identify any deficiencies and corresponding corrective action. Timely review of the new CHS automated pharmacy system pursuant to the provisions set forth in this authority will help evaluate any remedial steps called for in the course of full implementation.

**Conduct and discipline** within CHS need to be seamlessly integrated with SSD policy and procedure which regulate standards of conduct. Misconduct by CHS employees can and does compromise delivery of care. *Thus, timely, competent administrative investigations consistent with statutory authority and internal regulations are a necessity.* Internal CHS directives and consultation when needed with competent health authorities to assess conduct and standards of care are of course integral to administrative investigations within this division.

Recurring themes that spell trouble for CHS employees often revolve around bringing drugs and other contraband into jail facilities, and prohibited association with inmates. All CHS staff, including temporary help, should undergo suitable background checks consistent with the duties they will perform. They should also undergo an orientation on the law and internal regulations applicable to their position, and should acknowledge receipt of same in writing. Such written materials need to spell out the fact that violations can result in administrative and/or criminal penalties, and that the SSD Professional Standards Division has oversight of misconduct investigations, including those which arise within CHS.

## Key Factors

The California State Sheriff's Association subcommittee of Detention and Corrections, has initiated ongoing dialogue focusing on the medical / mental health level of care challenges facing local jail systems, such as those confronting SSD;

Drug-dependent inmates are often knowledgeable about prescription drugs that supplement their habits while in custody, and if permitted to do so, will manipulate the system to acquire such medications;

An effective process is needed to monitor high-risk inmates with acute mental and/or medical conditions in order to ensure that their length of confinement is not artificially extended due to these infirmities;

Complete background/classification information on state and federal prisoners booked into the SSD Main Jail is not provided. This creates an unacceptable and unsafe condition. The U.S. Marshal's Office does provide telephonic information relative to medical/mental health conditions; CDCR normally does not provide this information;

The top three categories of complaints/inquires to the CHS medical "hot line" are about:

1. Changes in medication;
2. Change in housing location to provide accessibility to treatment;
3. \$3 sick-call charges against an inmates' commissary account;

Shortages of medical / mental health beds in county jail facilities present a compelling need to evaluate treatment alternatives that balance operational constraints, security of the institution, public safety, and individual welfare;

The Sacramento County Office of the Public Defender filed suit in 2006 on behalf of inmates awaiting transfer to state hospitals for mental health treatment/evaluation.<sup>18</sup> At the time 37 individuals were awaiting transfer and the wait-time in some cases exceeded six months. A maximum seven-day waiting period was set by the court; this problem was effectively solved for Sacramento County;

CHS is responsible for ensuring that the Sacramento County general fund is reimbursed by state/federal authorities for expenses incurred in off-site treatment of inmates housed under contract in the County jail. This also applies to exceptional treatment, i.e. dialysis.

## Recommendations

- Review and report on joint oversight topics at regular monthly meetings between medical and custody staff, as an adjunct to local health authority inspections (See Attachment-1);
- Add agenda item at regular sessions of the Sacramento County Criminal Justice Cabinet to examine systemic impediments to timely adjudication of high-risk medical / mental health offenders and track their average length of stay;
- Amend state and federal prisoner housing contracts to reflect: 1. right of refusal by CHS for acute medical / mental health cases, and 2. requirement of complete classification information at time of booking;
- Document joint supervisory oversight by medical and custody staff of all logs pertaining to safety cells, sobering cells and restraint chairs;
- Track and report on phone calls to the CHS patient “hot line” and corresponding response relative to quality of care;
- Provide for ongoing review of custody alternatives (addressed in category-3 of this audit) to mitigate depletion of medical / mental health services;
- Provide new CHS employees with written materials on conduct and accountability, developed collaboratively by CHS and SSD Professional Standards Division;
- Revisit the viability of CHS regaining accreditation through the Institute for Medical Quality as it becomes timely to do so.

## Scope of Inquiry

### Site Visits and Interviews

- Correctional Standards Authority (CSA) Field Representative Rebecca Craig – meeting regarding Medical / Mental Health standards;
- Correctional Health Services Chief AnnMarie Boylan – meeting regarding overview of CHS;
- Meeting at RCCC with Director of Nursing Pamela Harris and Sergeant Jane Barlow;
- Meeting at Main Jail with Director of Nursing Shelley Jordan and Sergeant Dan Morrissey;
- Correctional Standards Authority (CSA) Field Representative Charlene Aboytes – meeting with California State Sheriffs’ Association Subcommittee for Detention and Corrections;
- Site visit to Booking and Receiving area of the Main Jail – discussion with jail staff and intake nurses;
- Interview and discussion with Dr. Gregory Sokolov, Medical Director for Jail Psychiatric Services for Sacramento County.

