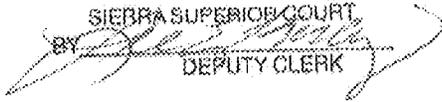


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SEP - 7 2011

SIERRA SUPERIOR COURT

BY  DEPUTY CLERK

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SIERRA**

In the Matter of

2010-2011 Sierra County Grand Jury

MINUTE ORDER

_____/ **HONORABLE JOHN P. KENNELLY, JUDGE PRESIDING**

The County Clerk is hereby directed to file the **Response to the Grand Final Report re: Downieville Fire Protection District by Lee Adams, County Supervisor, Sierra County Board of Supervisors, filed July 12, 2011, received on July 7, 2011.**

I HEREBY CERTIFY the foregoing to be a full, true and correct copy of an order entered on the minutes of said Superior Court of the State of California, County of Sierra, this 7th day of September 2011.

ATTEST my hand and seal of the Superior Court of the State of California, County of Sierra, this 7th day of September 2011.

SIERRA SUPERIOR COURT

BY  Clerk

cc: Heather Foster
Sierra County Clerk
Courthouse
Downieville, CA 95936

SIERRA COUNTY

Board of Supervisors
P.O. Drawer D
Downieville, California 95936
Telephone (530) 289-3295
Fax (530) 289-2830



5 September 2011

Honorable John Kennelly
Presiding Judge of the Sierra County Superior Court
PO Box 496
Downieville, CA 95936

Subject: Response to the Grand Jury 2010/11 Report re: Downieville Fire Protection District

Dear Judge Kennelly:

Pursuant to section 933.05 of the California Penal Code, I offer the following comments with respect to the above entitled report.

I concur with all findings of the grand jury and recommendations made. I appreciate the fact that the jury noted that since January 2011, the current commissioners have taken measures to resolve some outstanding issues and appear to understand that they must continue to exercise control of the agency for which they are ultimately responsible.

I appreciate the work of this grand jury, and more importantly, the time and effort each juror has shown in undertaking the jury's collective oversight responsibility. I continue to believe that the grand jury process affords all a forum to address concerns with all of local government.

I appreciate this opportunity to comment,

Sincerely,

LEE ADAMS
County Supervisor
District One



Lee Adams
District No. 1
P.O. Box 1
Downieville, CA 95936

Peter W. Haeber
District No. 2
P.O. Box 349
Sierra City, CA 96125

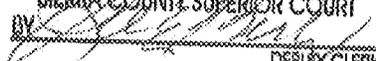
Bill Nunes
District No. 3
P.O. Box 118
Calpine, CA 96124

David "Dave" Goicoechea
District No. 4
P.O. Box 883
Loyalton, CA 96118

Scott A. Schlefstein
District No. 5
P.O. Box 192
Loyalton, CA 96118

FILED

JUL 29 2011

SIERRA COUNTY SUPERIOR COURT
BY 
DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SIERRA

In the Matter of

2010-2011 Sierra County Grand Jury

MINUTE ORDER

HONORABLE JOHN P. KENNELLY, JUDGE PRESIDING

The County Clerk is hereby directed to file the **Response to Grand Jury Jail Inspection Report of April 26, 2011 by James A. Curtis, County Counsel**, received on July 29, 2011.

I HEREBY CERTIFY the foregoing to be a full, true and correct copy of an order entered on the minutes of said Superior Court of the State of California, County of Sierra, this 29th day of July 2011.

ATTEST my hand and seal of the Superior Court of the State of California, County of Sierra, this 29th day of July 2011.

SIERRA SUPERIOR COURT

BY  Clerk

cc: Heather Foster
Sierra County Clerk
Courthouse
Downieville, CA 95936

JAMES A. CURTIS
Sierra County Counsel
131 South Auburn Street, Suite 203
Grass Valley, California 95945
Telephone: (530) 289-3212
Facsimile: (530) 272-3146
E-mail: jcurtis@nccn.net

July 28, 2011

Honorable John P. Kennelly
Presiding Judge of the Superior Court
100 Courthouse Square, 2nd Floor
Post Office Box 476
Downieville, CA 95936-0476

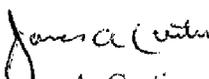
RE: Response to the 2010/2011 Grand Jury Report

Dear Judge Kennelly,

The 2010/2011 Grand Jury has requested a response from me to the portion of the Grand Jury report that relates to their inspection of the Sierra County Jail. The report listed 9 findings and recommendations respectively, and concluded by requesting a response from the County Sheriff, the Board of Supervisors, the Auditor and from County Counsel.

To the extent that the Grand Jury's report based its findings and recommendations on their inspection of the jail and interviews with various personnel, I am not in a position to make any comment with regard to their conclusions. Further, to the extent that the Grand Jury expressed concerns that the conditions they addressed in the report regarding the operations of the jail potentially could become a source of County liability, I believe that as counsel for the County, including the Sheriff and the Board of Supervisors, it would be inappropriate for me to publicly comment on such issues. I believe that as counsel for the County any discussion or advice from County Counsel to the County and its officers and employees on matters pertaining to the operation of the County and issues of potential liability is entitled to be treated as attorney client communications. Accordingly I believe it would be inappropriate for me to comment on the Grand Jury's findings and recommendations from a legal standpoint that addresses concerns of potential liability and I respectfully decline to do so in responding to the Grand Jury's report.

Very truly yours

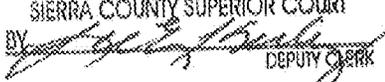

James A. Curtis

cc Board of Supervisors
Sheriff Evans
2011/12 Grand Jury

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FILED

JUL 21 2011

SIERRA COUNTY SUPERIOR COURT
BY  DEPUTY CLERK

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SIERRA**

In the Matter of

2010-2011 Sierra County Grand Jury

MINUTE ORDER

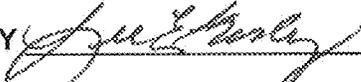
HONORABLE JOHN P. KENNELLY, JUDGE PRESIDING

The County Clerk is hereby directed to file the **Response to Grand Jury Jail Inspection Report of April 26, 2011 by Van Maddox, Auditor**, received on July 21, 2011.

I HEREBY CERTIFY the foregoing to be a full, true and correct copy of an order entered on the minutes of said Superior Court of the State of California, County of Sierra, this 21st day of July 2011.

ATTEST my hand and seal of the Superior Court of the State of California, County of Sierra, this 21st day of July 2011.

SIERRA SUPERIOR COURT

BY  Clerk

cc: Heather Foster
Sierra County Clerk
Courthouse
Downieville, CA 95936

Response to the Grand Jury's Jail Inspection Report 4/26/11.

