



Tuolumne County Jail Report

Farewell Old Jail
June 30, 2020



Entrance to Law and Justice Center.

Photo: Luann Hopkins



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Summary

California Penal Code §919(b) requires the grand jury to inquire into the condition and management of “public prisons” within the county. “Public prisons” is not defined in the Penal Code; however, it is generally accepted by grand juries across the state that a public prison is a state operated adult correctional facility. Most grand juries also inquire into county and city jails within their jurisdiction.

The Tuolumne County Jail is operated by the Tuolumne County Sheriff’s Department. The existing jail facility is old, deteriorating, and obsolete.

Construction of a new jail is underway and expected to open in the Summer of 2020. Jail operations and custody of inmates will move to the new facility. Sheriff’s office administration and dispatch will remain in the building adjacent to the old jail until accommodations are made at the new Justice Center. Because this is a transitional period it is unrealistic to make meaningful grand jury findings and recommendations relative to the existing jail structure. However, unsafe conditions are addressed in this report.

The 2019-2020 Grand Jury received citizen complaints regarding living conditions in the jail and determined that regarding bedding provided to inmates, Tuolumne County Jail exceeds Title 15 requirements.

The Grand Jury encourages a smooth transition to the new jail, continuation and expansion of successful inmate programs, workplace safety, and attention to pride and care for the new facility.

Glossary

ABS	Modern piping, non-toxic and resistant to abrasion
BSCC	Board of State Community Corrections. The state agency that inspects county jails for compliance with minimum regulatory standards
Detainee	A person who is detained in custody
GEO	GEO Reentry Services offers full-service evidence-based, cognitive-behavioral treatment programs and day reporting for probationers
HCS	Hazard Communications System

Inmate	A person confined to an institution such as a jail or prison
Jail	Tuolumne County Jail
MSDS	Material Safety Data Sheet
PPE	Personal Protective Equipment
Sallyport	A secure, controlled entry to a prison or jail
Tank	Term used to describe housing units used to house inmates
TCSO	Tuolumne County Sheriff's Office
Title 15	California Code of Regulations, Crime Prevention and Corrections. Minimum Standard for Local Detention Facilities

Background

California Penal Code §919(b) mandates that the Grand Jury in each county inspect the condition of all public prisons every year. Sections 919(a), 925, and 925a authorize the Grand Jury to investigate city and county jails and other detention facilities.

Methodology

Members of the 2019-2020 Tuolumne Grand Jury inspected the Tuolumne County Jail facility on November 15, 2019, and January 9, 2020. Research included interviews with employees, independent contractors, staff, inmates and officers.

The Jail Commander provided the jurors with copies of a Grand Jury Summary Report prepared in advance to assist jurors with the tour and inspection.

Members of the Grand Jury reviewed the following documents:

- ▶ Tuolumne County Sheriff's Office Policy and Procedures Manual
- ▶ California Code of Regulations, Title 15 Minimum Standards for Local Detention Facilities
- ▶ Jail Training Program Manual
- ▶ Inmate Orientation and Rule Book
- ▶ BSCC Jail Inspection Handbook for Grand Jurors
- ▶ Copies of grievances and responses thereto
- ▶ CAL/OSHA Guide to the California Hazard Communication Regulations
- ▶ Title 8 California Code of Regulations §5192(q). Hazardous Waste Operations and Emergency Response.

Discussion

Citizen Complaints

The 2019-2020 Grand Jury received citizen complaints regarding living conditions in the jail. Concerns were expressed regarding provision of adequate bedding, timely and correct dispensing of medications, ability of inmates to file grievances, and the physical condition of shower and toilet facilities in the group cells (tanks).

Grand Jury Tour and Site Inspection

November 15, 2019 and January 9, 2020, the Grand Jury inspected the Tuolumne County Jail. Upon entry into the sallyport at garage level, the Jail Commander and Sergeant issued warnings and instructions. Juror identities were verified.

The grand jury tour and inspection included the following:

- ▶ General description of the facilities, including age
- ▶ Staff and inmate levels
- ▶ Medical services
- ▶ Inmate intake & booking
- ▶ Housing occupancy, gender allocations, hygiene, meals, and daily hours and routines
- ▶ Control room procedures
- ▶ Break room facilities
- ▶ Locker room facilities
- ▶ Rooftop yard
- ▶ Inmate property storage
- ▶ Program room
- ▶ Mechanical room and inmate-firefighter staging for donning and doffing fire gear

Medical Services

The medical unit is operated for 16 hours per day. There is one nurse on duty at a time. The medical unit does not have the ability to be used for inmates' dental needs. Instead, inmates are driven once a month to a local dental clinic to receive dental care.

