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# County of Sacramento Office of Inspector General



## 2009 Annual Report



Safeguarding the Public Trust  
~ Integrity, Accountability, Transparency ~

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# County of Sacramento Office of Inspector General

~ Calendar Year 2009 Annual Report ~

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## Executive Summary

The Sacramento County Office of Inspector General (OIG) has broad oversight of the Sacramento County Sheriff's Department (SSD) internal disciplinary process and discretionary authority to evaluate matters of special interest related to the overall quality of law enforcement, custodial, and security services.

Sacramento County Inspector General Lee Dean is a member of the State Bar of California and former law enforcement executive trained in police auditing and mediation. Mr. Dean served as Chief of Police in the central and southern California cities of Vacaville and San Bernardino, working closely with civic and community groups to reduce crime and improve the quality of life. He has lectured and taught extensively, combining practical experience with the study of community policing, leadership, internal investigations, and organizational development.

During calendar year 2009 the Office of Inspector General:

- Met with community groups, special interest representatives, and individuals to resolve conflict, screen complaints and answer inquiries;
- Responded to and/or monitored a number of critical events;
- Processed a total of 39 complaints and inquiries from the public;
- Conducted a jail operations audit;
- Facilitated a workshop on uniform internal discipline investigations at the behest of the Professional Standards Division Commander;
- Facilitated a workshop for the Sheriff's Outreach Community Advisory Board on community-based service benchmarks;
- Reviewed all complaints of excessive use of force;
- Worked in concert with representatives from SSD, County Risk Management, Office of County Counsel and George Hills Co. (county claims adjustor) on procedures to mitigate and equitably resolve claims against the county arising from on-duty conduct by SSD personnel.



A number of recommendations were made in the *Office of Inspector General 2008 Annual Report*; these include:

### Conduct and Discipline

- Establish and adhere to uniform standards for evaluating disciplinary action;
  - Noteworthy gains toward consistent application of standards adopted by command and executive staff for evaluating disciplinary action have been

realized. Sustained commitment to these standards over the long term is essential if uniform disciplinary standards are to become part of the SSD culture.

- Track overdue disciplinary cases through an exception reporting model to significantly improve the timely administration of internal discipline;
  - A tracking model is now in place and significant improvement in the time it takes to complete an internal affairs investigation has been noted. Regrettably, delinquent cases still persist. Exception reporting needs to be strengthened in terms of individual accountability.
- Initiate an ongoing forum to identify patterns of conduct which expose the SSD and individuals to liability in order to engage preemptive strategies (*Project Horizon*);
  - Steering group members representing the OIG, SSD, County Counsel, Risk Management, and the county's claims adjustor have developed a prospectus to mitigate and equitably resolve claims against the county arising from on-duty conduct by SSD personnel. This endeavor is now under the auspice of the Department's Professional Standards Division; see page 47.
- Assess the impact of on-board cameras in patrol vehicles in conjunction with an earlier study completed by the Department on race and vehicle stops;
  - With no new expenditure of funds, a prospectus was prepared by the original provider and approved by the Board of Supervisors to extend the original grant, in order to assess the impact of on-board cameras. The Sheriff's Professional Standards Division in concert with the OIG will oversee completion of this study.
- Consider integrating in-car video surveillance recordings with an alternate dispute resolution forum for early resolution of racial profiling complaints;
  - During the past year, no complaints of racial profiling were filed against the Department. The priority of this recommendation became subordinate to the urgency of fiscal resources and budget cuts.
- Promulgate internal policy to vitiate an expectation of privacy by employees in wireless messages (e-mails, cell phones, and text messages) sent electronically on the Department's time and equipment.
  - This recommendation has been completed with re-publication of SSD General Orders 10/01 pertaining to communications equipment.

## Correctional Services

- As an urgency matter, direct a report back on strategies to address population pressures at the Sheriff's jail facilities;
  - The Board of Supervisors authorized an OIG audit of SSD jail operations which is set forth at page 85 of this report.
- Revise Correctional Health Services policy to define the steps required following in-custody deaths;
  - This recommendation has been completed with publication of Correctional Health Services Operational Policy 1112.

- Provide for response by SSD homicide detectives to in-custody deaths, other than those resulting from natural causes;
  - SSD General Order 7/04 now reflects this requirement.
- Revisit priority of capital improvement request for tier-enclosure to prevent suicide “jumpers” at the main jail;
  - This recommendation was adopted; the first housing unit has been completed.
- Continued due diligence by the Jail Suicide Prevention Task Force to implement prescriptive measures. Assess viability and need in terms of expanding in-patient Jail Psychiatric Services (JPS);
  - Cells at the Main Jail in the 2-East housing unit and in booking have been designated for JPS use.
- Provide for space on appropriate medical intake form for inmates to list any missing organs which may impact medical care;
  - With concurrence of Correctional Health Services, this recommendation has been completed with revision of the medical intake form.
- Organize inmate grievances, incident reports, and disciplinary reports for each Correctional Services Division into a viable tracking system to assess systematic issues, and where needed, corrective action;
  - This recommendation has been implemented.
- Add “Leadership Development” to the annual reporting template for Correctional Services with a deliberate focus on first-line supervisors relative to their critical role in preempting adverse actions involving subordinate personnel.
  - This recommendation became subordinate to reorganization of the Department due to budget cuts.

## Field Services and Investigations

- Issue individual audio-packs to all field officers to capture audio track corresponding with digital recording from on-board cameras and clarify expectations concerning deployment of this equipment;
  - Wireless microphone units are now issued to all field officers assigned to a camera-equipped vehicle. While General Order 10/10 requires the use of all audio/video equipment, uniform adherence to this internal policy remains a work-in-progress.
- Establish policy to accommodate a walk-through of critical incident scenes by the Sheriff’s Legal Advisor, Inspector General, and Risk-Management designee;
  - General Order 2/06 has been revised to provide for peripheral scene orientation and subsequent walk-through after the scene has been processed for evidence; publication is pending.
- Benchmark working conditions and incentives with industry standards to attract and retain a stable cadre of experienced SSD homicide detectives, and standardize advanced investigations training within the homicide unit;



- Although significant steps have been taken with respect to advanced training venues, working conditions and incentives have been hindered by wide spread budget cuts and reallocation of personnel. The full impact of this stalemate remains to be seen.
- Take full advantage of information technology to increase the efficiency and effectiveness of SSD homicide detectives;
  - Initial positive steps toward laptops, air cards, cell phones and surveillance assistance have largely been lost due to cost cutting measures imposed as a result of budget cuts.
- Provide for a dedicated polygraph examiner and information technology analyst on staff for ready access by homicide detectives;
  - Two homicide detectives have been cross-trained as polygraph examiners; the technology analyst did not make the priority list.
- Revise and update internal SSD policy on the Court Liaison function to ensure viable procedures and accountability which reflect the current structure and needs of the Department.
  - SSD General Order 8/03 has been revised consistent with this recommendation; publication is pending.



*Gordon D. Schaber Sacramento County Courthouse,*

## The Coming Year

In October 2008, Sheriff McGinness published a 2008-2013 strategic plan for the Sacramento County Sheriff's Department. This plan is a well crafted document that chronicles what the SSD seeks to accomplish in terms of crime reduction, community relations, correctional services and related initiatives. In reality, budget cuts resulting in loss of personnel and redistribution of resources necessitate critical examination of the Department's strategic plan, in order for SSD to set priorities to maximize synergy between and among the strategic directions and objectives listed in its plan; (see below). This undertaking can become the catalyst to redefining the road-ahead for SSD insofar as delivery of essential services is concerned.

### SSD Strategic Directions and Objectives

<b>1: Reduced Crime</b>	<b>5: Advanced Technology Solutions</b>
1.1 Enhance Department-wide crime analysis 1.2 Enhance crime prevention initiatives 1.3 Enhance enforcement initiatives	5.1 Advance integration capabilities 5.2 Advance communications technology 5.3 Advance technology support and infrastructure 5.4 Enhance technology business processes
<b>2: Organizational Excellence</b>	<b>6: Effective and Efficient Asset Management</b>
2.1 Enhance our culture of excellence 2.2 Develop the organization 2.3 Develop employees 2.4 Develop exemplary leadership 2.5 Enhance recruitment, hiring, training, & retention of employees 2.6 Enhance accountability	6.1 Enhance fleet aesthetics and management 6.2 Enhance management of equipment and other assets 6.3 Enhance management of software assets
<b>3: Strengthen Relationships</b>	<b>7: Enhanced Correctional Services</b>
3.1 Strengthen internal communications 3.2 Strengthen community relations 3.3 Strengthen governmental relations	7.1 Provide a safe and secure correctional environment 7.2 Provide optimum health care services 7.3 Provide rehabilitative opportunities 7.4 Optimize system management
<b>4: Strengthened Homeland Defense</b>	<b>8: Enhanced Facility Development and Use</b>
4.1 Optimize first-responder capabilities 4.2 Optimize protection of critical infrastructure 4.3 Optimize intelligence capabilities 4.4 Optimize explosive detection and response capabilities 4.5 Optimize community disaster preparedness	Objectives forthcoming during 2010

## Purpose of Report

This annual report to the Sheriff, County Executive, Sacramento County Board of Supervisors, and the citizens of Sacramento County is one means by which the diverse communities throughout Sacramento County can gauge the effectiveness of service rendered by the Sacramento Sheriff's Department. Statistical data on misconduct complaints filed against employees of the Sheriff's Department is presented, and critical functions central to public safety are addressed. Thus, a forum is provided for recommendations to enhance the overall quality of law enforcement, custodial, and security services under the jurisdiction of the Sheriff's Department.