From: Sierra County Auditor



Recommendation number 1:

The Sheriff's budget is the only budget over the last three years that has had any increase in the base line funding. Sierra County has been in, and still is in, very tough financial times. Any further increase in the Sheriff's budget that does not come from outside the County, i.e. from state or fed funding, will mean a reduction in other general fund budgets.

Recommendation 2:

I concur.

Recommendation 3:

No comment

Recommendation 4 & 5:

There are some limited funds available for the facility repairs thru the Justice Facility Fund. These funds can only be used for the Court House and the Sheriff's substation. I was unaware of any leaking or ventilation problems, has plant maintenance been informed?

Recommendation 6:

I concur.

Recommendation 7:

There are limited funds in the county. My office had put before the Board for 5 years the need to replace the accounting system for the county but there were no funds available. Finally the vendor stopped supporting the accounting system and the Board allotted funds over three years to buy a new system. This is how most all large expenditures are made in Sierra County. Even in good economic times funds are limited.

The communications system the Disnatures use was replaced 5 years ago with a grant.

A system for evaluating and planning for replacement of assets has been an issue discussed numerous times in the 13 years I have been Auditor. Lack of consistent funding always seems to be the problem with implementing some type of major asset replacement program. This is a Board of Supervisor's authority not the Departments.

A handwritten signature in black ink, appearing to be the initials 'JM' or similar, written in a cursive style.

Recommendation 8:

See answer to 7 above.

Recommendation 9:

There is not supposed to be any holding of perpetrators at the Loyalton Substation. That decision was made when the facility was built.

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FILED

JUL 27 2011

SIERRA SUPERIOR COURT
BY Cecilia Rubin
DEPUTY CLERK

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SIERRA**

In the Matter of

2010-2011 Sierra County Grand Jury

MINUTE ORDER

_____/

HONORABLE JOHN P. KENNELLY, JUDGE PRESIDING

The County Clerk is hereby directed to file the **Response to Grand Jury Jail Inspection Report of April 26, 2011 by Van Maddox, Sierra County Auditor**, received on July 26, 2011.

I HEREBY CERTIFY the foregoing to be a full, true and correct copy of an order entered on the minutes of said Superior Court of the State of California, County of Sierra, this 27th day of July 2011.

ATTEST my hand and seal of the Superior Court of the State of California, County of Sierra, this 27th day of July 2011.

SIERRA SUPERIOR COURT

BY Cecilia Rubin Clerk

cc: Heather Foster
Sierra County Clerk
Courthouse
Downieville, CA 95936

Response to the Grand Jury's Jail Inspection Report 2011.

From: Sierra County Auditor

County

Recommendation number 1:

The Sheriff's budget is the only budget over the last three years that has had any increase in the base line funding. Sierra County has been in, and still is in, very tough financial times. Any further increase in the Sheriff's budget that does not come from outside the County, i.e. from state or fed funding, will mean a reduction in other general fund budgets.

Recommendation 2:

I concur.

Recommendation 3:

No comment

Recommendation 4 & 5:

There are some limited funds available for the facility repairs thru the Justice Facility Fund. These funds can only be used for the Court House and the Sheriff's substation. I was unaware of any leaking or ventilation problems, has plant maintenance been informed?

Recommendation 6:

I concur.

Recommendation 7:

There are limited funds in the county. My office had put before the Board for 5 years the need to replace the accounting system for the county but there were no funds available. Finally the vendor stopped supporting the accounting system and the Board allotted funds over three years to buy a new system. This is how most all large expenditures are made in Sierra County. Even in good economic times funds are limited.

The communications system the Dispatchers use was replaced 5 years ago with a grant.

A system for evaluating and planning for replacement of assets has been an issue discussed numerous times in the 13 years I have been Auditor. Lack of consistent funding always seems to be the problem

with implementing some type of major asset replacement program. This is a Board of Supervisor's authority not the Departments.

Recommendation 8:

See answer to 7 above.

Recommendation 9:

There is not supposed to be any holding of perpetrators at the Loylton Substation. That decision was made when the facility was built.

Downieville Fire District

I have responded to recommendations 5, 6, & 7. The other recommendations are not of a financial or insurance bases.

Recommendation 5. Who every the Commission assigns the paying of the Districts obligations should report to the Commission at each Commission meeting what need to be paid and the Commission approve payment. As alternative the Commission can assign this function by resolution to a person or persons. The person assigned must then present a report and have the paid bills of the Commission available at each meeting for the Commissioners to examine. At the very least this should be quarterly if the Commission does not meet more often.

Recommendation 6. I concur with the Grand Jury's recommendation.

Recommendation 7. I concur with the Grand Jury's recommendation.

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ENDORSED:
FILED

JUL 26 2011

SIERRA COUNTY SUPERIOR COURT
BY Lee E. Kirby
DEPUTY CLERK

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SIERRA**

In the Matter of

2010-2011 Sierra County Grand Jury

MINUTE ORDER

_____/

HONORABLE JOHN P. KENNELLY, JUDGE PRESIDING

The County Clerk is hereby directed to file the **Response to Grand Jury Jail Inspection Report of April 26, 2011** by **John Evans, Sierra County Sheriff**, received on July 26, 2011.

I HEREBY CERTIFY the foregoing to be a full, true and correct copy of an order entered on the minutes of said Superior Court of the State of California, County of Sierra, this 26th day of July 2011.

ATTEST my hand and seal of the Superior Court of the State of California, County of Sierra, this 26th day of July 2011.

SIERRA SUPERIOR COURT

BY Lee E. Kirby Clerk

cc: Heather Foster
Sierra County Clerk
Courthouse
Downieville, CA 95936

Office of the Sheriff of Sierra County



John I. Evans, Sheriff~Coroner
100 Courthouse Square ~ Post Office Box 66
Downieville, California 95936-0066
(530) 289-3700
Fax: (530) 289-3318
sheriffadmin@sierracounty.ws

Monday 25 July 2011

Honorable John P. Kennelly
Presiding Judge of the Superior Court
100 Courthouse Square, 2nd Floor
Post Office 476
Downieville, CA 95936-0476
Ph.# (530) 289-3698

RE: Response to the 2010/2011 Grand Jury Report

Dear Judge Kennelly,

Pursuant to Section 933.05 of the Penal Code, I offer the following comments with respect to the 2010/2011 Grand Jury report as it relates to the sheriff's office and the County Jail. I would like to express my personal thanks and admiration to all of the County citizens who took the time and made the efforts to contribute in the Grand Jury process. It should be recognized that this is a huge commitment of personal time and energy. Each member took his or her participation and requisite responsibility seriously. I am well aware that the role of the local citizen in this process is one of the most important in local government and it is one of the highest forms of personal civic duty. My responses follow and are listed as they were presented in the "FACTS" portion of the Grand Jury's sequential report.