## Documents Reviewed

1. California Code of Regulation Title 15, Section 1200 - etc., Medical / Mental Health;
2. CHS Policy and Procedures Manual;
3. Correctional Services Policy and Procedures for Safety Cells, Sobering Cells, and Prostraint Chairs. Review of logs used by CHS nurses and SSD deputies;
4. Article from the Fresno Bee, July 4, 2008 regarding the medical director;
5. Article from the San Francisco Daily Journal, April 27, 2009 regarding the Los Angeles County Jail;
6. Local Health Inspection Reports for Mail Jail and RCCC;
7. Copy of lawsuit filed by Sacramento County Office of the Public Defender mandating transfer within seven-days of jail inmates awaiting placement within the state hospital system;
8. Correctional Standards Authority (CSA) Biennial Legislative Report 2006 – 2007 and 2007 – 2008.



## Oversight and Accountability

### Joint Review of Operational Procedures Integrated Health Services / Custody Review

Suggested topics for monthly meetings between CHS staff and jail management:

#### Title 15

- Section 1207 Medical Screening, including compliance with section 2656 (Orthopedic or prosthetic appliances used by inmates);
- Section 1207.5 Special Mental Disorder Assessments;
- Section 1209 Mental Health Services and Transfer to Treatment Facility;
- Section 1211 Sick Call;
- Section 1213 Detoxification Treatment;
- Section 1216 Pharmaceutical Management;
- Section 1217 Psychotropic Medications;
- Section 1219 Suicide Prevention Program;
- Section 1029 Policy and Procedures Manual, including use of force, escape, disturbances, and the taking of hostages, suicide prevention, segregation of inmates, and obtaining healthcare;
- Section 1045 Public Information Plan;
- Section 1050 Classification Plan;
- Section 1051 Communicable Diseases;
- Section 1052 Mentally Disordered Inmates;
- Section 1055 Use of Safety Cell;
- Section 1056 Use of Sobering Cell;
- Section 1057 Developmentally Disabled Inmates;
- Section 1058 Use of Restraints;
- Section 1059 DNA Collection, Use of Force;
- Section 1069 Inmate Orientation;
- Section 1070 Individual / Family Services Programs;
- Section 1073 Inmate Grievance Procedures;
- Section 1081 Plan for Inmate Discipline.

Attachment-3

# Sacramento Sheriff's Department

## Jail Operations Audit

### 5. Measures in Mitigation

#### Central Findings

Time is of the essence in terms of addressing the threat to both public and institutional safety from imminent events and existing conditions, which together, spell trouble for Sacramento County Sheriff's Department (SSD) Correctional Services and the communities served. Specifically, thousands of state inmates will soon be released from prison to reduce overcrowding. Whether this results from judicial mandate or legislative action is immaterial; the important point is it's going to happen.

The focus by state authorities now centers on whether these early-release prisoners will be on parole, home detention (GPS), or unsupervised release, and whether a technical violation of their conditions of release, as opposed to commission of a fresh crime, should trigger a return to custody. In any circumstance, recidivism rates argue that the majority of those released will reoffend; thus, the public safety implications and predictable impact on local jail systems are ominous.

Concurrent with state prisoners returning to the Sacramento region, overcrowd conditions in the (SSD) jail system, as documented in this report, are already acute. The above-described forecast of an increase in the number of county jail inmates simply compounds this situation. One critical factor is that state and local law enforcement resources traditionally brought to bear in such circumstances have been markedly diminished. A well defined approach under the auspice of SSD Correctional Services to factor in planning, directing, oversight, and reporting on measures to offset jail overcrowding is no longer an option.

#### Key Factors

Interagency parole impact programs focusing on oversight and prevention of criminal activity have proven effective in other jurisdictions; of the 5,300 parolees in Sacramento County at the time of this report, 339 were listed as at large;

A Parole Partnership Program established by the City of San Bernardino in early 2000 to enhance the management of their parolee base has proven results, and can serve as something of a model for a local venture of like purpose;<sup>19</sup>

Vocational training venues for at-risk adult offenders offered through The Presley Group and the Sacramento Office of Education Community Based Coalition, may be a valuable resource for joining or expanding alternative venues for SSD county jail inmates. (Contact was made during this audit with the aforementioned providers and both are enthusiastic about expanding their respective programs to encompass county jail inmates consistent with

strategic direction 7.3 in the SSD Strategic Plan; see scope of inquiry references below for contact information);

Overcrowding at the RCCC raises compelling concerns with respect to utilities, space management, infectious disease control, assaults, disruptions and/or riots, and the safety/security of staff and inmates alike at the facility;

On July 16, 2009, the San Diego County Jail Commander reported a major flu outbreak; On July 15, 2009, RCCC quarantined M barracks. Federal court findings on ordering reduction of state prisoners cite the dangers of spreading of infectious diseases (H1N1 or swine flu) due to overcrowding.