In monitoring Sheriff's Department operations, the Office of Inspector General (OIG) evaluates levels of compliance with internal policies, as well as competency to industry standards. Systemic concerns are addressed in relationship to their potential impact on stewardship, transparency, and operational effectiveness. Isolated conduct as well as widespread patterns or practices are evaluated based on whether and to what extent they promote or hinder:

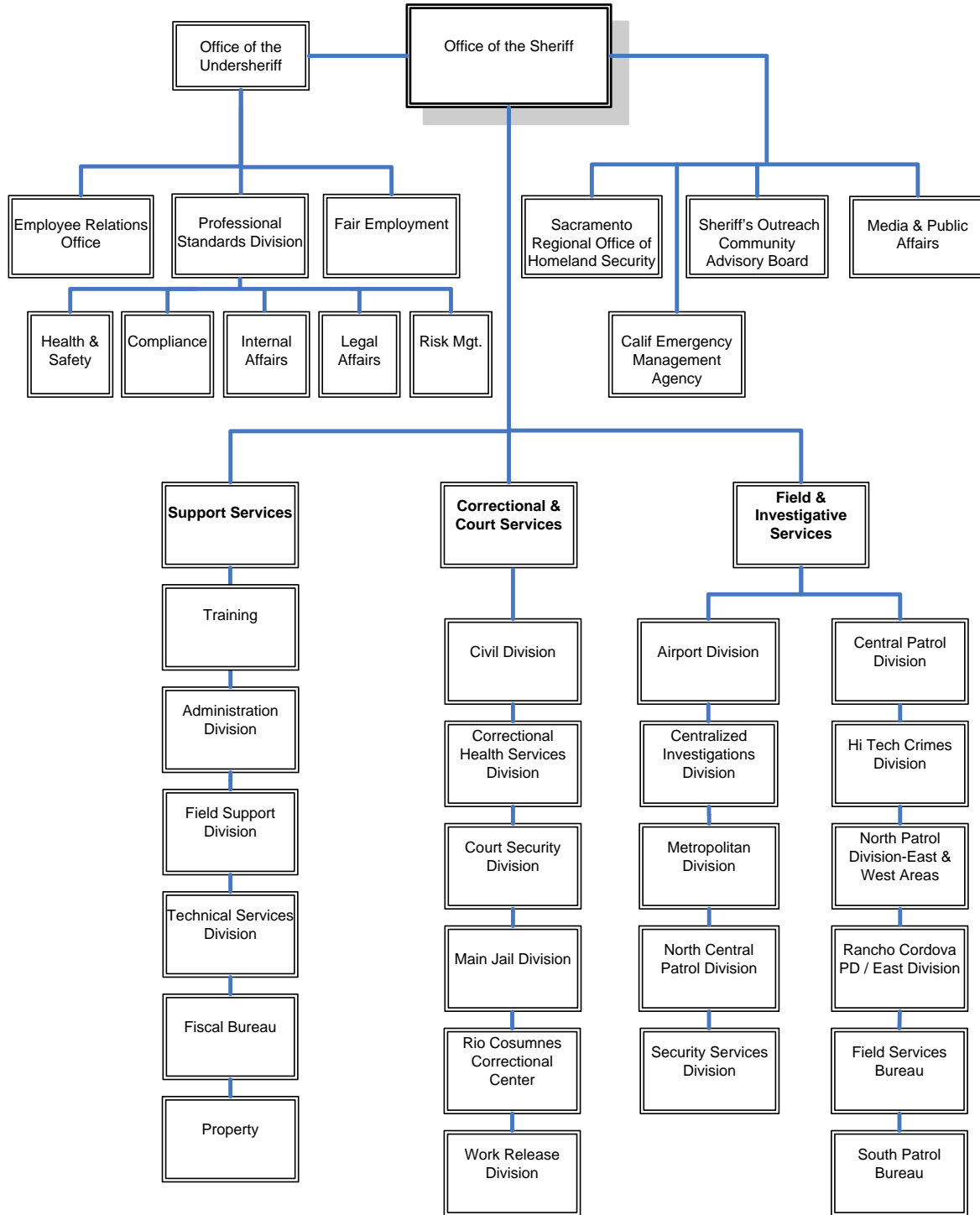
- Accountability;
- Constitutional protections;
- Receipt, investigation, and judicious resolution of citizen complaints;
- Risk reduction systems and strategies;
- Promotion of best practices in view of industry standards and internal assessments;
- Adherence to technical assistance letters, judicial decrees, or executive directives;
- Management and supervisory practices which support professional standards;
- Overall effectiveness.

In 2009, faced with daunting budget reductions, Sheriff McGinness consolidated operations from five to three service areas, and eliminated a number of executive, management, and supervisory positions. Also eliminated as stand-alone units, were certain support functions, such as SWAT, K-9, and Motors. The impact of these service reductions remains to be seen. The OIG will monitor events as they unfold.

A useful frame of reference in understanding how the SSD has reorganized delivery of essential services can be gleaned from its resulting Table of Organization depicted on the following pages:



# Sacramento Sheriff's Department Table of Organization



Note: There are three Chief Deputy positions, one for each "Service Area". Each Division is under the direction of a Sheriff's Captain or equivalent professional staff.

## SSD Table of Organization: Functional Responsibilities

### Office of the Sheriff

**Community Advisory Board (SOCAB):**

Citizen group appointed by the Sheriff, Board of Supervisors, and local municipalities, who advise the Sheriff on matters of community interest; published agenda, open to the public.

**California Emergency Management Agency (Cal-EMA):**

Statewide taskforce provides emergency and disaster preparedness and prevention.

**Media & Public Affairs:**

Public information and affairs for the Sacramento Sheriff's Department.

**Sacramento Regional Office of Homeland Security:**

Develops and implements first responder strategies and capabilities, and optimize protection of critical infrastructure as well as disaster preparedness.



### Office of the Undersheriff

**Professional Standards Division:**

Conducts misconduct investigations through the Internal Affairs Unit and provides legal advice to the Sheriff and staff on day-to-day operations of the Department. Functional oversight of the SSD Strategic Plan, health and safety, compliance and risk management.

**Employee Relations / Fair Employment:**

Responsible for addressing all activities involving Equal Employment Opportunity and workplace issues with an emphasis on maintaining a positive working environment.

### Support Services

**Field Support Division:**

Provides communications, identification, and crime scene investigation services as well as maintains Department records.

**Technical Services Division:**

Responsible for supporting the Department's information technology systems.

**Administrative Division:**

Manages fiscal affairs, facilities, purchasing, bingo compliance, alarm ordinance, and fleet management.

**Fiscal Bureau:**

Prepares SSD annual budget and manages revenue and reimbursement to the Department.

**Property:**

Manages intake, classification, tracking and safe storage of all evidence and other property booked by SSD personnel.

## Correctional & Court Services

### **Main Jail Division:**

Primary custodial facility for short-term inmates within Sacramento County.

### **Rio Cosumnes Correctional Center:**

Primary custodial facility for long-term inmates within Sacramento County.

### **Work Release Division:**

Provides management of participating non-violent offenders to work in supervised programs to benefit the community, redress jail population pressures, and reduce expense to taxpayers.

### **Correctional Health Services:**

Primary health service provider for inmates within the Sacramento County correctional system.

### **Court Security Division:**

Security and law enforcement services throughout the Sacramento County courts.

### **Civil Division:**

Administers civil process in the manner prescribed by statute.

## Field & Investigative Services

### **Centralized Investigation Division:**

Provides centralized investigations for the crimes of homicide, burglary, sexual and elder abuse, child abuse, sexual assault, auto theft, and real estate fraud; oversight of major crimes and narcotics units.

### **Hi-Tech Crimes Division:**

Provides centralized investigative resources targeting internet crimes against children and identity theft, and oversight of the Sacramento Valley Hi-Tech Task Force.

### **Metropolitan Division:**

Specialized units consisting of the violence suppression bureau, air operations, explosives ordinance bureau, and the major case narcotics bureau.

### **Security Services Division:**

Provides security services throughout Sacramento County.

### **Airport Division:**

Patrol and security services at and in the vicinity of the Sacramento International Airport.

### **North Patrol Division-East & West Areas:**

Patrol station serving Rio Linda, North Highlands, Elverta, Fair Oaks, Antelope, North Carmichael, Gold River, Foothill Farms, and Orangevale.

**Central Patrol Division / South Bureau:**

Patrol station serving Fruitridge Vista, Florin, The Parkways, south end of Oak Park, Rancho Murieta, Wilton, Herald, Sherman Island, Walnut Grove, Hood-Franklin, Courtland, Thorton, and the out-skirts of the cities of Galt and Isleton.

**East Division:**

Patrol station serving the contract City of Rancho Cordova and the Rosemont, Larchmont, Churchill Downs, Vintage Park, and Mather areas.

**Field Services Bureau:**

Specialized services such as reserve forces, K-9, and mounted units.



## The Office of Inspector General

### Mission Statement:

Law enforcement officers are entrusted with unparalleled responsibility and authority. They make countless decisions daily which both impact members of the community and shape public opinion. Although the practice of independent oversight is not new to government, it is an emerging concept for law enforcement. Such assessment exemplifies progressive governance based on stewardship and accountability. Within the context of local law enforcement, providing for a continuum of independent oversight just makes good sense in the interest of promoting accountability and transparency. This is the primary mission of the OIG.

### Responsibilities:

The Inspector General in consultation with the Sheriff reports directly to the Sacramento County Board of Supervisors. Established in September of 2007, the OIG has oversight of the Sheriff's Department internal disciplinary process, and broad discretionary powers to evaluate and recommend ways to improve the overall quality of law enforcement services. Open-door consultation with members of the community as well as employees of the Sheriff's Department is welcomed. The OIG may conduct audits of investigative practices and other audits or inquiries deemed appropriate; duties include:

#### *Oversight:*

- Accept complaints directly from or assists members of the public as well as Sheriff's Department employees in filing complaints of misconduct involving Sheriff's Department employees;
- Monitor select allegations of employee misconduct, to include all investigations alleging excessive or unnecessary use of force;
- Receive all documents, reports or any other items necessary to audit select investigations and conduct systemic reviews of the disciplinary system to ensure fairness and equity;
- Interview or re-interview complainants and witnesses as required to ensure that investigations are fair, unbiased, factually accurate and complete;
- Monitor or independently investigate any other matter as requested by the Sheriff or as directed by the Board of Supervisors.

#### *Reporting:*

- After consultation with the Sheriff and County Counsel, publish an annual report to the Board of Supervisors containing statistical information on the number of complaints filed; making recommendations for improvements in the complaint process; evaluating the effectiveness of existing policies, practices, and



regulations; analyzing issues, trends, and patterns; and identifying pervasive and emerging problems.

*Community Liaison:*

- Provide complainants with timely updates on the status of investigations, excluding disclosure of any information which is confidential or legally protected;
- Serve in a public relations capacity in various community forums, and provide information on pending and completed investigations within the legal and ethical limits of confidentiality;
- Serve as a conduit to community leaders and the public for information about administrative investigations, the policies and procedures of the Sacramento Sheriff's Department, or the practices of law enforcement in general;
- Mediate or facilitate resolution of disputes between the Sheriff's Department and community members upon invitation of the Sheriff.