- 1) ***"There is insufficient staff at the jail to cover the jail, the 911 calls and Sheriff's dispatch"***.

This has been an on-going issue that has been dealt with by every sheriff ever since the inception of the jail and a "dispatch" operation. It was within a lifetime that the sheriff's wife cooked the meals for the jail prisoners and she operated a dispatch radio from their home adjacent the current courthouse and jail. The concurrent operating requirements for the jail and dispatch are an inherently difficult issue that is complicated due to Sierra County having the smallest county jail and sheriff's office in the State. Our jail has a maximum capacity to house fourteen inmates. We generally have three to six at any one time. We have had up to ten or twelve inmates for a period of three or so days once or twice in the past twenty years. Last year, we ran about ten inmates for a period of several months that was a prolonged high in current memory. To cope with the situation, the sheriff's office has cross-trained and designated the

Page 2 of 6
Honorable John P. Kennelly
Response to the 2010/2011 Grand Jury Report

dispatch and jail staff as "corrections-communications officers", generally referred to as "C.O.s". There are currently five full-time C.O.s, four dedicated exclusively to the functions and one split with regular duties as well as supervisor and administrative duties. The remaining needs of the C.O. operations are supplemented as needed by part-time extra-help C.O.s and by deputy sheriffs when necessary.

The C.O.s fill both roles/functions in the sheriff's office in order to meet the needs of the county. There has long been discussion regarding what is the appropriate minimum operating level of staffing of our jail and dispatch. Optimally, there would always be sufficient staff on-duty at any given moment to meet whatever needs of both the jail and dispatch under any possible circumstance. The sheriff's office has always strived to do just that and all the while remain within the available budget allocations. Far and away the greatest cost to the sheriff's office is personnel costs. That includes for both patrol personnel, deputy sheriff-coroners, as well as the dispatch and jail operations by the C.O.s. The issue of "more staffing" is directly and inseparably related to what the available public funds are to the county. It then becomes a matter and question of priority of how those funds are spread amongst all of the county offices to operate the county as a whole. The Sheriff has the responsibility to do everything in their power to remain within the current operating budget. That includes to run the daily field "patrol" operations, dispatch, the jail, civil processes, court services and bailiff, inmate transports, search and rescue, coroner services; etcetera.

Every year, the Sheriff submits a preliminary budget request to the County Auditor-Controller, as do all county department heads. Every year, the Sheriff estimates the next year budget needs based on the current year and best-made projections. Several areas of the Sheriff's operating budget needs are unpredictable. This is due to the fact that it is impossible to determine what type, volume and complexity of investigations will occur in the next year. That means it is impossible to determine how much overtime and related personnel costs will be required in the next fiscal year. Likewise the price of gasoline varies dramatically and there is no way to predict how many miles staff will have to drive in the coming year to handle calls for service. The number of coroner's cases and subsequent forensic pathology examination costs are unpredictable and can vary dramatically, sometimes based on a single tragic event. Lastly, it is impossible to predict how many people will commit crimes, be arrested and then have to be held in the county jail. The costs to house and medically care for inmates, for general health, dental and the costs for their prescribed medications vary dramatically as well, sometimes at astonishing levels. Bearing this in mind, the cost for one C.O. is a huge budgetary commitment for the county.

During an emergency, it would always be better to have several personnel on-duty in the dispatch and jail to handle the incoming calls for service and other necessary functions. Those other related functions include: the required radio traffic to responding units, the necessary phone calls for other requested resources (back-up deputy sheriffs, the C.H.P., fire personnel, ground and helicopter ambulances; etc.), effectively working the necessary computer operations, supervising and managing the jail. This does not include the "non-emergency" yet still obligated operations the C.O.s perform such as the public front desk, records indexing and filing, the processing of various county permits, the handling of purchase orders, the processing of court orders and arrest warrants and being the sole county data terminal for all other county offices.

Emergency calls for service are routinely unpredictable. They are random events that are impossible to completely plan for. Therefore, the sheriff's office operates at the highest level it can routinely provide while staying within budget constraints. It is a constant concern. Yearly I request a budget increase for additional staff in order to have two committed full-time C.O.s on-duty at all times. The overall constraints of the entire county's budget have not allowed for that. Every sheriff in the State is struggling to obtain additional staffing, for all operations, not just the jail. In Sierra County extra/additional staff is brought on-duty when there is a pending expectation of greater need, such as during event weekends. As well staff has always been authorized to "call-in" off-duty extra-help personnel whenever the on-duty staff believes there is an immediate need for more staff at the time. All

Page 3 of 6
Honorable John P. Kennelly
Response to the 2010/2011 Grand Jury Report

this said, it has been the goal to have two dedicated C.O.s on-duty at all times, but budget considerations have always restricted this in application. Unless or until the county receives enough funds to afford additional dedicated staff, this will continue to be a difficult issue that challenges the entire sheriff's office.

To mitigate this issue the sheriff's office has recently purchased mobile telephone headsets and obtained portable radio operations within the jail for the C.O.s. This now allows the on-duty C.O. to still talk on the phone and to have direct radio contact with available field personnel even when the C.O. is tending to jail matters and not at their primary location. The sheriff's office and entire staff are doing the best we can to provide the highest level of professional service possible within our allotted operating budget. The options are in effect to increase county revenues (fees and taxes) and/or to cut other county services elsewhere. That is a very difficult decision at the level of the County Board of Supervisors. The Board of Supervisors is pulled from all directions regarding budget allocations from requests from the public, various locally funded entities, the various nine county department managers and the many county employees. In a perfect world without any budgetary constraints, having a minimum of two dedicated C.O.s on-duty at all times would be optimal for the sheriff's office.

2) *"Bleach, mops, cords and straps were found in the jail common area where they were accessible to inmates"*.

Every shift of the C.O.s are required to do a check and search of the jail. Cleaning implements are routinely utilized by the inmates and are presumed to have been present when the Grand Jury made their tour of the jail. By policy and directives, those items are not housed in the unsecured areas of the jail, but are provided to the inmate workers as needed and under staff supervision. The statement of the "cords and straps" is vague and was not mentioned or asked of the Sheriff. Again, the jail is inspected every shift and un-safe items are not allowed.

3) *"There is often no supervisor available to Corrections Officers when needed"*.