RCCC Commander Captain Timothy Sheehan submitted a memo on December 5, 2007 recommending that the County and the Department pursue funding under The Public Safety and Offender Rehabilitation Services Act of 2007 (Assembly Bill 900).<sup>20</sup> Since SSD felt it could not guarantee “matching” resources required under the grant, no action was taken. To-date, funds are still available; the Correctional Standards Authority can shed more light here should the Department decide to revisit the viability of pursuing this funding.

## Recommendations

- **Implement a joint-powers agreement to encompass an interagency Parole Partnership Program (federal, state and local agencies) to mitigate the adverse public safety impact from early release of state prisoners by facilitating parolee orientation, oversight of high-risk offenders, information exchange, community education, and apprehension of re-offenders or parolees at large;**
- **Evaluate the real-time costs of SSD contracting to house state and federal prisoners (litigation, injuries to inmates and staff, workers compensation, disability retirements, inmate disruptions, and health concerns caused by overcrowding) against the revenue gained from these agreements, and reduce the number of contracted beds, with a benchmark of remaining within the rated capacity for SSD jail facilities;**
- **Set a manageable cap for post-conviction inmates awaiting transportation to state prison and use proactive notice and billing to state authorities pursuant to Penal Code section 4016.5 as leverage to reach and maintain this benchmark;**
- **Further reduce the SSD inmate population through proactive management of alternatives to incarceration discussed in category-3 of this report (Home Detention, Work Project, Sheriff’s Parole Program, and pretrial release) with a benchmark of remaining within the rated capacity for SSD jail facilities;**
- **Enlist support from the Sacramento County Criminal Justice Cabinet as a stakeholder in identifying and resolving systemic impediments which exacerbate jail overcrowding. This has worked well in Yolo County, Yuba County, Shasta County, and Contra Costa County;**
- **Network with industry resources providing vocational training for at-risk adult offenders (*The Presley Group and Sacramento Office of Education Community Based Coalition*) to explore the viability of alternative venues for SSD county**

**jail inmates. Integrate such training with application of other alternatives to incarceration noted in this report and pursue grant funding through collaborative ventures;**

- **Consider legislation through the California State Sheriff's Association to add daily fees provision to Penal Code Section 4016.5 for early-release prisoners who reoffend and are housed in local jail facilities pending state action.**

## **Scope of Inquiry**

### City of San Bernardino Parole Project

- Captain Brian Boom – (909) 388-4950

### Sacramento County Office of Education

- The Community Based Coalition Approach & Offender Re-entry, Superintendent Dave Gordon
- Assistant Superintendent Tim Taylor, contact person for follow-up (916) 264-0240
- Project Specialist Pete Smith
- Supervising Agent Murdock Smith CDCR

### The Presley Group

- Mr. Ward Allen, contact person for follow-up (916) 502-2667
- Mr. Kirk Williams
- Mr. Douglas Krieger

### California State University San Bernardino & Center for Correctional Education

- Professor Carolynn Egglestone
- Professor Scott Rennie
- Dr. P.H. Miller – Consultant

### Elk Grove Unified School District

- Elk Grove Adult and Community Education
- Director of Adult Education – Kathy Hamilton
- Program Administrator Dan Davis  
Contact person for follow-up (916) 686-7717
- Resource Teacher Jennifer Burrenet

## Documents Reviewed

1. San Bernardino City Parole Partnership Project;
2. Community Based Coalition Approach to Offender Re-entry Sacramento County Board of Education Parolee Program;
3. Presley Group Overview and Community Outreach Program;
4. Sacramento Sheriff's Department, Elk Grove Unified School District and Sacramento City Unified School District–Center for Corrections Alternative Programs.