Intake and Booking

When individuals are brought to the jail, they can be placed into cells which include two holding cells, two sobering cells, one dress-out cell for changing clothes, and one safety cell. Unlike holding cells, sobering cells do not have benches or phones. Inmates are advised of their charges and given a list of their property.

Inmates are given a court date if applicable and an opportunity to make phone calls. Inmates are then photographed, fingerprinted and either released from custody or placed into housing.

Housing

The jail has 14 separate housing units that house both male and female inmates (housed separately) across a wide variety of different classifications. Several of the housing units contain separate cells within them that allow for housing between one and four inmates each. Administrative segregation inmates are locked down for 23 hours per day and are given one hour each day to make phone calls, order commissary, and take showers. Inmates are provided three meals a day, including one cold and two hot meals.

Lockdown occurs each night from 10:00 pm until 5:00 am. During lockdown, televisions are turned off, trash and cleaning supplies are collected, and individual cells are locked.

Control Room

The control room is manned by one booking clerk and a Sergeant/Watch Commander. Booking clerks are responsible for assisting and ensuring the safety and security of the facility, observing and documenting inmate movement and/or events, electronically operating doors, communicating with inmates, observing staff movement and interactions with inmates, booking inmates, coordinating with the courts and other agencies, monitoring video surveillance cameras, answering phone calls and communicating with staff and the public through a variety of methods.

Break Room

The break room contains a small table with six chairs, two refrigerators, a microwave, and an attached bathroom.

Locker Room

The male and female staff have separate locker rooms, each with their own entrance. The men's locker room can be utilized for training when no other facilities are available.

Rooftop Yard

The yard is located on the roof of the jail and is fully enclosed with fencing and protected with black mesh. It contains a toilet, sink, drinking fountain, phone, two pull-up bars, and two benches. Inmates are allotted three hours of yard time per week.

Property Storage

This is a secure area where inmate supplies are kept including jail clothing and cleaning supplies. There is also a separate secure area for inmates' personal property.

Program Room

There is currently one small room that is used for all the inmate programs offered. The law library is sometimes used for inmate programs when not in use for video arraignment, interviews, or other services.

Grand Jury Observations

The movement of inmates was observed and appeared to be safe and secure. Officer weapons and personal items were observed being placed into secure lockers.

The hostage policy, however, was not explained (enforcement agencies do not honor “hostage for trade” events) until after jurors were inside the booking area and several minutes into the tour, when a juror asked directly about the hostage policy.

In the booking area and quite by chance, jurors observed deputies handling an out-of-control detainee. The procedures that were followed showed the utmost care and concern for the staff, visitors, inmates, as well as the detainee.

One observation that was consistent with all the inmates who were interviewed (around 24) was that they liked the way the deputies treated them. They felt they were treated fairly and with respect.

A small computer terminal is in the tanks the jurors observed. It was explained by the Jail Commander that the computer terminals are used for inmates to communicate with approved family members, access the jail handbook, and file grievances. Use of computers and email by inmates is tightly controlled.

The inmate grievance procedure is outlined in both the inmate handbook, on page 15, and the department operations manual (DOM) in section 6.34.

Inmates may file a grievance relating to any conditions of confinement, including medical care, classification actions, disciplinary actions, program participation, telephone, mail, visiting procedures, food, clothing, and bedding.

Inmates are required to follow the grievance procedure:

1. First, speak with the post deputy, which may result in a quick solution to the grievance. If step one does not resolve the problem inmates may then proceed to step two.
2. File a formal grievance.
3. A written response is given within a reasonable amount of time.
4. Grievance appeals must be in writing and follow the chain of command.

Jail Facility

The original Tuolumne County Jail at this site was built in 1959. That includes what is now the delivery entrance, inmate coordinator’s office, staff bathroom, food service office, dry storage, kitchen, deputy post, storage closet, laundry room, medical unit and housing units A through I.

The building was added onto in 1985, including the program room, video arraignment room, sergeant's office, deputy post, and housing units J and K. The final addition was completed in 1994 and included P tank, and housing units L through O, visiting attorney booth, control room, booking area, break room, staff bathroom, staff offices, intake area including holding cells 1 through 6, and the lieutenant's office.