## Community Liaison

### Complaints and Inquiries

During calendar year 2009, the Office of Inspector General (OIG):

- Processed 39 complaints/inquiries directly from the public and facilitated follow through from allegations of misconduct involving Sheriff's Department employees;
- Reviewed all investigations alleging excessive or unnecessary use of force;
- Received documents, reports, or other items necessary to monitor/audit select misconduct investigations to ensure a thorough, objective, and fair investigation;
- Interviewed or re-interviewed complainants and witnesses in select cases to ensure that investigations are factually accurate and complete.

Formal complaints are directed to the Sheriff's Professional Standards Division and monitored by the OIG. Contact is maintained with the complainant to ensure that status reports follow and questions are addressed. In order to fulfill this function, the OIG maintains a close working relationship with the Sheriff's Professional Standards Division.

### Jail Information Pamphlet

In July 2009 the OIG in concert with the local branch of the NAACP and SSD correctional services staff published an informative pamphlet entitled "Jail Inmate Information Guidelines." This arose from a suggestion by Sacramento NAACP branch President Betty Williams, that information concerning access to medical and mental health services, along with other jail procedures, be made readily accessible to family members of inmates incarcerated in the Sacramento County jail system. This pamphlet provides a good deal of useful information. It is available at the downtown NAACP branch office and through each of the Sheriff's jail facilities.

### Sheriff's Outreach Community Advisory Board

The Inspector General attends regularly scheduled sessions of the *Sheriff's Outreach Community Advisory Board* (SOCAB). SOCAB's mission is to facilitate open and direct communication between community members and the Sheriff's Department in order to promote understanding of law enforcement and improve community relations. Near the end of 2008, the Sacramento County Office of Inspector General (OIG) facilitated a SOCAB workshop to determine community-oriented service benchmarks to coincide with implementation of the *Sheriff's Department 2008-2013 Strategic Plan*. The results of this initial workshop are listed below under the categories of *Customer Service*, *Community Outreach* and *Workforce Priorities*.

As 2009 began to unfold, it became clear that budget cuts would result in a substantial reduction of law enforcement presence within the communities served by the Sheriff's Department. Thus, a follow through workshop was convened by the OIG in October 2009 at

the behest of SOCAB members to examine the inevitable adverse impact on essential law enforcement services.

In order to broaden the reach of this endeavor, Sacramento County Community Planning Advisory Council (CPAC) delegates and community representatives were invited to participate in this community-based workshop. Sheriff McGinness and staff played a key role as participants in the forum.

**The 2009 workshop centered around three key questions:**

Concerning the Sacramento County Sheriff's Department Strategic Plan and the goals of Organizational Excellence and Strengthened Community Relationships:

- I. Which services from the prior workshop are of greatest concern in terms of being reduced or eliminated? (Pick the top four)*
- II. If reduction or elimination of these services occurs, is there likely to be a disproportionate impact on any segment of the community?*
- III. What steps in mitigation should the Sheriff consider taking?*

Customer Service:

**Priorities from 2008 SOCAB workshop**

1. Targeted enforcement of "crime challenged" areas, working collaboratively to prevent degradation of living conditions, and promote community safety;
2. Uniformity and equality in terms of excellent service throughout every service area, and incorporate cultural training by individuals with the background and qualifications needed to deliver the topic;
3. When a "customer" contacts the Department for assistance, facilitate ease of initial contact, as well as follow through, with the right person the first time;
4. Maintain acceptable response times to emergency calls for service;
5. Expand on and structure the use of volunteers through organized activities such as churches and other community-based organizations;
6. Work collaboratively with the private security sector on community service plans which balance public/private resources;
7. Follow through with victims in providing feedback on the status of any ongoing investigation, apprehension of suspects, and measures to prevent further victimization; don't just take a report and leave;
8. Liaison with the business community in regard to reporting property crimes, and how to appropriately go about doing so;
9. Provide proactive media access to high visibility matters of community interest such as crime trends, public safety information, victim assistance, etc.

## October 2009 Follow Through Workshop Results

### Top Four Customer Service Priorities-Consensus Results

Group consensus around customer services of greatest concern in terms of their reduction or elimination:

2. Uniformity and equality in service within every service area.
4. Maintain *acceptable* response time to emergency calls.
5. Use of volunteers via community-based organizations.
7. Follow through with crime victims.

### Suggested Mitigation Measures

- ✓ Develop baseline response times for all call categories and notice caller of delay when feasible to do so;
- ✓ Create victim-centered service infrastructure, policy and procedure; i.e. follow up contact by investigator or volunteer, crime prevention tips, report copies/number provided, etc.;
- ✓ Use volunteers to enhance victim assistance;
- ✓ Benchmark best practices; make use of survey tool and continuous assessment;
- ✓ Develop interagency agreements; i.e. regionalization of services/mutual assistance protocol;
- ✓ Explore and expand enterprise funding via property and business improvement districts and multi-family improvement districts; see <http://www.lani.org/files/LANI%20-%20%20PBID%20Ppt%202.pdf>;
- ✓ Strengthen contacts with CBOs, faith-based community, etc. via leaders database (eyes and ears);
- ✓ Explore foundation outreach; i.e. as a way to address identified need.

### Disparate Impact Concern

Effects of not maintaining acceptable response time to emergency calls for service will be felt to greater degree in economically depressed communities. Also, expanded use of enterprise funding should be sensitive to incorporating an offset/set-aside factor in order to address the disparate impact concern.

## Community Outreach:

### **Priorities from 2008 SOCAB workshop**

1. Provide positive forum for interaction off the streets through monthly meetings at Community Service Centers;
2. Continue movement toward openness and transparency throughout SSD; i.e. SOCAB activities and similar community-based outreach;
3. Actively liaison within all ethnic and immigrant minority business communities via cultural awareness and outreach focusing on reporting crime;
4. Communicate good things that occur (positive events in field services and correctional services) and not just the negative stuff; i.e. manage the perception which the community has of the Department (perception is reality);
5. Build reciprocity through consistent and ongoing contact with leaders of constituent groups in order to advance community policing and create mutually supportive outcomes;
6. Target high-school age youth for access to intervention activities and programs generally targeting younger kids and college-age groups;
7. Deal forthrightly with the topic of racial profiling in terms of community relations, perception, and education with concerned organizations and individuals;
8. Encourage representation of minority faith-based community in the Law Enforcement Regional Chaplaincy Program;
9. Engage the community at large as stakeholders in crime prevention via communications, networking, technology applications, etc.

### **October 2009 Follow Through Workshop Results**

#### **Top four Community Outreach Priorities-Consensus Results**

Group consensus around community outreach priorities of greatest concern in terms of their reduction or elimination:

3. Interaction with ethnic and immigrant business community in terms of crime reporting and crime prevention.
5. Ongoing contact with constituent groups to strengthen community policing.
6. Youth intervention programs.
9. Engage the community in crime prevention via networking, technology, etc.



## **Suggested Mitigation Measures**

- ✓ Benchmark best practices in terms of outreach/intervention (Department of Justice, Professional Executive Research Forum, etc.);
- ✓ Develop database of leaders within ethnic, immigrant and business communities in order to draw upon unique skills and knowledge for purposes of liaison;
- ✓ Align intra-agency resources with community stakeholders in mind;
- ✓ Identify community stakeholders (i.e. motels, restaurants, convenience store owners) to develop collaborative solutions which address the three sides of the crime triangle-victim, location and suspect;
- ✓ Develop and train a cadre of volunteers/reserves to present community-based law enforcement programs created by SSD;
- ✓ Engage element of social networking;
- ✓ Encourage SSD paradigm shift toward community stakeholder collaboration;
- ✓ Prioritize youth intervention via collaborative ventures, grants, etc.

## **Disparate Impact Concern**

Segments of community without an organized voice and with fewer means of communication are in danger of being left behind as resources are stretched thin in the services listed as priorities.

Workforce:

## **Priorities from 2008 SOCAB workshop**

1. Maintain a highly visible, professionally uniformed presence on patrol;
2. Seek diversity in the higher ranks and representative outreach by current SSD Incumbents;
3. Cultivate bi-lingual and culturally skilled officers through incentives and performance measures which emphasize and reward community involvement;
4. Proactive recruitment of under represented groups with fixed internal responsibilities and well publicized contact information to ensure follow through;
5. Cultural integration for new officers with an emphasis on how "field" training socializes new deputies in either a positive or negative manner in terms of community policing and the principle of behavioral accountability;
6. Consider reorientation of deputies transferring to field service, focusing specifically on community policing and the importance of building sound relationships with the communities served;
7. A focused effort is needed at the line-level (patrol officers and detectives) relative to building trust and reciprocity with the community (i.e. not everyone is a suspect, and they should be treated accordingly);
8. Develop a cadre of qualified individuals to serve as a ready-resource to provide cultural liaison link and assist as able with sensitivity training;

9. Refocus efforts to build expectations around the Department's mission, core values and strategic plan.

### **October 2009 Follow Through Workshop Results**

#### **Top Four Workforce Priorities-Consensus Results:**

Group consensus around priorities of greatest concern in terms of their reduction or elimination:

1. Maintain a highly visible uniformed presence on patrol.
3. Cultivate bi-lingual and culturally skilled officers.
6. Orientation on community policing and importance of sound community relations.
7. Focused effort at line-level relative to building trust and reciprocity with the community.

#### **Suggested Mitigation Measures**

- ✓ Emphasize building relationships with the community; i.e. every patrol officer is a POP officer;
- ✓ Maintaining a professional, squared-away uniform appearance is critical to sustaining a visible presence; wear the uniform when possible;
- ✓ Cultural renaissance with emphasis on organizational mission and importance of patrol in terms of first impressions, a caring approach and building mutual support.

#### **Disparate Impact Concern**

Underrepresented segments of the community in which English is a second language are most at risk in terms of scaling back the services listed as priorities.

#### **Summary**

The prevailing theme from this workshop can be summarized as follows:

- SSD by necessity must begin to plan, organize, staff and direct resources in *partnership* with the community;
- This will entail a paradigm shift and a cultural renaissance; i.e. a change in thinking from "what can law enforcement do for the community", to "what can law enforcement do in partnership with the community;"
- In this regard, the burden is on SSD to proactively build relationships with community-based organizations and leaders to establish a reservoir of trust;
- In moving forward, it is essential that SSD implement service strategies so that no part of the community is left behind in terms of essential law enforcement services.

- The knowledge gained through this endeavor can be put to good use by the Sheriff's Department in terms of balancing priorities, creating shared awareness and allocating resources. *It is strongly recommended that the strategies in mitigation emerging from this workshop be adopted and specifically addressed in future updates covering the Sheriff's 2008-2013 Strategic Plan.*



## Complaints and Discipline

### Introduction

Law enforcement officers must be free to exercise their best judgment and to initiate action in a lawful and impartial manner without fear of reprisal. They also have a special obligation to observe the rights of all people. Achieving this balance necessitates broad authority in conjunction with sound discretion. Therefore, every California law enforcement agency must by law have an internal process for investigating complaints which arise from on-duty conduct by its employees.

