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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.

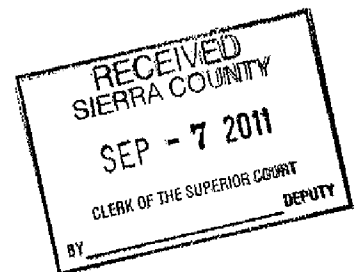
I appreciate the work of this grand jury, and more importantly, the time and effort each juror has shown in undertaking the jury's collective oversight responsibility. I continue to believe that the grand jury process affords all a forum to address concerns with all of local government.

I appreciate this opportunity to comment,

Sincerely,

A handwritten signature in black ink that reads "LEE ADAMS".

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

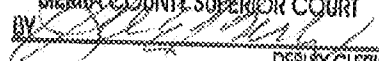
Bill Nunes
District No. 3
P.O. Box 118
Calpine, CA 96124

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

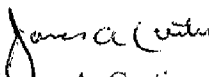
RE: Response to the 2010/2011 Grand Jury Report

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

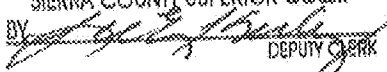

James A. Curtis

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

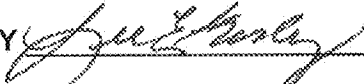
HONORABLE JOHN P. KENNELLY, JUDGE PRESIDING

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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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".

Page 5 of 6
Honorable John P. Kennelly
Response to the 2010/2011 Grand Jury Report

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

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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 Lesilia 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 Lesilia 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
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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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