The grand jury inspected two of the womens' cells, N tank and O tank. Each tank accommodates approximately 10 female inmates in an open cell room with bunk beds. The toilets and showers are behind a half-wall to afford some amount of privacy, and the two showers have curtains. Jurors observed that two sheets and two blankets are provided to the inmates, whereas Title 15 article 14 section 1270 requires only one sheet and one blanket each. A pillow must be purchased through the commissary by the inmate and leaves with the inmate at release. The temperature in the tanks seemed reasonable for the season.

Additionally, jurors observed that the ceramic tile in the women's shower stall area showed signs of excessive duress. It appears that damage and wear was not recent but has grown worse over time. Tiled areas, and especially grouted joints deteriorate at a rapid pace once the decay begins. This area may not have been cleansed properly as mildew was prevalent in certain areas.

Jurors noted problematic conditions in the ground floor corridor area. The cast iron drainpipe developed a leak and was repaired with ABS piping. The leak sprayed and drenched the adjacent electrical panel rendering it unsafe. Jurors were informed by jail personnel that individual electrical breakers were removed, cleaned, dried and reset in place. Part of the danger of this situation is not entirely from the breakers themselves but by saturating the electrical wire (copper wire, wound with paper insulation, and wrapped with plastic sheathing). Once the paper insulation is saturated, it becomes a conductor and can cause further problems especially if all outlets running from those wires are not grounded. The fix was a funneled plastic sheet that drained into a 30-gallon barrel which was half full of captured water, only three feet from the electrical panel. The Grand Jury was provided with a September 2017 invoice recommending breakers be replaced due to rust. Jail personnel stated that the barrel and water are monitored for safety. However, it is apparent the work to replace the breakers was not performed, despite recommendations by previous Grand Juries.

Safe Workplace

The Grand Jury inspected for compliance with the Hazardous Chemical Communication System Regulatory Requirements under the California Labor Code and the California Occupational Safety and Health Act. Although cleaning chemicals and paint were located onsite, the only hard copy Material Safety Data Sheets (MSDS) identifying chemicals and necessary personal protective equipment (PPE) were found in the kitchen. These included only the information provided by one vendor and were missing those of other chemicals found throughout the facility. It should also be noted that although the MSDS called for PPE to be used, Grand Jury members were informed that PPE was only offered to the inmates if they requested it.

This means that the inmates would need to have been in the kitchen using the chemicals from that specific vendor, found the MSDS located on the wall and then requested the PPE. This appears to leave out all other chemicals used by inmates and staff.

Due to the small size of the current facility and the rooms within, the potential for chemical exposure to its population is considerably heightened.

Hazardous Chemical Communication System

Regulatory Requirements under the California Labor Code and the California Occupational Safety and Health Act state, "All employers in California are legally obligated to provide and maintain a safe and healthy workplace for employees. The hazard communication regulation emphasizes workplace safety and requires employers to inform their employees of the hazardous substances to which they are exposed at the job site." Requirements for developing, implementing, and maintaining a hazard communication program are found in Title 8 of the California Code of Regulations §5194.

These requirements are met through an online MSDS management system accessible on computer desktops.

Jail Staffing and Inmate Population

Jurors learned that the inmate population is about 147 male and female, whereas the new jail facility will accommodate 230 inmates. This number includes various classifications: general population, protective custody, high risk, and work-status inmates.

Jail staffing levels at the time of this report include:

- ▶ 1 Jail Commander
- ▶ 1 Sergeant/Watch Commander
- ▶ 1 Sergeant/Operations
- ▶ 1 Sergeant/Administrative
- ▶ 5 Deputies
- ▶ 1 Classification Deputy
- ▶ 3 Work Crew Deputies
- ▶ 4 Transportation Deputies
- ▶ 1 Booking Clerk

Jail Programs

The Inmate Coordinator detailed a significant number of rehabilitation opportunities and inmate programs utilizing a team of over 60 volunteers and staff from other agencies. The focus of the programs is to provide services to those inmates who have demonstrated that they are motivated to help themselves.