The Sacramento County Office of Inspector General (OIG) provides independent oversight of this process within the Sacramento Sheriff's Department (SSD). Complaints made during calendar year 2009 are set forth on the data pages which follow. The disposition and outcome for these complaints is also reported in the interest of transparency.

Dealing forthrightly with allegations of misconduct which violate the public trust is essential. Sustaining misconduct based on facts and exonerating those innocent of wrongdoing are on equal footing in terms of importance. Central to achieving accountability, is the notion that due diligence and due process go hand-in-glove. Importantly, no set of written directives can possibly cover every contingency an employee may encounter. Within a given context, policies and procedures will be subordinate to discretion and sound judgment, which become the primary measures for evaluating conduct.

### Internal Audit

SSD Internal timelines are established by policy to help ensure that misconduct investigations are resolved expeditiously. In 2008, the OIG in concert with the Sheriff's Professional Standards Division facilitated an audit of the SSD disciplinary system for calendar years 2006 and 2007 to determine whether these timelines were met. It was determined that the time allotted by policy for resolution of complaints was routinely exceeded. This is significant in that untimely or failed discipline erodes both public trust as well as the core values of the Department.

With concurrence from Sheriff McGinness, and with assistance from the Professional Standards Division, an exception reporting model was established to track and report weekly on the status of all misconduct investigations, including those delinquent under policy. A follow through audit for calendar year 2009 reflects steady and significant improvement in timely completion of internal affairs investigations, from 110 days to 83 days (versus 75 days set by policy).

The Division-level review process for these cases took 29 days (versus 15 days set by policy). Less serious divisional-investigation cases handled by the respective divisions took an average of 126 days to complete (versus 90 days set by policy). The improvement hoped for in these latter two categories regrettably did not occur. This long-standing systemic breakdown begs a solution. Remedial steps taken thus far have clearly been only partially successful. A follow through audit will be conducted at the end of 2010 to assess

the impact of whatever corrective action the Department initiates. [Establishing a meaningful system of follow-through and accountability is the only way this problem will be fixed.](#)

## Uniform Standards

At the behest of Sheriff McGinness, a workshop to establish uniform disciplinary standards was facilitated by the Inspector General in early 2008. The resulting “Disciplinary Assessment Benchmarks” set forth below were adopted by the Department shortly thereafter. These benchmarks are starting to weave themselves into the investigative findings completed by Command and Executive Staff. Only through a committed effort between and among **all** Divisions and Service Areas to sustain this effort will these benchmarks of uniformity ultimately be reflected in the culture of the Department.



*Sheriff's Main Jail, Sixth & I*



**Sacramento Sheriff's Department  
DISCIPLINARY ASSESSMENT BENCHMARKS**

**A. To what extent are SSD organizational core values impugned?**

Acts which violate your organization's core values, (i.e. dishonesty, criminal conduct, moral depravity, etc.), represent one end of the disciplinary spectrum. Such conduct implicates both the *Peace Officers Code of Ethics* and the *Oath of Office*. Public trust and confidence in the Department are put at issue when this sort of conduct occurs, and often remain tenuous throughout the investigation and disposition phases. While there are obviously gradations here, sustained violations of this sort merit strict scrutiny in terms of discipline.

**B. Was the conduct intentional, reckless, negligent or purely accidental?**

The employee's state of mind is a factor in discipline. While there are sometimes difficult degrees of separation here, this is of threshold importance.

**C. What sanction/corrective action is needed to address the three core reasons for discipline?**

- Punish the conduct;
- Correct the behavior;
- Reaffirm expectations within the organization and deter further misconduct.

Where the weight is placed between and among these three reasons depends on the nature of the conduct in question and the context in which it occurs. The notion that higher rank equates to greater accountability is also at issue here.

**D. Are there mitigating or aggravating circumstances which tilt the balance in terms of the appropriate sanction?**

- Extent to which conduct discredits the agency/law enforcement; notoriety and nature of conduct;
- Adverse impact on agency efficiency and effectiveness;
- Nature and extent of resulting harm;
- Nature and degree of risk to the public;
- Nature and degree of risk to fellow employees;
- Cooperative versus uncooperative response by employee;
- Prior conduct by the employee;
- Context within which the conduct occurred; i.e., contemporaneous with an enforcement action, isolated event, etc;
- Other facts or circumstances unique to the occurrence which either aggravate or mitigate;
- Viability of corrective intervention, i.e. whether prior steps have been taken to correct the behavior.

## Complaint Data

The OIG tracks all misconduct complaints and has established a quarterly reporting model specifically for this purpose. Only those cases which are closed during the calendar year are included for data purposes; cases opened but not closed during the year will be reflected in data for the following year. Special thanks go to Sheriff McGinness for his support, and to his Professional Standards Division staff for their assistance in compiling the data needed for this report. Importantly, this comprehensive picture of the SSD disciplinary system will enable tracking and trending of misconduct as one means of evaluating corrective and preventive measures.

A sense of context is important when viewing complaint data. For example, the Sheriff's Department has a noteworthy overall sustained rate of 66 %. This means that misconduct was found to have occurred in approximately two of every three investigations. Also, 60 % of these investigations were initiated internally. *In other words, SSD managers and supervisors largely do hold employees accountable for their actions. As noted in this report however, timely administration of the SSD disciplinary system needs to improve.*

The magnitude of services provided by members of the Sheriff's Department during the reporting period is useful to consider. Such services include 509,467 calls for service, 220,533 dispatched events, over 17,000 adult arrests, approximately 56,000 prisoner bookings, and literally thousands of other contacts between the community and staff within the Department's three service areas.

As a means of benchmarking the Department's efforts to mirror in its makeup the diverse community served, this section is introduced with a comparison of SSD workforce figures relative to Sacramento County demographics.

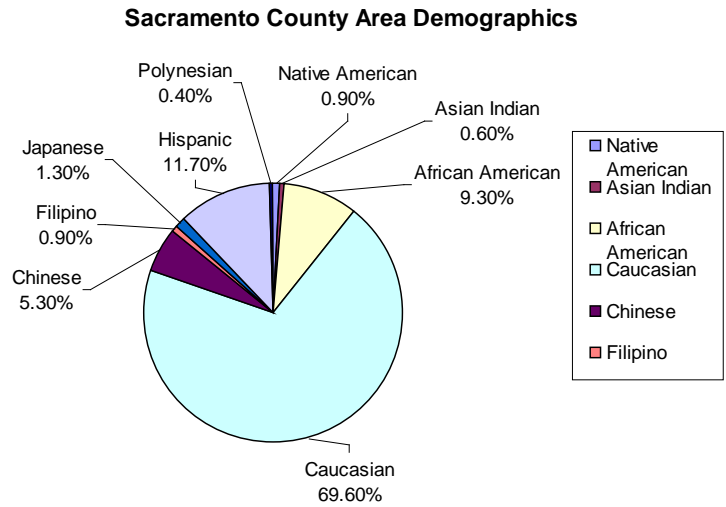


## SSD Work Force and Area Demographics

The Sacramento metropolitan area and the Sacramento Sheriff's Department reflect a diverse make up of cultures, race, ethnicity, and heritage as reflected in current data provided by the Sacramento County Department of Personnel Services and Sacramento County Sheriff's Department Human Resources Division.

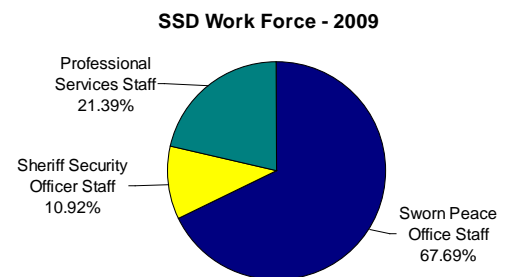
### Sacramento County Area Demographics – Current Census

Native American	0.90%
Asian Indian	0.60%
African American	9.30%
Caucasian	69.60%
Chinese	5.30%
Filipino	0.90%
Japanese	1.30%
Hispanic	11.70%
Polynesian	.40%
<b>Total</b>	<b>100.00%</b>



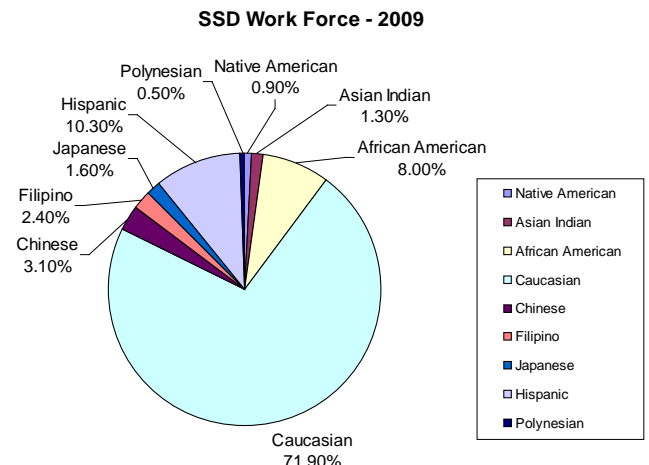
### SSD Work Force - 2009

Sworn Peace Officer Staff	1718	67.69%
Sheriff Security Officer Staff	277	10.92%
Professional Services Staff	543	21.39%
<b>Total</b>	<b>2538</b>	<b>100.00%</b>



### SSD Work Force 2009

Native American	23	0.90%
Asian Indian	33	1.30%
African American	203	8.00%
Caucasian	1,825	71.90%
Chinese	79	3.10%
Filipino	61	2.40%
Japanese	40	1.60%
Hispanic	261	10.30%
Polynesian	13	0.50%
<b>Total</b>	<b>2,538</b>	<b>100.00%</b>



Note: Total percentages figures pages 26 to 44 rounded.