The assertion of no supervisor available to the corrections officers when needed is also vague and without explanation. Of question is how this was presented to the Grand Jury. Of particular interest is that the Board of Supervisors has recently authorized, and the Sheriff has created and implemented, the first ever corrections sergeant position for the dispatch and jail operations. This is the first time the sheriff's office has had the opportunity of a career ladder for the C.O.s. The Sheriff works primarily out of the Downieville office and is present in the dispatch and jail operations daily when in the Downieville office. The Sheriff's actual office is literally less than ten feet away from the main C.O. station and the jail operations. There is an overhead speaker system throughout the sheriff's office that allows all staff members, including the Sheriff and other supervisors, to constantly monitor the dispatch radio. As well the Sheriff's actual desk has an Emergency 9-1-1 dedicated telephone, the same as is in the dispatch station outside of the Sheriff's door, which is monitored. The Sheriff routinely works a shift that includes working with both the day and night shift personnel, often also working on weekends and Holidays to be in regular contact with all staff of the entire office. There are three other supervisors, besides the Sheriff, on-duty at any time. Generally, two supervisors working on dayshift and one working on the night shift. The night shift supervisor works countywide as needed, including at the dispatch and jail. All three supervisors and the Sheriff are available by telephone as well for the needs of the office. Each of the three other supervisors are hard working professionals dedicated to the best service of the sheriff's office.

4) *"The air in the common area used by the inmates is 'stuffy'"*.

The remark regarding the air in the jail as being "stuffy" is ambiguous. The jail has a separate and pressurized intake system to bring fresh air in constantly. The jail is inspected by the Grand Jury and County Health Department annually and the State Board of Corrections and Rehabilitation every other year. The air system for the rest of the sheriff's office is separate from the jail and then the

Page 4 of 6
Honorable John P. Kennelly
Response to the 2010/2011 Grand Jury Report

remainder of the courthouse is on a third operating system. Again, the jail is inspected several times a day by staff and regularly by the Health Department. The jail inmates do not hesitate to bring forward comments of displeasure. This comment from the Grand Jury is the first notice presented regarding "stuffy air" in the jail. That said, it is common for some inmates to not maintain a supreme level of personal hygiene, presumably in both their personal life as well as when they are guest in the county jail. They have the daily availability of a shower and personal hygiene implements, and in fact are required to shower regularly. The inmates have access to fresh clothing daily. When there are several inmates held in relatively close quarters, it is not unexpected for one or more to present body odor. Perhaps this was the case during the visit by the Grand Jury.

5) "The roof leaks".

There is a leak somewhere in the roof of the courthouse that presents in the southeast section of the sheriff's office and jail. Primarily in the area of the shower ceiling adjacent to cell one. The leak presents as a seeping, not dripping, leak that visually impacts the smooth surface of the ceiling paint and seeps down the interior wall at the east edge of the building. This building was designed circa 1948 and completed around 1952. The previous Sheriff obtained special funding in 1989 for a remodel of the jail and sheriff's office that also greatly improved the entire east wing of the courthouse and especially the upstairs of the building. Since that remodel of the near sixty-year-old building, there has been an on-going seeping leak primarily during extreme wind and rainstorms. The county courthouse plant maintenance has made numerous efforts to resolve the leak that is in effect an annoyance. It has not affected the operations of the sheriff's office and jail. It has required that the affected area be treated and painted annually after winter, generally as a maintenance issue. It is anticipated that the leak will be corrected should the county receive an improvement to the courthouse that is currently being planned by the State.

6) "The kitchen is dirty".

The "kitchen is dirty" again is vague and subjective. Inmate workers are assigned to the jail kitchen and clean it regularly. Again, staff inspect the jail kitchen at least twice a day and insure it is clean and in appropriate condition. The Health Department inspects the jail kitchen regularly. Without more information, a further response is not possible.

7) "Existing security systems and equipment have limitations and can be breached".

The jail was remodeled in the early 1990's and brought up to corrections industry standards. The jail went from a linear style with barred cells to a pod/dayroom plan with modern solid steel doors with an electronic control panel operation. Although optional, the use of cell keys is seldom used due to the modern control panel operations. Should there be a failure of the control panel system, which has an automatic dedicated electricity generator, the staff can use the traditional "jailhouse keys" if needed or wanted. During the same time of the remodel project, the sheriff's office and jail received a closed circuit television system for enhanced security. A recent up-grade to the courthouse improved that system still yet and added it to a digital recording system tied in to the rest of the courthouse. There was bullet resistant safety glass added to the public front entrance to the sheriff's office as well and other safety/security measures added for the operations of the dispatch and jail. The sheriff's office is in the planning stage to obtain a biometric entry and monitoring system for the sheriff's office similar to what was recently installed in the courts. That system will allow for only authorized staff to pass through the building and retains a log history of the access. This system is being sought with grant funds provided to the county. Once this system is in place, the general sheriff's office will have state of the art security. As it stands right now, it is as good as most and better than many.

8) "The jail has no outdoor exercise area".

The jail does have a fenced-in drive through inmate sally port at the rear of the jail. It is an approximately twenty by twenty foot area with an about ten foot high fence with pass-through gates. This area is available to inmates who are classified appropriately and when there is appropriate staff available to monitor them. This large area currently does not have a ceiling enclosure or other scaling deterrents. Under other circumstances, and when available and appropriate, there is an enclosed outdoor area about fifteen by five feet, including some eight concrete steps and a stoop at the bottom. This area does allow for direct access to outside air and ambient sunlight and is covered against rain and snow. It allows for exercise on the stairs and is completely enclosed by metal fencing.

The sheriff's office provides an exercise machine that allows for cardio vascular and respiratory exercise as well as full body extension and muscle use. This piece of equipment has been cleared for use inside the jail and was donated by a local Downieville resident. The sheriff's office has always provided the availability of exercise equipment within the jail, including a stair stepper, elliptical machine and now a full body isometric machine. The inmates regularly complete their own personal physical improvement exercises (sit ups, push-ups, dips; etc.) and walk "laps" around the interior dayroom of the jail as they desire.

The sheriff's office retains the availability to house inmates at other jail facilities as necessary at the discretion of the Sheriff. Sierra County does however have to pay for this optional housing of those inmates in other jails and does so only when necessary. The absolute vast majority of the time, inmates request to be housed at the jail in Downieville and want to be transported and housed in our facility rather than anywhere else. "Experienced" inmates commonly state that the Sierra County Jail is the best jail in the State. It has been compared to as similar to "high school detention" compared to other county jails and state prison. While no one is ever happy to be in any jail, those who know the difference from other experiences prefer ours. This is greatly in part due to the professionalism and dedication of the C.O.s and other assisting staff of the jail. The sheriff's office is in the process of also obtaining a grant opportunity for adding an enclosure ceiling to the main rear sally port and the addition of other escape deterrents. When completed, this will provide greater availability for inmates to access the larger rear exterior of the jail for exercise and outside time. Additional staff would also facilitate this to allow for dedicated supervision and searching of the inmates when re-entering the main interior of the jail.