## Summary of Recommendations

### 1. Collateral Impacts of State and Federal Action

- Effect timely notice and billing to state officials for post-conviction inmates awaiting removal from the County jail system to state prison, in order to net fees under PC Section 4016.5 and to encourage prompt removal of these individuals from county facilities;
- Consider legislation through the California State Sheriffs' Association to add 30-day delinquent interest/penalty fees for contract prisoners, and for fees due under PC Section 4016.5;
- Facilitate a 30-day Main Jail classification review of state and federal prisoners to evaluate the nature and extent of prisoner history information provided at time of booking. Ensure corrective action as needed to include follow through with the State Corrections Standards Authority relative to uniformity of procedures;
- Revisit what seems to be an inefficient practice of booking the majority of parole violators at the Main Jail subject to transport and housing at RCCC;
- Mitigate fraud and abuse of public assistance programs (SSI, welfare, unemployment) by developing an internal system to interface tracking of assistance payments to County jail inmates;
- At a minimum, hold in abeyance any expansion of state or federal prisoner contracts pending resolution of jail infrastructure constraints;
- Identify medical transport in state and federal prisoner contracts as a compensated activity, and add a provision to allow for screening and rejection of certain prisoners based on past behavior, known medical conditions, criminal sophistication, etc.

### 2. Staffing Standards

- Implement staffing recommendations for the RCCC and Main Jail set forth in the SSD Management Analysis and Planning jail operations study;
- Examine the feasibility of utilizing a variety of employee classifications to staff the jails, in order to mitigate costs and maximize resources;
- Stress the importance of jail operations during entry-level training as well as continuing professional training to reaffirm professional expectations and mitigate liability exposure;
- Regularly evaluate the jail training officer program and supervisory oversight to ensure that both new and tenured officers assimilate the importance of their role in corrections through mentoring, leadership development, and deployment practices which preempt the underlying causes of misconduct;

## Summary of Recommendations (Cont.)

- Ensure that all jail training officers are carefully selected, trained and supervised, and that all training for jail officers is completed prior to unsupervised assignment;
- If the practice of patrol training for probationary jail officers is to continue, (not recommended due to the unfunded liability cost), track and evaluate the costs associated with this unfunded liability within the scheme of budgetary and operational priorities.

### 3. Service Alternatives

- Track the length of stay for pretrial felony inmates in SSD jail facilities. Include this as a standing item for oversight by the Sacramento County Criminal Justice Cabinet in order to examine ways to mitigate jail overcrowding;
- Monitor the impact of an agreement by the Sheriff to hold specified misdemeanor offenders pending court appearance, and report on same at regularly scheduled sessions of the Sacramento County Criminal Justice Cabinet;
- To the extent possible, expand the scope of the SSD Work Project, Home Detention, Pretrial Release, and Sheriff's Parole Program, as alternatives to jail time. Visit the Contra Costa County Custody Alternatives Program and import procedures which make sense for Sacramento County;
- Eliminate as inefficient the practice of having sentenced inmates serve weekends at the RCCC, which creates an administrative overburden and exacerbates an already acute overpopulation dilemma at this facility. Present this recommendation to the Sacramento County Criminal Justice Cabinet for review and action;
- Contact state officials to examine the viability of establishing a court facility to handle Folsom Prison inmate trials. Public safety, access to justice, and mitigation of taxpayer expense argue strongly in favor of such a facility.

### 4. Medical / Mental Health

- Review and report on joint oversight topics at regular monthly meetings between medical and custody staff, as an adjunct to local health authority inspections (See Attachment-1);
- Add agenda item at regular sessions of the Sacramento County Criminal Justice Cabinet to examine systemic impediments to timely adjudication of high-risk medical / mental health offenders and track their average length of stay;
- Amend state and federal prisoner housing contracts to reflect: 1. right of refusal by CHS for acute medical / mental health cases, and 2. requirement of complete classification information at time of booking;
- Document joint supervisory oversight by medical and custody staff of all logs pertaining to safety cells, sobering cells and restraint chairs;
- Track and report on phone calls to the CHS patient "hot line" and corresponding response relative to quality of care;

## Summary of Recommendations (Cont.)

- Provide for ongoing review of custody alternatives (addressed in category-3 of this audit) to mitigate depletion of medical / mental health services;
- Provide new CHS employees with written materials on conduct and accountability, developed collaboratively by CHS and SSD Professional Standards Bureau;
- Revisit the viability of CHS regaining accreditation through the Institute for Medical Quality as it becomes timely to do so.