## Use-Force-Complaints

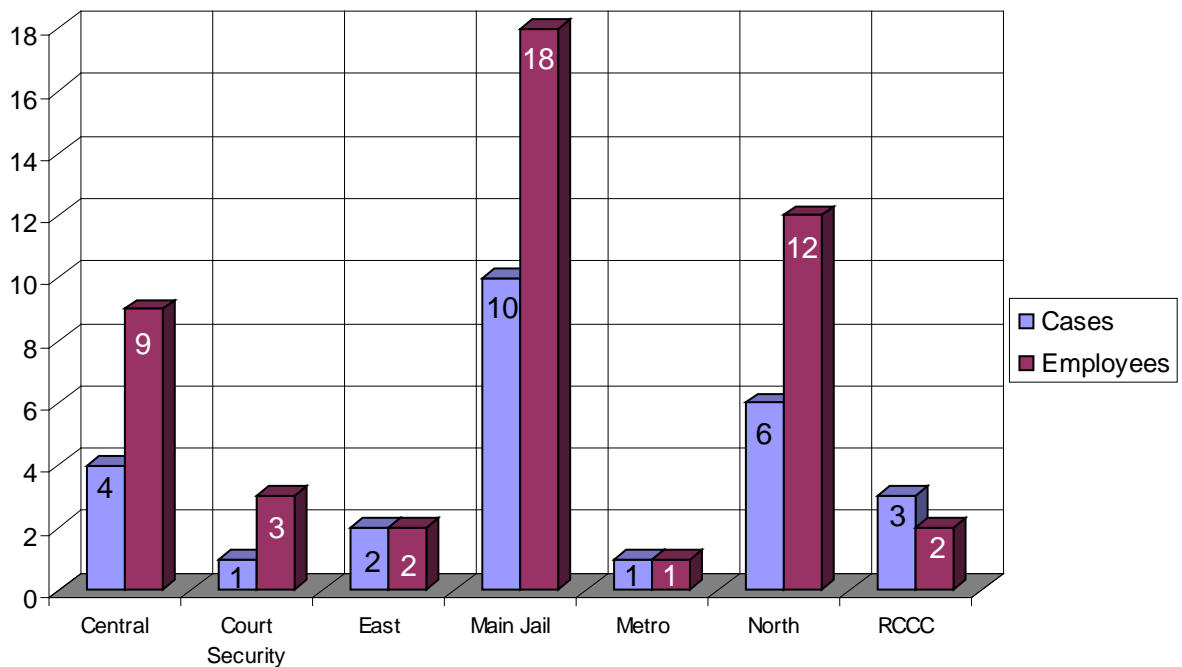
Twenty-seven use-of-force complaints were investigated by the Sacramento Sheriff's Department (SSD) Professional Standards Division and closed during calendar year 2009. SSD General Order 2/11 defines use-of-force as:

*Any use-of-force resulting in a visible or reported injury, or involving the use of firearms, impact weapons, chemical weapons, carotid control holds, or vehicles. This includes any incident as outlined in Section 835a of the California Penal Code, which provides that any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.*

### Employees Involved in Use-of-Force Cases by Division

Central	4 Cases	14.82%	9 Employees	19.15%
Court Security Division	1 Case	3.70%	3 Employees	6.38%
East Division	2 Cases	7.40%	2 Employees	4.26%
Main Jail Division	10 Cases	37.04%	18 Employees	38.30%
Metro Division	1 Case	3.70%	1 Employee	2.13%
North Division	6 Cases	22.23%	12 Employees	25.53%
RCCC Division	3 Cases	11.11%	2 Employees	4.25%
<b>Total</b>	<b>27</b>	<b>100.00%</b>	<b>47</b>	<b>100.00%</b>

### Use-of-Force Complaints by Area / Division

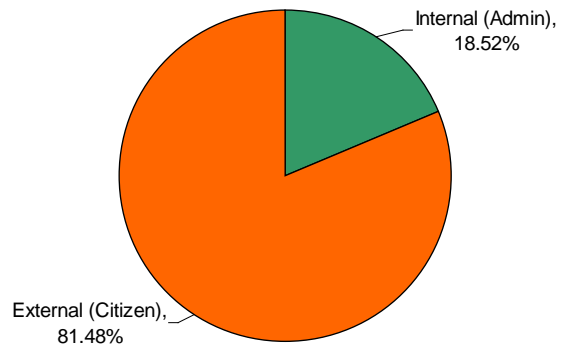


**Source of Use-of-Force Complaints**

5 cases were internally initiated (administrative) – 18.52%

22 cases were externally initiated (citizen) – 81.48%

**Source of Use-of-Force Complaints**



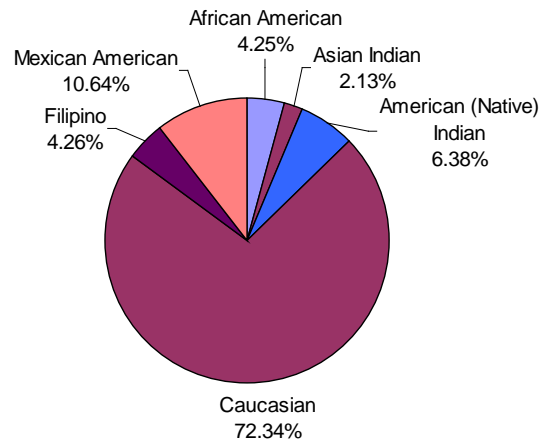
**Employees Involved in Use-of-Force Cases by Gender and Classification**

Male	41	87.23%
Female	6	12.77%
Deputies	47	100.00%
On-Call Deputies	0	0.00%

**Employees Involved in Use-of-Force Cases by Race**

African American	2	4.25%
Asian Indian	1	2.13%
American (Native) Indian	3	6.38%
Caucasian	34	72.34%
Filipino	2	4.26%
Mexican American	5	10.64%
<b>Total</b>	<b>47</b>	<b>100.00%</b>

**Use-of-Force by Employee Race**

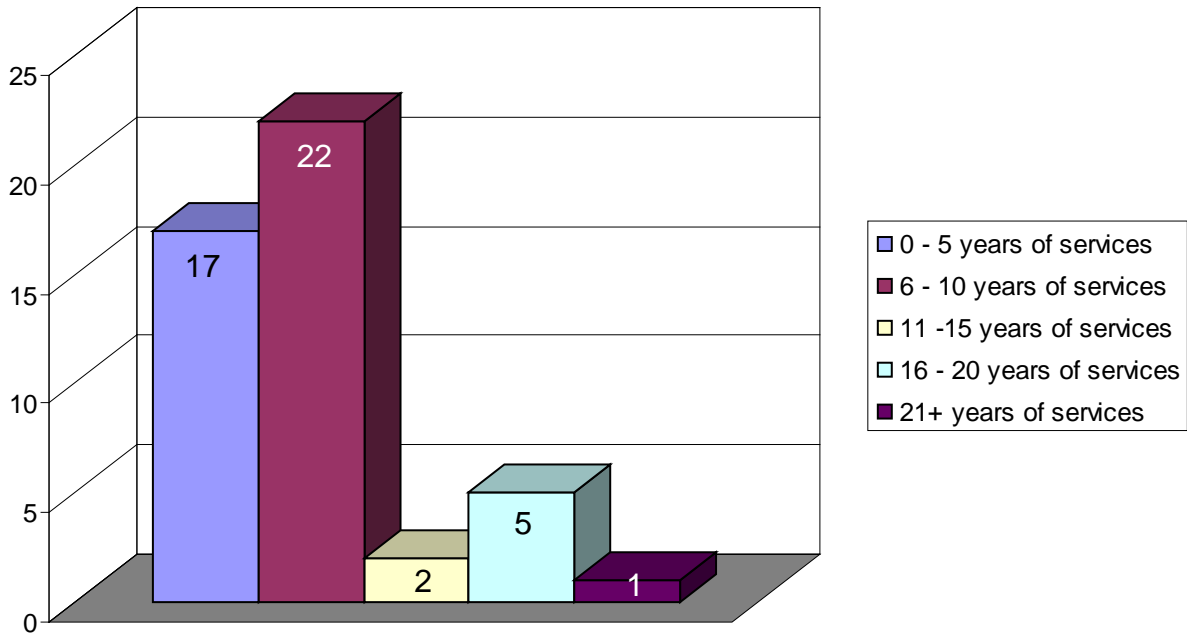




**Average Years of Service by Employees Involved in Use-of-Force Cases**

0 – 5 Years	17	36.17%
6 – 10 Years	22	46.80%
11 – 15 Years	2	4.26%
16 – 20 Years	5	10.64%
20+ Years	1	2.13%
Total	47	100.00%

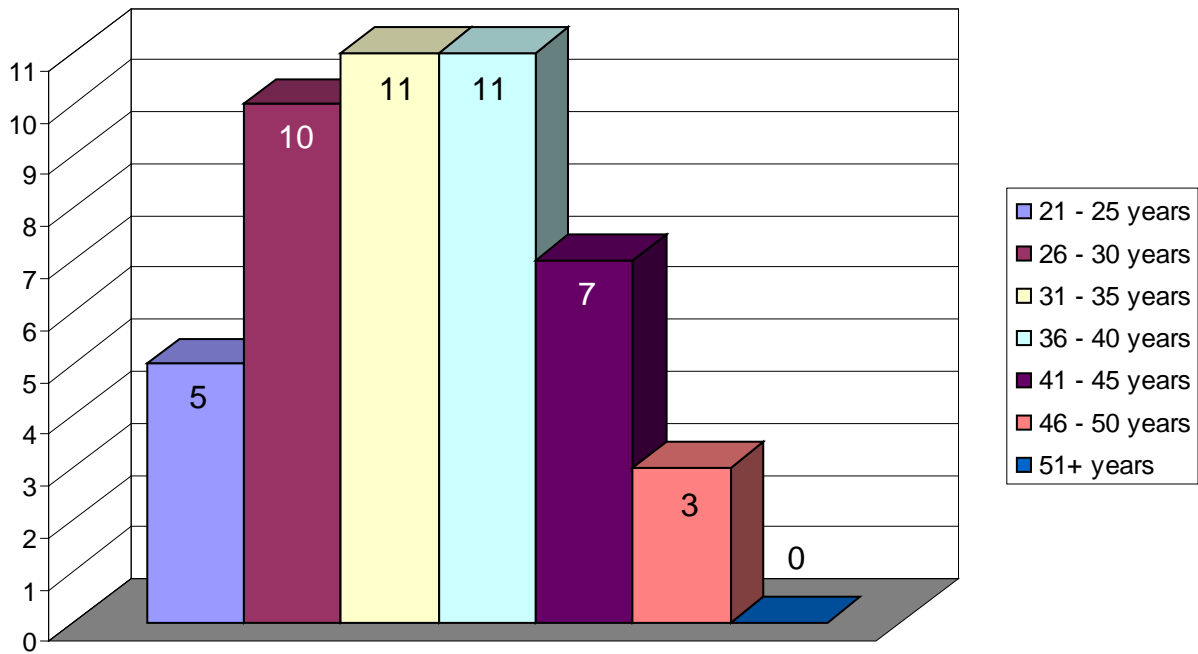
**Average Years of Service**



**Age of Employee at Time of Use-of-Force Allegation**

21 – 25 Years Old	5	10.64%
26 – 30 Years Old	10	21.28%
31 – 35 Years Old	11	23.40%
36 – 40 Years Old	11	23.40%
41 – 45 Years Old	7	14.90%
46 – 50 Years Old	3	6.38%
51+ Years Old	0	0.00%
Total	47	100.00%