9) *"The Loyalton substation has no secure detention area".*

The sheriff's office has operated a substation in the Loyalton area for decades. Over several years in the early 2000's, the previous Sheriff obtained grant funding to build a new substation to replace the old small facility provided by the City of Loyalton under agreement. That previous site had a small old city jail consisting of three flat barred cells with single bunks and no sinks; only a simple toilet. In the mid 1990's the State declared that those cells could not be used to even momentarily hold prisoners or arrestees. At that time the building became simple office workspace for the sheriff's office staff assigned to the Sierra Valley area. There has never been a sheriff's office dispatch located in the Loyalton area to known memory. In 2006 the sheriff's office was fortunate enough to use the several years of saved grant funds to open a new Sierra Valley Substation at the eastern edge of the Loyalton city limits on Main Street at 61050 SR-49. This new building has modern and fully equipped office space and is a vast improvement from the previous location, not to disparage the previous location. As with the previous location, there is not a jail or holding cell. The building is for office use and was neither designed nor intended to house inmates or a dispatch center. The county jail has been in the county seat since 1852. There have been long ago holding cells used, but the county jail has always been in Downieville at the courthouse. Arrestees who are picked-up in Loyalton are treated the same as if they were arrested in Verdi or Alleghany. They are transported for housing at the jail in Downieville. Every deputy sheriff provided necessary transportation restraints as needed and every patrol vehicle has a specifically designed safety enclosed area of their car for the temporary holding and moving of prisoners to the

Page 6 of 6
Honorable John P. Kennelly
Response to the 2010/2011 Grand Jury Report

county jail, no matter where they are picked-up from; including from Loyalton. The sheriff's office continues to have the availability through agreement to transport arrestees directly to the Nevada County Jail, in both Truckee on the eastern side of the county and Nevada City on the western side of the county at the request of a deputy sheriff and at the discretion of a supervisor. Prisoners that require a more direct transport to an elevated jail can go directly to those locations if needed.

Closing-

Last year the Grand Jury did their annual inspection of the jail and sheriff's office however a final report was not produced. This year the Grand Jury met with the Sheriff on one occasion. It was a polite, sincere and professional encounter. I enjoyed the meeting, which as I recall was about an hour and a half in duration. I gave an over-view of the jail and the entire sheriff's office. I answered all questions I was asked. I do not recall ever being asked about the cleanliness of the jail kitchen, the presence of cleaning agents, mops, straps and cords in the jail, the stuffiness of the jail air or of a leaky roof. I was asked about budget matters, general staffing and the operations of the jail. I believed I left the meeting having answered all questions posed to me completely. I regret if I did not do so, but it was not relayed to me that there were follow-up considerations. I was later asked to provide copies of jail related reports and policies, which I did. I was not requested to meet with the Grand Jury for follow-up questions.

The full sheriff's office and jail staff was made available as requested, as were the entire sheriff's office facilities and jail as well as the currently held inmates. In previous years it has been customary for the Grand Jury to provide a copy of their report to the Sheriff some forty-eight hours prior to the final submission and release in order to attempt to avoid questions of perceived inaccuracy(s). This did not occur this year and I believe that several of the noted items could have been addressed more clearly had there been a follow-up contact with clarification or an opportunity to ask for such clarification had the report been received briefly in advance as has been the practice. All of the members of the Sierra County Sheriff's Office are proud to serve this county and we are each, especially myself, thankful for the overwhelming support of our community. We well recognize the huge level of responsibility that the public has placed on and entrusted in us and we very much appreciate having our publicly funded jobs. Foremost, we are thankful to the public for the opportunity to do what we all entered this profession to do; which is *"to serve and to protect"*. I personally again would like to thank the members of the Grand Jury for their courtesy, sincerity and the compassionate efforts each member has dedicated to this civil process.

Respectfully,

JOHN I. EVANS
Sierra County Sheriff

Cc: Sierra County Board of Supervisors
Sierra County Counsel
Sierra County Grand Jury

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FILED

JUL 18 2011

SIERRA COUNTY SUPERIOR COURT
BY *Cecilia Kueh* DEPUTY CLERK

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SIERRA**

In the Matter of

2010-2011 Sierra County Grand Jury

MINUTE ORDER

HONORABLE JOHN P. KENNELLY, JUDGE PRESIDING

The County Clerk is hereby directed to file the **Response to Grand Jury Jail Inspection Report of April 26, 2011**, received on July 11, 2011.

I HEREBY CERTIFY the foregoing to be a full, true and correct copy of an order entered on the minutes of said Superior Court of the State of California, County of Sierra, this 13th day of July 2011.

ATTEST my hand and seal of the Superior Court of the State of California, County of Sierra, this 13th day of July 2011.

SIERRA SUPERIOR COURT
BY *Cecilia Kueh* Clerk

cc: Heather Foster
Sierra County Clerk
Courthouse
Downieville, CA 95936

SIERRA COUNTY

Board of Supervisors
P.O. Drawer D
Downieville, California 95936
Telephone (530) 289-3295
Fax (530) 289-2830



5 July 2011

Honorable John P. Kennelly
Presiding Judge of the Superior Court
County of Sierra
PO Box 476
Downieville, CA 95936

Re: Response to Grand Jury Jail Inspection Report of April 26, 2011

Dear Judge Kennelly:

Pursuant to section 933.05 of the California Penal Code, we offer the following comments with respect to the above entitled report. For the sake of easily tracking responses to statements in the report, responses are made in the same order as summary, background, investigation methods, facts, findings, and recommendations in the report.

Summary: Listed in this report are the findings and recommendations of this Grand Jury regarding the Sierra County Jail in Downieville and the Loyalton Substation. Some of the problems we address are minor: for example, a leaking roof that's been dripping for many years. Others are more serious, like inadequate staffing at the jail, which poses safety issues for both Corrections Officers and inmates that could result in a major disaster. The big question for Sierra County is this: Will this Grand Jury's recommendations for the Sierra County Jail be taken seriously for action to be taken before someone gets hurt?