## 5. Measures in Mitigation

- Implement a joint-powers agreement to encompass an interagency Parole Partnership Program (federal, state and local agencies) to mitigate the adverse public safety impact from early release of state prisoners by facilitating parolee orientation, oversight of high-risk offenders, information exchange, community education, and apprehension of re-offenders or parolees at large;
- Evaluate the real-time costs of SSD contracting to house state and federal prisoners (litigation, injuries to inmates and staff, workers compensation, disability retirements, inmate disruptions, and health concerns caused by overcrowding) against the revenue gained from these agreements, and reduce the number of contracted beds, with a benchmark of remaining within the rated capacity for SSD jail facilities;
- Set a manageable cap for post-conviction inmates awaiting transportation to state prison and use proactive notice and billing to state authorities pursuant to Penal Code section 4016.5 as leverage to reach and maintain this benchmark;
- Further reduce the SSD inmate population through proactive management of alternatives to incarceration discussed in category-3 of this report (Home Detention, Work Project, Sheriff's Parole Program, and pretrial release) with a benchmark of remaining within the rated capacity for SSD jail facilities;
- Enlist support from the Sacramento County Criminal Justice Cabinet as a stakeholder in identifying and resolving systemic impediments which exacerbate jail overcrowding. This has worked well in Yolo County, Yuba County, Shasta County, and Contra Costa County;
- Network with industry resources providing vocational training for at-risk adult offenders (The Presley Group and Sacramento Office of Education Community Based Coalition) to explore the viability of alternative venues for SSD county jail inmates.<sup>21</sup> Integrate such training with application of other alternatives to incarceration noted in this report and pursue grant funding through collaborative ventures;
- Consider legislation through the California State Sheriffs' Association to add daily fees provision to Penal Code Section 4016.5 for early-release prisoners who reoffend and are housed in local jail facilities pending state action.

## Endnotes

- <sup>1</sup>From April 1, 2008 to March 31, 2009 Sacramento County received \$9,042,802 from the state and \$15,451,658 from federal authorities under contracts to house prisoners
- <sup>2</sup>As reported at page 72 in the 2007-2008 Sacramento County Grand Jury Final Report
- <sup>3</sup>Memorandum Re: Jail Overcrowding and Safety Concerns at the RCCC, Captain Tim Sheehan, November 2008
- <sup>4</sup>Sacramento Sheriff's Department 2008-2013 Strategic Plan at pages 16-17
- <sup>5</sup>Final report on Sheriff's jail operations June 20, 2006 by Joseph Brann and Associates
- <sup>6</sup> Sheriff' Department Management Analysis and Planning Bureau 2006 Correctional Services Study
- <sup>7</sup>2008 Biennial California Correctional Standards Authority Report on RCCC and California Code of Regulations – Adult Standards – Title 15
- <sup>8</sup>Sacramento County Deputy Sheriff's Association 2006-2011 Collective Bargaining Agreement, section 16.3
- <sup>9</sup>Local Corrections in California, Biennial Report to the Legislature 2006-2008; Corrections Standards Authority
- <sup>10</sup>Sacramento Sheriff's Department 1993 Main Jail Federal Consent Decree and 2000 addendum to same
- <sup>11</sup>Sonoma County July 2007 Corrections Master Plan, chapter five, page 3
- <sup>12</sup>Shasta County July 22, 2005 Jail Capacity Court Order on inmate cap and releases
- <sup>13</sup>Contra Costa County Custody Alternative Program; <<http://www.co.contra-costa.ca.us/index.aspx?NID=105>>
- <sup>14</sup>Sacramento County District Attorney's Violation of Probation in Lieu of Night Court Program
- <sup>15</sup> Memorandum Re: Constitutional Minimum Levels of Service for Correctional Health Services August 12, 2009
- <sup>16</sup>Article from Fresno Bee; Saturday July 4, 2009 *Fresno County Jail Forces Cheap Meds* and article from San Francisco Daily Journal April 27, 2009 *L.A.'s Central Problem*
- <sup>17</sup>Application information and Self Survey form for the Institute for Medical Quality (IMQ)
- <sup>18</sup>Sacramento County Public Defender lawsuit regarding Mental Health Inmates May 10, 2006 No. 05F09064 Dept. 21
- <sup>19</sup>San Bernardino City Parole Partnership Project
- <sup>20</sup>Assembly Bill 900- Memo by Captain Sheehan December 5, 2007



**County of Sacramento  
Board of Supervisors**

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**County Executive**

Terry Schutten

**Office of Inspector General**  
520 9<sup>th</sup> Street, Suite 205  
Sacramento, CA 95814  
Phone (916) 874-0980  
Fax (916) 874-0982

[www.InspectorGeneral.SacCounty.net](http://www.InspectorGeneral.SacCounty.net)