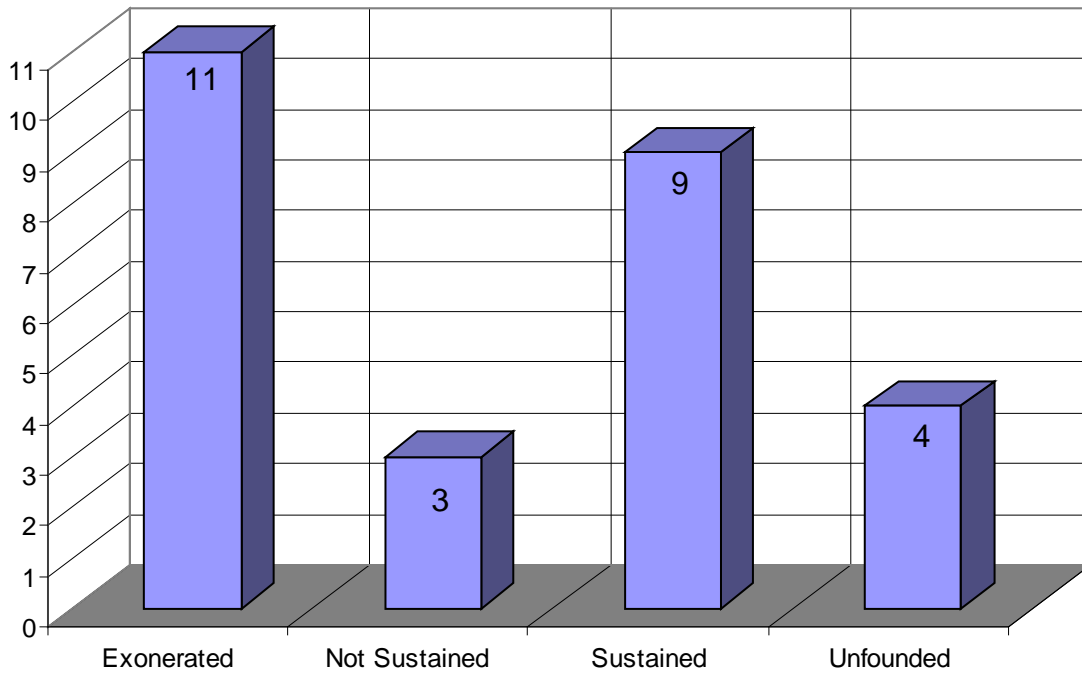
**Employee Ages at Time of Use-of-Force Allegation**



### Use-of-Force: Findings

Exonerated	11	40.74%
Not Sustained	3	11.11%
Sustained	9	33.33%
Unfounded	4	14.81%
Total	27	100.00%

### Use-of-Force: Findings



#### Definitions:

Exonerated - The investigation indicates the act occurred, but that the act was justified, lawful, and proper.

Not Sustained - The investigation discloses insufficient evidence to prove or disprove, clearly, the allegations made.

Sustained - A preponderance of evidence indicates "that the complained of conduct did occur", i.e.: it is more likely true than not true.

Unfounded - The investigation indicates the act complained of did not occur.

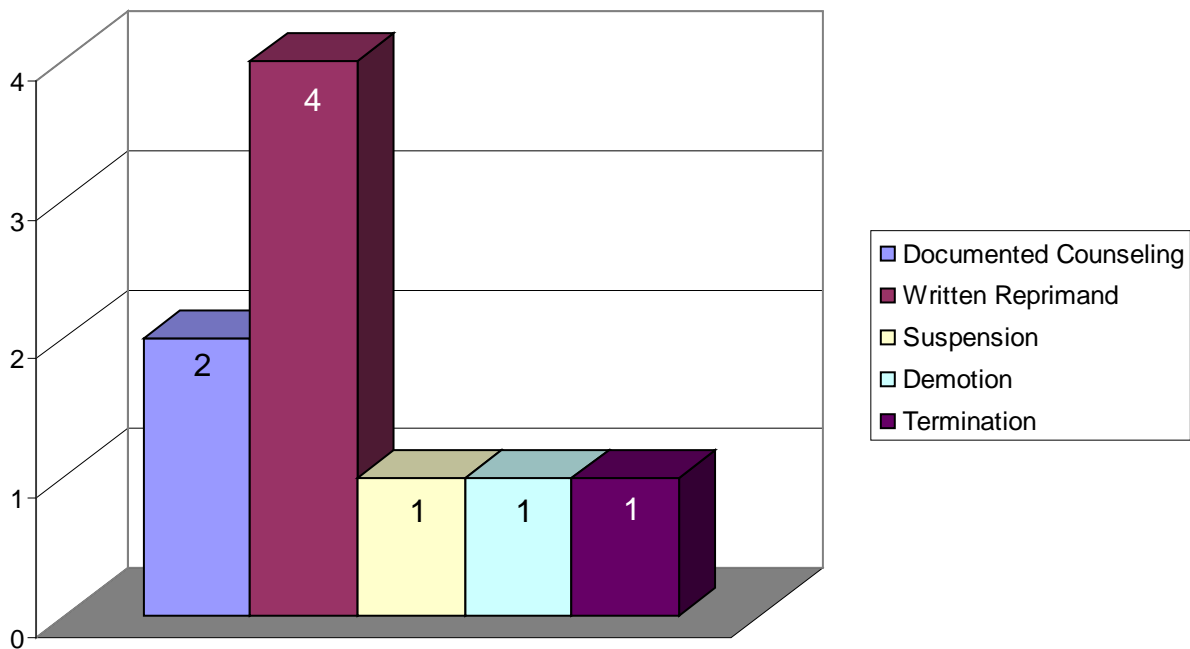
Withdrawn - The claim of misconduct was recanted by the claimant and available evidence did not support continuing the investigation.

**Use-of- Force: Sustained Findings – Action Taken**

Documented Counseling *	2	22.22%
Written Reprimand*	4	44.45%
Suspension	1	11.11%
Demotion	1	11.11%
Termination	1	11.11%
<b>Total</b>	<b>9</b>	<b>100.00%</b>

\* Records of counseling and reprimand are steps in the SSD progressive discipline system which memorialize the incident and outline corrective measures.

**Sustained Findings - Action Taken**



**Use-of-Force**

**Sustained Findings Details by Service Area and Division**

Misconduct ▼	Field & Investigative Services			Correctional and Court Services		
	East	North	Central	Main Jail	Court Security	RCCC
G.O. 2/11- Use-of-Force	2	0	2	5	0	0
<b>Totals</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>5</b>	<b>0</b>	<b>0</b>

Note: The Support Services Area received no complaints of Use-of-Force during the reporting period.

## Professional Standards Division (PSD) Investigations, Excluding Use-of-Force

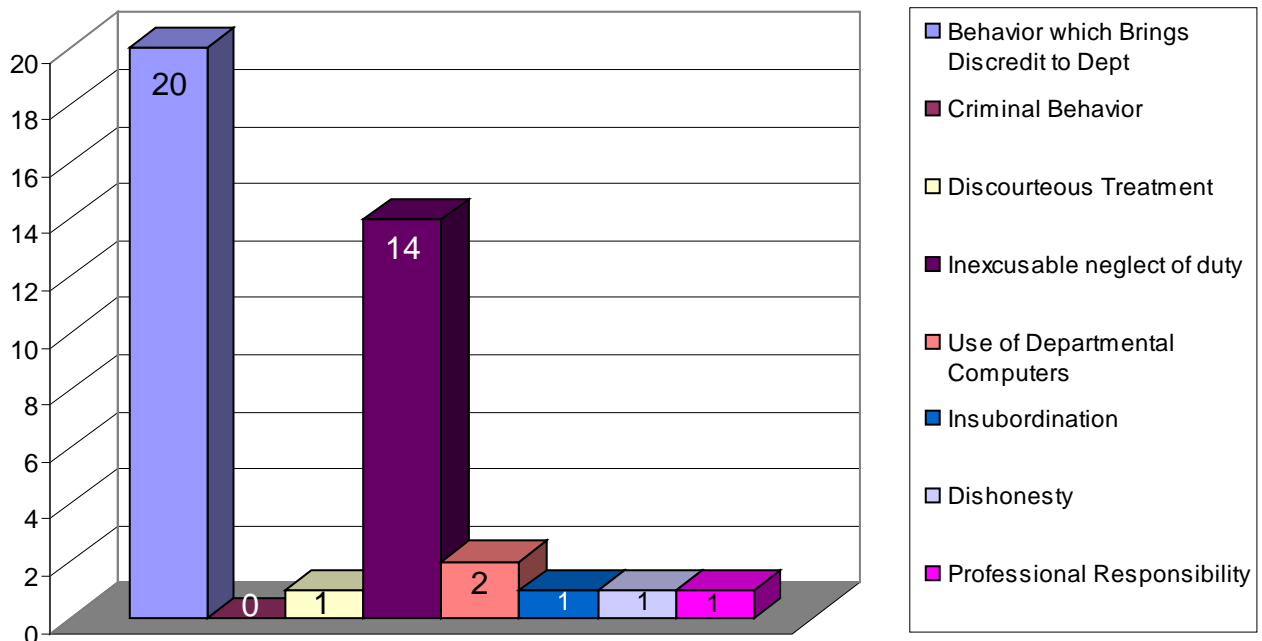
Every complaint of misconduct is investigated by the Department. Internal investigations are completed for allegations of a more serious nature, including all allegations of criminal misconduct. These investigations are conducted by the Sacramento Sheriff's Department (SSD) Internal Affairs Unit or by the Fair Employment Officer (FEO) when disparate treatment based on sexual harassment or protected-class status is alleged.

40 employee misconduct cases were closed during 2009. These cases encompass 8 distinct allegations involving 40 SSD employees.