Jail Programs include:

- ▶ GEO Jeep Program - a comprehensive program that includes Moral Resonation Therapy, Parent Effectiveness, Anger Management, Release Preparation, Educational, and Individual Counseling.
- ▶ Education Services Program - HiSet (High School Equivalency Test) is a GED and High School diploma program. In addition, education services related to adult education and/or college preparation are available. The County Superintendent of Schools offers educational counseling and support services such as tutoring, obtaining records, evaluating students' academic status, and granting diplomas to those who meet the criteria.
- ▶ Release Preparation Program - Inmates are provided with the "Living on the Outside Handbook," and/or GEO "Passport" handbook, and a comprehensive directory of services to help them develop an individual release plan. They are also seen by the Department of Social Services to establish eligibility for Medi-Cal and other community services. A substance abuse counselor will assess their needs for drug and alcohol treatment and referrals.
- ▶ C.A.S.E. (Clean and Sober Experience) Program - This is the Jail drug and alcohol treatment program that is a collaborative between the Sheriff's Office and Behavioral Health. This program features the Phoenix "New Freedom in Cell" curriculum. Volunteer staff supplement this program with services such as AA, NA, Celebrate Recovery, and Road to Recovery. Behavioral Health - Mental health services are available to all inmates on referral by the jail medical staff, custody staff or inmate request. Programs are available through both the Tuolumne County Behavioral Health Department and the contracted medical vendor Wellpath.
- ▶ Work Crew Programs - In-house programs include kitchen, laundry and janitorial. Outside the facility, programs include nursery/agricultural, woodworking, brush-clearing for fire prevention, landscape, and sawyer programs.
- ▶ Other Miscellaneous Inmate Services - Veteran's, Chaplain, Clergy, Bible Study, Native American Social Services, Recreational, Reading Library.

Given the limitations of the current facility in terms of meeting rooms and staffing, the jail is near the maximum number of programs that can be offered.

Findings

- F1.** The policy in which law enforcement agencies do not honor "hostage for trade" events was not explained to the jurors before the jail tour. The hostage policy was explained after the jurors were inside the facility and therefore unable to exercise their decision to not enter the facility and assume the risk.
- F2.** In several instances, inmates expressed appreciation for respectful treatment by jail staff, which the Grand Jury believes is an important aspect of helping in rehabilitation efforts.
- F3.** An impressive number of quality programs are available to inmates.

- F4.** The women’s shower stall area shows signs of excessive duress, damage due to wear. Mildew is prevalent in certain areas.
- F5.** Electrical panels and damaged plumbing in the ground floor corridor present severe safety elements in dire need of attention.

Recommendations

- R1.** The Grand Jury recommends Jail personnel responsible for tours and inspections should alert participants of the “no hostage policy” well in advance of entering the jail. Include the “no hostage policy” in the Grand Jury Summary provided at the beginning of the tour. (F1)
- R2.** The Grand Jury recommends continued compassionate and respectful treatment of inmates as warranted. (F2)
- R3.** The Grand Jury recommends continued and expanded jail programs in the new jail. (F3)
- R4.** The Grand Jury recommends facility personnel take appropriate measures to stop the progress of mildew in women’s shower areas. (F4)
- R5.** The Grand Jury recommends replacing electrical panels or installing a waterproof wall separating the plumbing from the electrical. (F5)

Request for Responses

The following responses are required, pursuant to California Penal Code §933 and §933.05, no later than 90 days after the Grand Jury submits a final report on the operations of any public agency subject to the reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body and every elected or appointed county official or agency head for which the Grand Jury has jurisdiction shall comment within 60 days to the presiding judge of the superior court.

From the following elected or appointed county officials within 60 days:

- ▶ The Tuolumne County Sheriff: R1 through R5.
- ▶ Tuolumne County Risk Manager R1., R5.

From the following governing body within 90 days:

- ▶ Tuolumne County Board of Supervisors R5.

Bibliography

BSCC Jail Inspection Handbook for Grand Jurors

BSCC Seventh Annual Report on Implementation of Community Corrections Partnerships

Plans, July 2019

BSCC Title 15 Evaluation, 2019

Medical/Mental Health Evaluation, 2019

Environmental Health Adult Jail Evaluation, 2019

Adult Jail Nutrition Evaluation, 2019

California Code of Regulations, Title 8, Labor Code

California Code of Regulations, Title 8 §5192(q) Hazardous Waste Operations and Emergency Response

California Code of Regulations, Title 15, Minimum Standards for Local Detention Facilities

CAL/OSHA Guide to the California Hazard Communication Regulation

Guide to California Hazard Communications Regulation, May 2012

Target Solutions Hazmat Training Course Description

Tuolumne County Sheriff's Department Policy and Procedures Manual

Tuolumne County Jail Training Manual

Tuolumne County Inmate Orientation and Rule Book, October 2016

Tuolumne County Jail Inmate Grievances and Responses thereto

Disclaimer

Reports issued by the grand jury do not identify the individuals who have been interviewed. Penal Code §929 requires that reports of the grand jury not contain the name of any person or facts leading to the identity of any person who provides information to the grand jury.