



County of Santa Cruz

County Administrative Office

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 Carlos J. Palacios, County Administrative Officer

Meeting Date: October 17, 2017
Date: October 10, 2017
To: The Board of Supervisors
From: Carlos J. Palacios, County Administrative Officer
Subject: Grand Jury Response - Jails

APPROVED AND FILED
 BOARD OF SUPERVISORS

DATE: 10/17/17
 COUNTY OF SANTA CRUZ
 CARLOS J. PALACIOS
 EX-OFFICIO CLERK OF THE BOARD
 BY: *[Signature]* DEPUTY

Attached for your approval is the County's proposed response to the findings and recommendations contained in the 2016-2017 Santa Cruz County Grand Jury report, "Jails in Santa Cruz County."

It is, therefore, RECOMMENDED that your Board approve the response to the findings and recommendations in the 2016-17 Grand Jury Report and request the Chairperson to forward the Board's response to the Presiding Judge with a copy to the Grand Jury.

Submitted by:

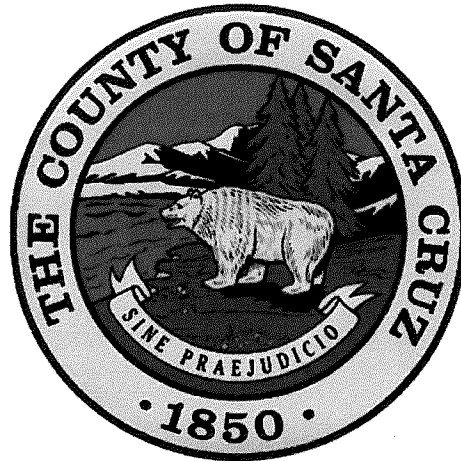
[Signature]

Carlos J. Palacios, County Administrative Officer

10/10/2017

Attachments:

- a Jails In Santa Cruz County, BOS response packet



**The 2016–2017 Santa Cruz County Civil Grand Jury
 Requires that the
 Santa Cruz County Board of Supervisors
 Respond to the Findings and Recommendations
 Specified in the Report Titled
 Jails in Santa Cruz County
 by September 25, 2017**

When the response is complete, please

1. Email the completed Response Packet as a file attachment to grandjury@scgrandjury.org, and
2. Print and send a hard copy of the completed Response Packet to

The Honorable Judge John Gallagher
 Santa Cruz Courthouse
 701 Ocean St.
 Santa Cruz, CA 95060

Instructions for Respondents

California law PC § 933.05 (included below) requires the respondent to a Grand Jury report to comment on each finding and recommendation within a report. Explanations for disagreements and timeframes for further implementation or analysis must be provided. Please follow the format below when preparing the responses.

Response Format

1. For the Findings included in this Response Packet, select one of the following responses and provide the required additional information:
 - a. **AGREE** with the Finding, or
 - b. **PARTIALLY DISAGREE** with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
 - c. **DISAGREE** with the Finding and provide an explanation of the reasons therefor.

2. For the Recommendations included in this Response Packet, select one of the following actions and provide the required additional information:
 - a. **HAS BEEN IMPLEMENTED**, with a summary regarding the implemented action, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**, with a timeframe or expected date for implementation, or
 - c. **REQUIRES FURTHER ANALYSIS**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report, or
 - d. **WILL NOT BE IMPLEMENTED** because it is not warranted or is not reasonable, with an explanation therefor.

Validation

Date of governing body's response approval: _____

If you have questions about this response form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Attachment: Jails In Santa Cruz County, BOS response packet (Grand Jury Response - Jails)

Findings

F1. Inmates are kept at Water Street Jail for medical reasons alone when they are otherwise eligible for the increased services and programming at Rountree. This denies programming to an otherwise-eligible inmate that may increase their ability to succeed upon community reentry.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

While it is true that inmates are kept at Water Street for medical reasons and that they may otherwise be eligible for Rountree services, they are not denied important programming that may improve their chances at successful reentry. The Water Street Jail provides up to 100 hours of programming per week.

Attachment: Jails In Santa Cruz County, BOS response packet (Grand Jury Response - Jails)

F4. Long term inmates at Water Street may suffer from Vitamin D deficiencies due to lack of exposure to natural sunlight. Medical staff have not tested inmates for possible Vitamin D deficiencies.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

It is true that staff do not routinely screen inmates for vitamin D deficiencies, but conclusions about inmate deficiencies are speculative. Inmates at Water Street are provided adequate yard time and many are assigned tasks exposing them to sunlight. Lab tests are performed on inmates who are symptomatic. The U.S. Preventive Services Task Force has said there is no justification to test for Vitamin D deficiency in asymptomatic adults.