### Misconduct Allegations

Behavior which Brings Discredit to the Department	20	50.00%
Criminal Conduct	0	0.00%
Discourteous Treatment	1	2.50%
Inexcusable neglect of duty	14	35.00%
Use of Departmental Computers	2	5.00%
Insubordination	1	2.50%
Dishonesty	1	2.50%
Professional Responsibility	1	2.50%
<b>Total</b>	<b>40</b>	<b>100.00%</b>

### Allegations

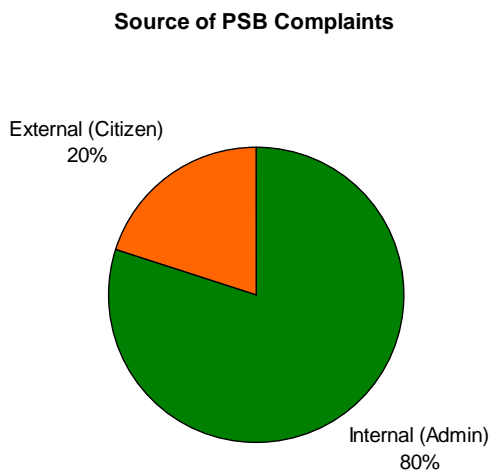




### Source of PSD Complaints

32 cases were internally initiated (administrative) – 80.00%

8 cases were externally initiated (citizen) – 20.00%



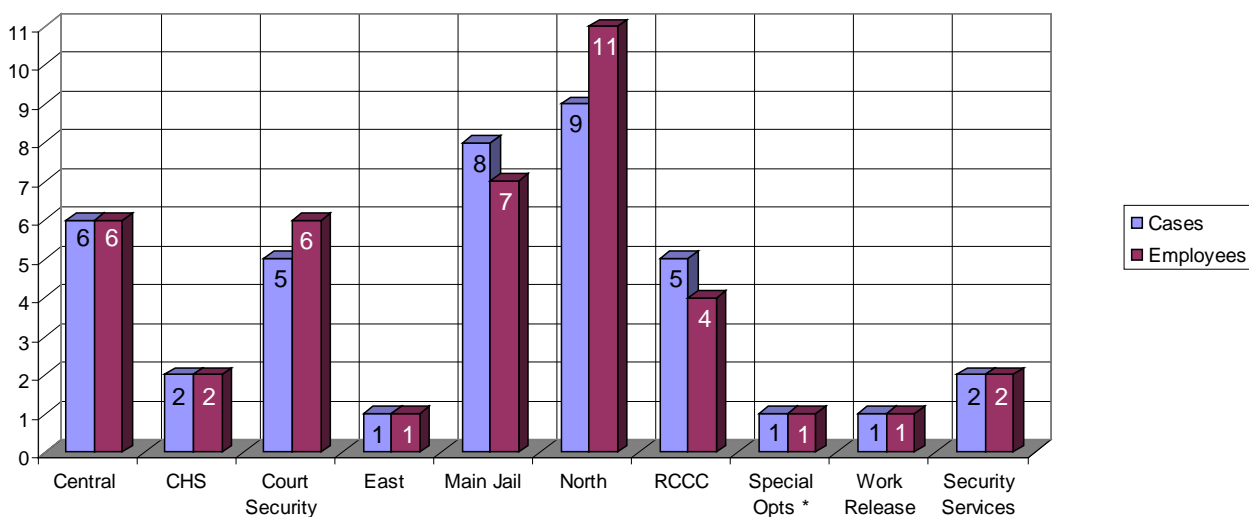
### Employees Involved in PSD Complaints by Division

Central Division	6 Cases	15.00%	6 Employees	14.63%
Correctional Health Services Division	2 Case	5.00%	2 Employees	4.88%
Court Security Division	5 Case	12.50%	6 Employees	14.63%
East Division	1 Case	2.50%	1 Employees	2.44%
Main Jail Division	8 Cases	20.00%	7 Employees	17.07%
North	9 Cases	22.50%	11 Employees	26.83%
Rio Cosumnes Correctional Center (RCCC)	5 Cases <sup>+</sup>	12.50%	4 Employees	9.76%
Special Operations <sup>*</sup>	1 Case	2.50%	1 Employee	2.44%
Work Release Division	1 Case	2.50%	1 Employee	2.44%
Security Services	2 Case	5.00%	2 Employee	4.88%
<b>Total</b>	<b>40</b>	<b>100.00%</b>	<b>41</b>	<b>100.00%</b>

<sup>\*</sup>Special Operations Division was dissolved and decentralized in July 2008 under a Department-wide reorganization. This investigation was not completed until January, 2009.

<sup>+</sup>1 Employee was a Subject in 2 Cases.

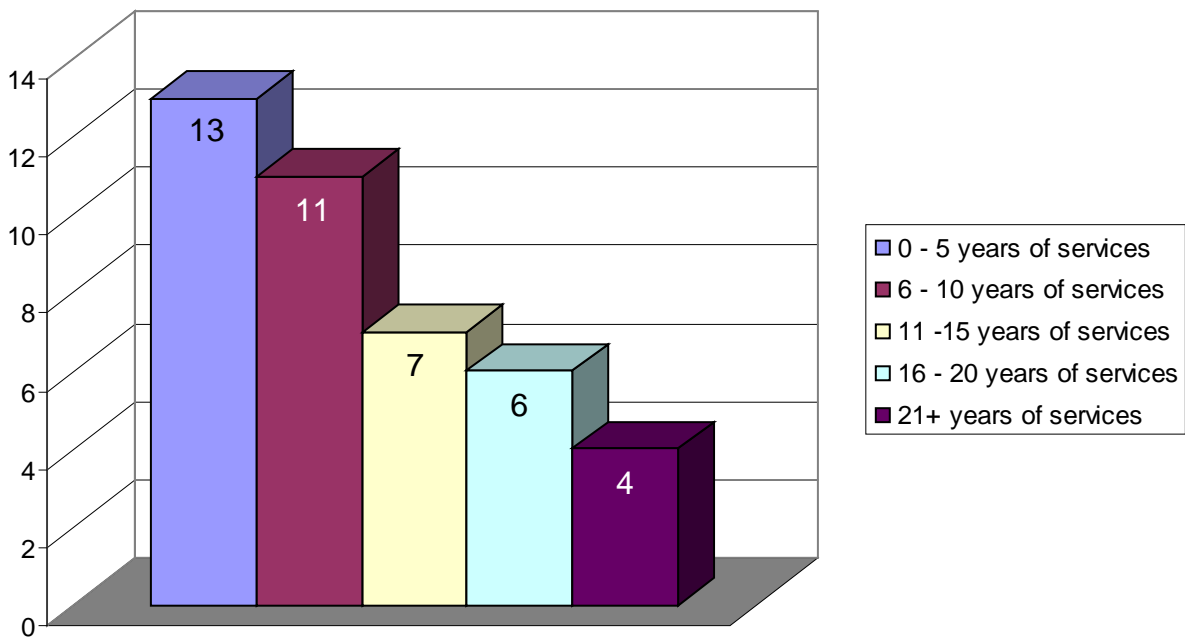
### PSD Investigations by Division



### Average Years of Service by Employees Involved in PSD Complaints

0 - 5 years of services	13	31.71%
6 - 10 years of services	11	26.83%
11 -15 years of services	7	17.07%
16 - 20 years of services	6	14.63%
21+ years of services	4	9.76%
Total	41	100.00%

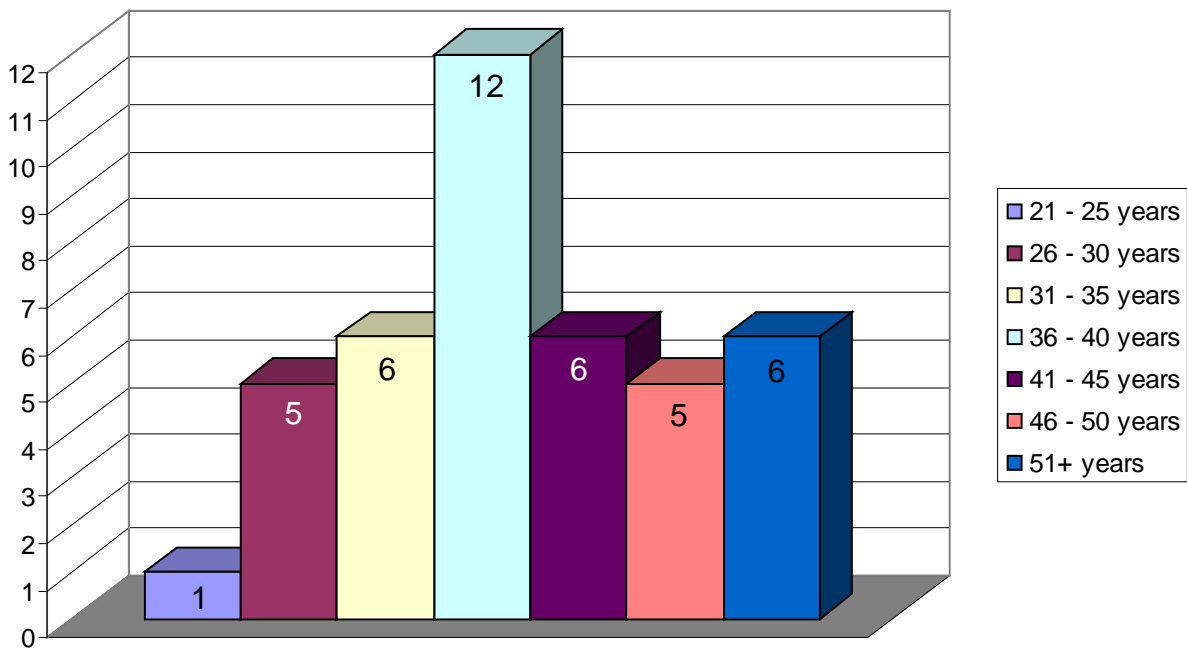
### Average Years of Service



**Age of Employee at Time of Misconduct**

21 - 25 Years Old	1	2.44%
26 - 30 Years Old	5	12.20%
31 - 35 Years Old	6	14.63%
36 - 40 Years Old	12	29.27%
41 - 45 Years Old	6	14.63%
46 - 50 Years Old	5	12.20%
51+ Years Old	6	14.63%
Total	41	100.00%