This board does not understand the statement or the need for the statement with respect to this report being taken seriously. This board believes that we have taken earlier reports seriously. Four current members of this board responded to the 2009 Grand Jury in a serious manner, and believe that all outstanding items were appropriately responded to. This board is asked to take positions by any number of different stakeholder groups and on occasion fails to meet the expectation of many. We would hope that all grand jurors understand that our oath is to the collective people of Sierra County and not any other interest group. Honorable people can agree to disagree and just because a recommendation is not followed or agreed to does not mean that we are failing to take the recommendation seriously. It just means that we have come to a different conclusion.

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Investigation Methods

The Grand Jury physically inspected the Sierra County Jail in Downieville, California on October 21, 2010. The Grand Jury also physically inspected the Loyalton Sub-Station on December 1, 2010, because, at that location, individuals who have been arrested are sometimes detained for a brief period before being transported to the Jail in Downieville. We interviewed the following regarding the jail and its operations: a number of Corrections Officers, a few jail inmates, and the Sierra County Sheriff.

We appreciate that the grand jury interviewed county staff, jail inmates, and the facility administrator, the county sheriff. As some of the recommendations of this jury involve county budget decisions, this board regrets that the jury did not seek input from this board prior to the issuance of this report. As only one body is responsible for overseeing county operations countywide and balancing the needs of all entities for which it has budgetary authority, we would submit that some semblance of due process would suggest that seeking comments from this board would have been reasonable and fair prior to the finding of facts as a result of this process.

Facts:

1. *There is insufficient staff at the jail to cover the jail, the 911 calls and Sheriff's dispatch.* This board would not agree that there is necessarily insufficient staff in the jail and would further suggest that the fact stated is more likely an opinion. The board would also point out that the 2006 state inspection came to an entirely different conclusion than the 2010 state inspection. This board would be interested in learning how this different conclusion was arrived.
2. *Bleach, mops, cords and straps were found in the jail common area where they were accessible to inmates.* No response. Would leave this response to the jail administrator.
3. *There is often no supervisor available to Corrections Officers when needed.*

While we would leave the specific response to the jail administrator, we would seek additional interpretation to the use of the word available. We would be interested to learn if reasonable availability includes access via phone and/or requires instant 24/7 access.

4. *The air in the common area used by the inmates is "stuffy".*

This board does not understand how anyone determines that air quality is stuffy. Once again, this seems more opinion than fact without further information.

5. *The roof leaks.* The board agrees that there has been a chronic issue with the roof that dates to the 1999 jail remodel.
6. *The kitchen is dirty.* No response. Would leave this response to the jail administrator.

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7. *Existing security systems and equipment have limitations and can be breached.* While most man-made facilities have limitations, this board would disagree with this finding and there is no evidence provided that the jail security systems are not operating as fully designed.
8. *The jail has no outdoor exercise area.* The board would agree that with the exception of the fully enclosed rear stairway and vehicular sally port, this jail lacks an outdoor exercise area.
9. *The Loyalton substation has no secure detention area.* The board would agree that the Loyalton substation has no secure detention area.

Findings:

1. *An inadequately staffed jail jeopardizes the safety of not only inmates and staff but the public at large. It is virtually impossible for one Corrections Officer on duty to respond to 911 calls, Sheriff's dispatch and inmate needs simultaneously.*

While we agree that an inadequately jail staff could jeopardize safety, we don't concede that such a condition exists in this facility. While the jury suggests that one person cannot undertake simultaneous duties at the same time, it fails to outline mitigation efforts that have been undertaken to minimize these conflicts. It also fails to review such real conflicts in the recent past, any lost history, or the financial impact such an allege finding would create. The reality is that with the flip of three switches, all 9-1-1 calls can be diverted to the Nevada County Sheriff. Such an installation was installed both for jail conflicts, as well as disaster situations in which the jail would need to be abandoned or local 9-1-1 service interrupted. A similar situation allows the Plumas County sheriff to divert there calls to Sierra County for similar reasons. A review of how often jail conflicts required such implementation of this policy would be of interest. While historically only one correctional officer-dispatcher has been on duty from midnight to eight AM, this board would also be interested to learn more about the workload and how often events occurred that required an immediate and emergency response. To double staff on what is historically the quietest time of day would be of some financial impact to county government and would likely require a corresponding decrease in government service elsewhere. While not dismissing the need, this board would like more information on this issue, including why the apparent difference of opinion from the state inspector from 2006 to 2010.

2. *Those items found by the Grand Jury in the common area are potential weapons. The safety of staff and inmates is at risk.* The board agrees with the findings and would defer a response to the jail administrator.
3. *Inadequate supervision of Corrections Officers can result in harm or injury to staff and inmates.* The board agrees that inadequate supervision could result in unintended consequences, but does not agree that inadequate supervision is necessary a finding in this facility.

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4. *The ventilation system in the Jail and in particular in the common area is inadequate. The air seems to be unhealthy.* This board would like to see expert opinion or testing on the alleged findings. The word seems is especially troubling here. Unfortunately, modern central HVAC systems found in most new facilities often result in zones that are either too warm, too cold, but rarely just right, and this facility is no different. While the inmates and staff are entitled to be safe and relatively comfortable in the facility, at what cost does the taxpayer modify this system to satisfy the personal needs of all.

5. *A roof that has leaked for more than just a brief period of time suggests the lack of care given to the facility by county building maintenance staff and ultimately by the Board of Supervisors. Although it is not the direct responsibility of the Sheriff for fixing a leaking roof, it is his responsibility to report it, and to make a motivating case to the Board of Supervisors.* The leaking roof has been a difficulty of this facility since the \$1.8 million remodel undertaken 20 years ago. As the grand jury knows, the jail facility is on the first floor of a two story building, yet the leak results in water penetrating the ceiling of the jail facility. Many attempts have been made to rectify this situation, including claims against the facility's contractor of twenty years ago.

6. *A dirty kitchen attracts vermin and allows for the unsafe handling of food, putting inmates at risk for food borne diseases.* This board would agree with the jury's findings, and would defer to the jail administrator for corrective action.

7. *There is no on-going program for replacing essential equipment and systems components. Presently, repair or replacement of aging or damaged equipment or systems occurs only when these items fail. These failures are potentially catastrophic. For instance, should the command center control panel fail, none of the locking or lighting systems could be safely controlled, and the Corrections Officer would have no way to insure the safety of staff or inmates.* The jury is correct that there is no on-going program to replace essential equipment, but is puzzled by the finding that any failure of this equipment would be catastrophic. The board quite honestly does not understand this finding as there is no evidence given to support it. As the board understands the reality of the situation, the design of the jail control is to completely lock down the facility upon any failure, and that every and all locks can be manually operated by a manual key. Unless there is something that has not been reported to this board, it seems a full explanation of what was reported to the grand jury needs to be explained. This board would be interested if any subject matter expert was queried prior to the jury making this finding. If not, this board is disappointed that such a finding would be made without such a serious inquiry and expert opinion.