Attachment: Jails In Santa Cruz County, BOS response packet (Grand Jury Response - Jails)

F5. Water Street, a maximum security facility, has no means of detecting non-metal contraband other than physically searching an inmate. This increases the chance of dangerous items being brought into the facility.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

Attachment: Jails In Santa Cruz County, BOS response packet (Grand Jury Response - Jails)

F6. The empty Blaine Street facility indicates a lack of long-range facility planning and coordination.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

No amount of long-range facility planning could have foreseen the epochal changes that have occurred in California's criminal justice system over the last few years, which has dramatically impacted use patterns for local jail facilities. An opportunity arose to transfer of medically able medium- and minimum-security female inmates to Rountree in order to provide greater access to reentry programming. The Blaine Street facility requires security upgrades in order to return to use, and we understand the Sheriff's Office is working on a plan to do that and will return to the Board in the near future.

Attachment: Jails In Santa Cruz County, BOS response packet (Grand Jury Response - Jails)

F7. When asked about program effectiveness and measurements of success locally, staff were unable to provide scorecards, analytics, or follow-up information on recidivism or success. This impacts their programs and future funding.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

The Board has no knowledge of how jail staff responded to the Grand Jury's questions. However, the County has a long track record of using evidence-based decision-making in the criminal justice context, and in fact is was known as a leader in this field even prior to state-level criminal justice reforms that made such practices necessary at the local level. In particular, the Santa Cruz County Probation Department produces a wealth of information tracking offender behavior, including recidivism, which is used to set Board priorities and funding decisions. The Board also expects further information on the effectiveness of inmate programming once Rountree is fully operational.

Attachment: Jails In Santa Cruz County, BOS response packet (Grand Jury Response - Jails)

F9. The county "Boarder Program" at the Ben Lomond Conservation Camp is less costly to the county than housing inmates in the county jail system.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

Attachment: Jails In Santa Cruz County, BOS response packet (Grand Jury Response - Jails)

F11. The remote location of the Ben Lomond Conservation Camp impacts emergency medical services for inmates and staff. Current county medical protocol does not allow staff on site to store or administer Narcan or Epinephrine.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

The Board agrees that remote locales pose a challenge for emergency services. As Ben Lomond Conservation Camp is a state-owned facility, the Board is unsure how County medical protocol would impact operations there. The Board supports Naloxone and other life-saving anti-overdose drugs.

Attachment: Jails In Santa Cruz County, BOS response packet (Grand Jury Response - Jails)

Recommendations

R1. The Sheriff's Office should make the necessary changes to allow inmates with chronic medical problems to be housed at Rountree. (F1)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

Adding medical infrastructure to a facility that is not yet completed (let alone fully operational) requires further analysis. There is likely to be a significant associated cost that would need to be assessed and funding sources identified before any such commitments are made.

Attachment: Jails in Santa Cruz County, BOS response packet (Grand Jury Response - Jails)

R4. The Sheriff's Office should test whether any long-term or at-risk inmates at Water Street are Vitamin D deficient. (F4)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

Absent evidence of a systemic problem or a change in recommendations of the U.S. Preventive Services Task Force, no changes are anticipated.

Attachment: Jails in Santa Cruz County, BOS response packet (Grand Jury Response - Jails)

R5. The Sheriff's Office should review and implement current technology available for contraband detection. (F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

This recommendation appears directed at the Sheriff's Office and the Board will defer to their expertise and advice before any changes are made.

Attachment: Jails In Santa Cruz County, BOS response packet (Grand Jury Response - Jails)

R6. The Sheriff's Office should create a strategic long-range facilities management plan, including management of multiple funding sources. (F6)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain scope and timeframe (not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Response explanation, summary, and timeframe:

The County is undertaking a Strategic Plan, which is likely to include an assessment of current County facilities and future needs. However, this plan is not specific to the Sheriff's Office. We are also studying plans to reuse and reopen the Blaine Street facility.

Attachment: Jails In Santa Cruz County, BOS response packet (Grand Jury Response - Jails)

R7. Law enforcement should create, use, and publish scorecards to measure the local success of inmate programs. (F7)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

Both our Sheriff's Office and Probation Department, as well as the Community Corrections Partnership, are continually studying the effectiveness of local programs aimed at reducing recidivism. The new Division of Reentry in the Sheriff's Office is also expected to monitor and report out on the effectiveness of offender programming.

Attachment: Jails In Santa Cruz County, BOS response packet (Grand Jury Response - Jails)

R10. Narcan nasal spray and epinephrine auto-injectors should be available, along with training on when and how to use them. (F11)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

The County Health Services Agency has trained local police agencies to administer Narcan, resulting in several lives saved to date. The primary need for Narcan is on the street with first responders. However, the Board is open to expanding the program into local jail facilities in the future should evidence demonstrate a need.

Attachment: Jails In Santa Cruz County, BOS response packet (Grand Jury Response - Jails)

Penal Code §933.05

1. For Purposes of subdivision (b) of §933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
 - a. the respondent agrees with the finding,
 - b. the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
2. For purpose of subdivision (b) of §933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
 - a. the recommendation has been implemented, with a summary regarding the implemented action,
 - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
 - c. the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report, or
 - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a County department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
4. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.
6. A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. **No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.**