8. *The lack of outdoor exercise and fresh air for inmates has been noted as a problem in past Grand Jury reports as well as in other state inspection reports.* Due to the physical limitations of the courthouse property, the decision was made not to include an outside exercise area as a part of the \$1.8 million jail remodel in 1999 with Board of Corrections funding approval. Since that time, inmates are made aware of this functional shortfall and can request to be housed in Nevada County with such

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services available. The most recent jail inspection report shows that the Sierra County jail is in compliance with such standards.

9. *At the Loyalton substation deputies are at risk from the absence of a secure holding area. There is also no interview room. The existing detention furnishing is a plastic chair that is not secured to the wall or floor. Means of public access to the substation seems erratic/unclear. Options to provide secure access to the facility seem limited. This finding appears to be more opinion than fact. Due to the cost of designing, building, and operating a second correctional facility, the new Loyalton substation was planned not to be operated as a correctional facility. While it would no doubt be convenient to have a full service correctional facility in Loyalton, such a reality is not too practical. To say that this puts anyone at risk is rather unfair indeed. With respect to an interview room, such is not a requirement and while there is no specifically dedicated space for this purpose, the facility was built with three private offices and a large conference room, any and all which can be used for such purposes.*

Recommendations:

1. *The Board of Supervisors must immediately adjust the Sheriff's budget to include two full time Corrections Officers salaries per shift. In the interim, the Sheriff must use current funds to staff the jail with two temporary/part time Corrections Officers until permanent staff is hired. While this board appreciates this recommendation, this is a decision of the board of supervisors and no other entity. The sheriff is free to staff the agency in any manner he sees fit with existing funding and is welcome to seek approval from the board to reassign staffing decisions. Any requests for additional funding will be considered along with all other requests and demands that are put before the board. The only responsible manner to fund any county program is to look at all funding requests and make decisions based on local priority and funding availability.*
2. *The Sheriff must immediately do the following:*
 - a. *Remove or secure all potential weapons within the jail;*
 - b. *Increase training and supervision of staff regarding safety;*
 - c. *Establish routine and regular safety inspections.*

This board would defer any response to the facility administrator, the county sheriff.

3. *The Sheriff must increase the supervision of all Correctional Officers. This board would defer any response to the facility administrator, the county sheriff.*
4. *The ventilation system in the Jail and common area needs to be evaluated and corrected so that the air is healthy. While the board will consider an evaluation of the HVAC in the jail facility, this board*

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does not accept the suggestion that the air within the facility is not healthy. To our knowledge, no such declaration has been made by any professional trained to make any such finding. The HVAC system serving the jail was installed as a part of the system serving the entire sheriff's office.

5. *The Board of Supervisors must direct County staff to repair the roof and approve funds to do so.*

The board will seek suggestions as to how to resolve the courthouse roof integrity. This is a long standing issue that has had no simple or uncstly resolution.

6. *The Sheriff or the Supervising Corrections Officer must establish regular kitchen inspections to insure cleanliness.* This board would defer any response to the facility administrator, the county sheriff.

7. *The Sheriff must reevaluate the entire security system and equipment and replace the same as necessary.* While this board would defer some response to the sheriff, this board is fascinated by this recommendation as there has been no independent verification that this board is aware that there is any design or operational issues with the current console. This board is somewhat frustrated that this issue has been elevated to inclusion in this report and finds doing so without clear and responsible facts somewhat disappointing. We have been given no previous information that there are any shortcomings with the present system and will await any requests from the sheriff.

8. *The Sheriff must conduct a feasibility study to develop an outdoor exercise area. The Board of Supervisors must fund the project in the next fiscal year.* While this board will consider budgetary requests for developing an outdoor exercise yard, the jury lacks the ability to demand that this request be funded. Once again, our system of government designates that the board of supervisors as that body that singularly decides budget appropriations.

9. *The Sheriff must install a secured "cuffing chair" (or similar) within the Loyalton substation. Additionally, the Sheriff must clarify access to public and secured areas. The Sheriff should provide the Board of Supervisors with a cost study for converting existing substation space into an interview room and detention cell.* The board would be interested to hear from the sheriff with respect to this issue in consultation with the state jail standards authority. This board would also be interested in gaining knowledge as to any incidents that have occurred as a result of the current operational situation.

In addition to our comments, the board also received comments from Transportation and Public Works Director Tim Beals. Attached is a copy of Director Beal's comments and in as much as the board concurs with his statements, we would ask that his comments also be considered ours with respect to this response.

This board appreciates the work of this grand jury, and more importantly, the time and effort each juror has shown in undertaking the jury's collective oversight responsibility. We believe that the grand jury process affords all a forum to address frustrations or concerns with all of local government.

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This said, this board is concerned that some in today's society fail to understand that there are practical limitations with what local government can provide, and this is especially so in a county the size of Sierra, with just 3,200 souls. With respect to the county jail system, this board has been supportive of two major infrastructure projects involving the county sheriff within the last two decades. A \$1.8 million jail remodel project in 1990-1992 was the single largest county building project since the replacement of the county courthouse in 1947 and the building of the new sheriff's Sierra Valley substation in 2005-2007 at a cost of nearly \$1 million was also a significant undertaking by this rural county.

The present grand jury report appears to be a wish list of unknown origins, one that views the jail and its operation in a perfect world. This board does not underestimate society's responsibility to care for those we take into custody for whatever reason, yet there are both practical and financial limits to what anyone can do to care for others who might be bent on harming themselves or others. We would like to think the safety record of this facility is no accident, has a lot to do with the caring professionals who work in the sheriff's office, and would put the safety record of this facility up against any operated by the state. While certainly there is always room for improvement, we would ask future grand juries to seek input from this board and others with vested interests prior to finalizing information in a formal report. To this end the board has assigned to the Law Enforcement Committee for a full and complete investigation of all issues raised by the grand jury. We expect that the law enforcement committee can report back to the board within a 120 day period.

Despite the fact that there have been numerous attempts, both successful and not, to limit or undermine the grand jury system in California over the past decades (including one currently in the legislature), this board strongly supports the concept of the oversight role of the grand jury. That said, this board also supports the concept of due process at all levels and would ask that the clear intent of the two day notice requirement of section 933.05 (f) of the Penal Code be complied with. Past practice has been that those individuals with reporting requirements be given 48 hours of actual possession of the report so that the due process concept that was the intent of the law be upheld. Such a practice not only complies with the intent of the law, but also allows for true due process and a timely and informed review of the report and comment prior to publication of the report. Such a process also allows for any factual concerns to be addressed prior to the release of any such report.

Once again, this board appreciates the work and effort of all involved as members of the 2010-2011 Sierra County Grand Jury.

Sincerely,

SIERRA COUNTY BOARD OF SUPERVISORS

By:



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Supervisor, District One
2011 Chair

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Tim H. Beals
Director

July 5, 2011

TO: Members of the Board of Supervisors
County Sheriff
County Clerk-Recorder
FR: Tim H. Beals *TB*
Director of Transportation
RE: 2010-2011 Grand Jury Report

The Sierra County Grand Jury has released its "Report of Annual Inspection of the Sierra County Jail and Substation" dated April 22, 2011. This report has been forwarded to the Board of Supervisors and it is anticipated that the Board of Supervisors will consider a formal response during one of its two July 2011 meetings.

Unfortunately the Grand Jury never interviewed me or any staff member associated with the Plant Maintenance responsibilities which pertain to the County Jail, yet a number of alleged facts and findings are specific to issues involving the plant maintenance effort therein. My comments address these references.

- 1) Fact 2 (Page 2 of Report) states that "bleach, mops, cords, and straps were found in the jail common area". I have no doubt that this condition existed and I have instructed Plant Maintenance staff to remove any such items from the common area if and when they are within this area performing work. My assumption is that this material may also have been present as a result of various inmates conducting janitorial tasks and the items not being properly returned and stored in the janitor closet located outside of the common area. In this case, the corrections officer on duty must take responsibility to assure that these items are no longer allowed to be present in the common area and I am assuming that policies and procedures exist that should resolve these issues.
- 2) Fact 4 (Page 2 of Report) states that "the air in the common area used by the inmates is stuffy". I am not sure how we can identify or characterize "stuffy" air. Further, finding number 4 (Page 2 of Report) states that the air seems "unhealthy". The cooling system in the jail is similar to a large "swamp cooler" which by design, pushes air through water soaked mats or screens in an air handler and this may produce some moisture (humidity) and some odor. There is a constant supply of fresh air circulating through the common area and the jail. The entire system was designed by a properly licensed engineer. I find no basis for alleging that the air is unhealthy and is out of compliance

with any standards. For the Grand Jury to refer to the air within the County Jail as "unhealthy" without any documentation or finding of fact which demonstrates that an air standard has been exceeded or sicknesses have resulted is less than responsible and mischaracterizes the facility. If the Board directs, we can ask for a consultation from a properly licensed hygienist and provide an air monitoring analysis to address this alleged fact or finding. The estimate of cost would be \$5000.

- 3) Fact 5 (Page 2 of Report) states that "the roof leaks" and finding 5 (Page 2 of Report) states that it "suggests a lack of care to the facility by County building and maintenance staff and ultimately by the Board of Supervisors".

Unfortunately the Grand Jury never inquired of Plant Maintenance staff and I find this to be inexcusable to make such a finding without seeking the benefit of the very staff that are responsible for the subject matter. That being said, it is inaccurate to allege a "lack of care" from County staff or the Board of Supervisors. A brief history of the roof shows numerous failures and leaks on the former composite roofing, including high asbestos content. The asbestos shingles were removed by a licensed hazardous waste contractor and a new, steel roof was authorized by the Board of Supervisors as a part of the jail remodel project. After a few years, leaks again began to show up and after repeated attempts to repair leaks by Plant Maintenance staff, it was determined that a more comprehensive approach would be more appropriate. As a result, the Board of Supervisors appropriated funds to allow Plant Maintenance staff to retain a licensed roofing contractor to climb the roof, re-seal joints, patch areas that were suspect for leaks, and complete an overhaul of the roof on the courthouse. This was accomplished under a public works contract several years ago. New leaks subsequently began to develop and in an effort to address these new leaks, it would be required that County staff be certified in proper safety and rope/harness training before climbing this steep roof. Plant Maintenance staff were sent to training and certification was issued for proper safety techniques and rope/harness use in 2010 so it is planned that County staff will be addressing new leaks this summer. Everything that could be done has been or is being done to troubleshoot and repair leaks in the courthouse roof. The number of roof penetrations, the peaks and valleys, and the snow-hold conditions do present a challenge that we continue to address as issues arise and notification is made to the Plant Maintenance Department.

- 4) Fact 7 (Page 2 of Report) states that the "existing security systems and equipment have imitations and can be breached". The County Sheriff has met with the County Operational Area Emergency Council (OAEC) and has requested that much of the 2010 and 2011 Homeland Security Grant be allocated to upgrade security cameras, security hardware on all doors, and miscellaneous security upgrades. This concept was also endorsed by the Board of Supervisors. The Sheriff will be developing a needs assessment of security upgrades and proper engineering and design will be initiated to develop plans and specifications for the implementation and installation of these upgrades. The anticipated delivery date of these upgrades is one year.

- 5) Fact 8 (Page 2 of Report) states that the "jail has no outdoor exercise area". The response to fact 7 is the same response for this fact and finding.
- 6) Fact 9 (Page 2 of Report) states that "the Loyalton substation has no secure detention area". This facility was designed specifically not to include holding cells or other detention areas due to the additional expense and extensive State standards for such facilities. It does not have these amenities as the design and scope approved by the Board of Supervisors and County Sheriff did not include them. If this is a desired alteration or remodel that the Board of Supervisors and the County Sheriff wishes to undertake, a brief needs assessment should be completed to develop a proper scope; a facility master plan should be prepared including ranges of scope and associated cost estimates; and, an analysis providing clarity on the existing standards imposed and enforced by the State of California and through case law.

I would be happy to assist the Board of Supervisors and County Sheriff in properly addressing the questions posed within the Grand Jury Report. An air monitoring analysis, expediting administration of the 2010 and 2011 Homeland Security Grants (Security Upgrades and Sallyport-Exercise concept), and building a chair that is considered a "security chair" or buying same would be easy to accomplish. As for the roof, we have purchased the requisite safety gear and will working on the suspected areas of roof leak over the course of the summer.

Thank you and this letter has been distributed only to the Board of Supervisors, Clerk-recorder, and County Sheriff. Any use of its content for inclusion by the Board of Supervisors into a grand jury response is for the Board of Supervisors to deliberate and make a proper determination..

Sincerely,

Sierra County
Department of Transportation



Tim H. Beals
Director