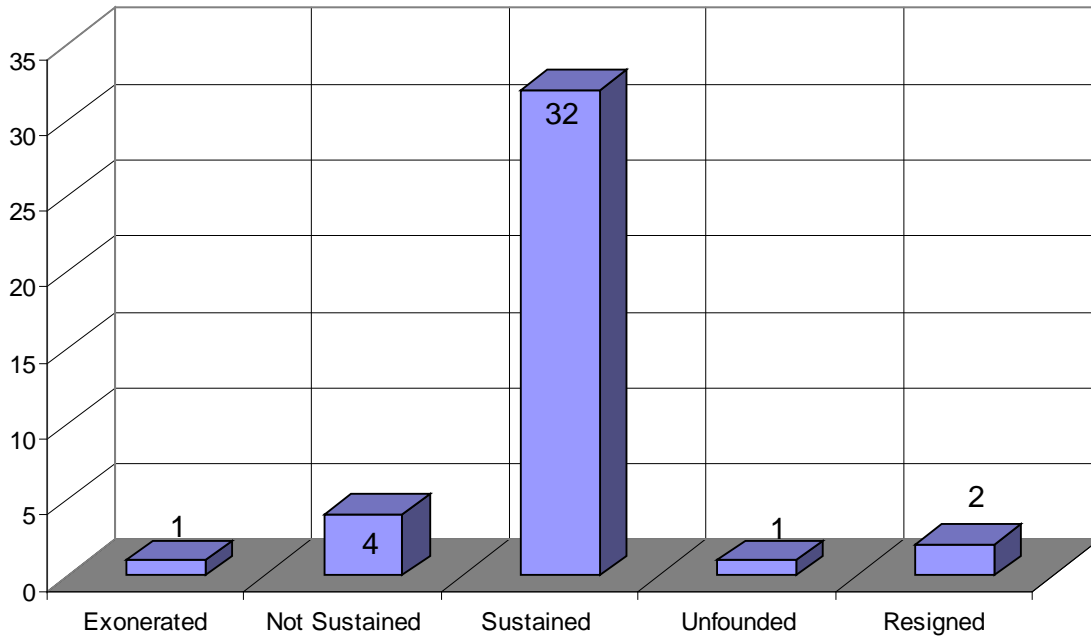
**Employee Age at Time of Misconduct**



### PSD Complaints: Disposition

Exonerated	1	2.50%
Not Sustained	4	10.00%
Sustained	32	80.00%
Unfounded	1	2.50%
Resigned	2	5.00%
Total	40	100.00%

### PSD: Disposition



#### Definitions:

Exonerated - The investigation indicates the act occurred, but that the act was justified, lawful, and proper.

Not Sustained - The investigation discloses insufficient evidence to prove or disprove, clearly, the allegations made.

Sustained - A preponderance of evidence indicates "that the complained of conduct did occur", i.e., it is more likely than not true.

Unfounded - The investigation indicates the act complained of did not occur.

Resigned - Employee resigned. No further investigation.

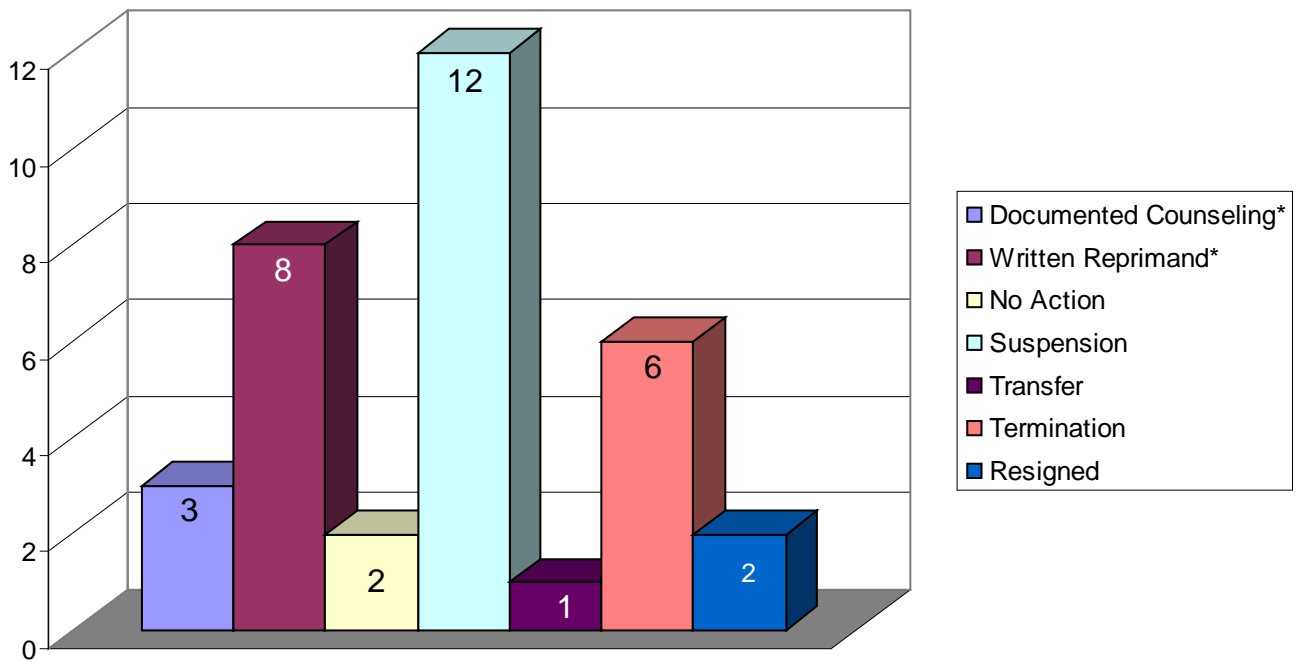
**PSD Complaints: Sustained Findings – Action Taken**

Documented Counseling *	3	8.83%
Written Reprimand *	8	23.53%
No Action Taken **	2	5.88%
Suspension	12	35.29%
Demotion	1	2.94%
Termination	6	17.65%
Resigned	2	5.88%
<b>Total</b>	<b>34</b>	<b>100.00%</b>

\* Records of counseling and reprimand are steps in the SSD progressive discipline system which memorialize the incident and outline corrective measures.

\*\* Employee terminated prior to disposition.

**Sustained Findings - Action Taken**





**PSD Complaints**

**Sustained Findings Details by Service Area and Division**

**Correctional and Court Services**

Misconduct ▼	Security Services	Court Security	Main Jail	RCCC
CSR 11.4(p)-Behavior Which Brings Discredit to Department	1	1	6	4
G.O. 10/08 - Use of Departmental Computers				1
CSR 11.4(d)-Inexcusable Neglect of Duty	1	1	2	1
CSR 11.4(e)-Insubordination		1		
G.O. 3/00 Professional Responsibility			1	
<b>Totals</b>	<b>2</b>	<b>3</b>	<b>9</b>	<b>6</b>

**Field and Investigative Services**

Misconduct ▼	Central	East	North
CSR 11.4(p)-Behavior Which Brings Discredit to Department	4		2
CSR 11.4(d)-Inexcusable Neglect of Duty	2		5
CSR 11.4(f)-Dishonesty	1		
<b>Totals</b>	<b>7</b>		<b>7</b>

Note: The Support Services Area received no complaints of misconduct during the reporting period.

## Divisional Investigations

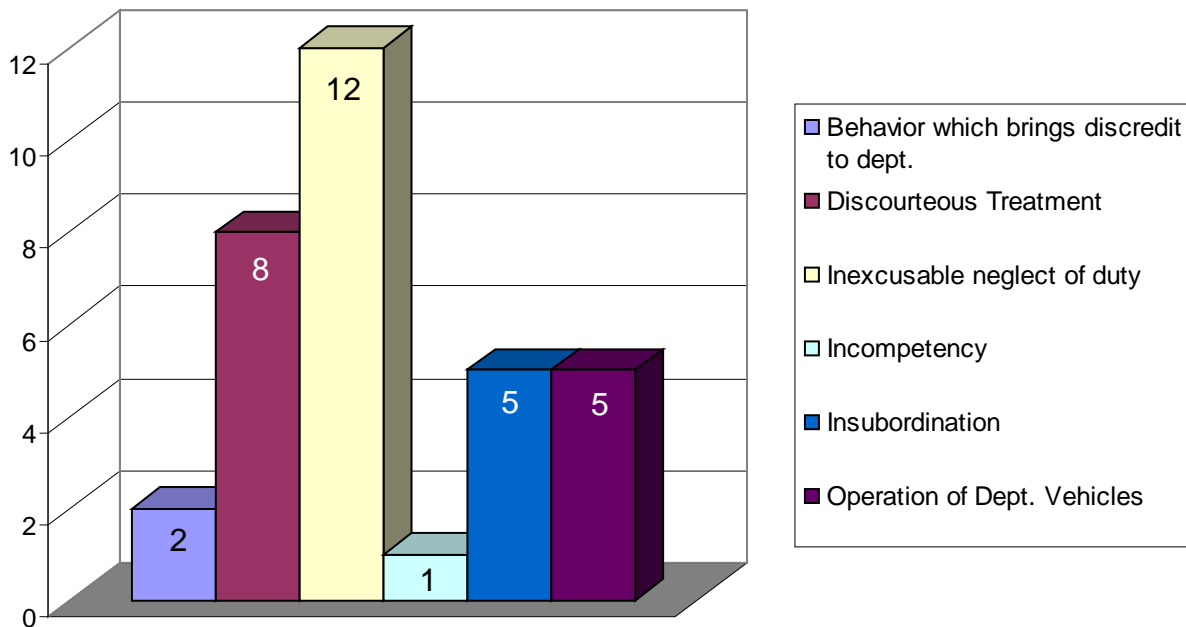
Divisional investigations generally stem from complaints regarding poor service or below standard job performance, or from internal policy violations. The accused employee's immediate chain-of-command conducts these investigations.

33 employee misconduct cases were investigated by Division Commanders in 2009. Of these cases, 6 distinct allegations were made involving 34 Sheriff's employees.

### Divisional Investigations Allegations

Behavior which Brings Discredit to the Department	2	6.06%
Discourteous Treatment	8	24.25%
Inexcusable Neglect of Duty	12	36.36%
Incompetency	1	3.03%
Insubordination	5	15.15%
Operation of Sherriff's Department Vehicles	5	15.15%
Total	33	100.00%

### Allegations

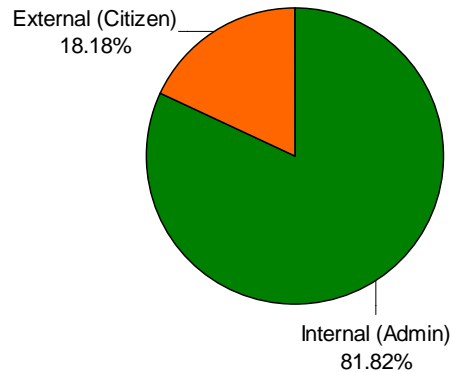


### Source of Divisional Investigations

27 cases were internally initiated (administrative) – 81.82%

6 cases were externally initiated (citizen) – 18.18%

### Source of Division Complaints

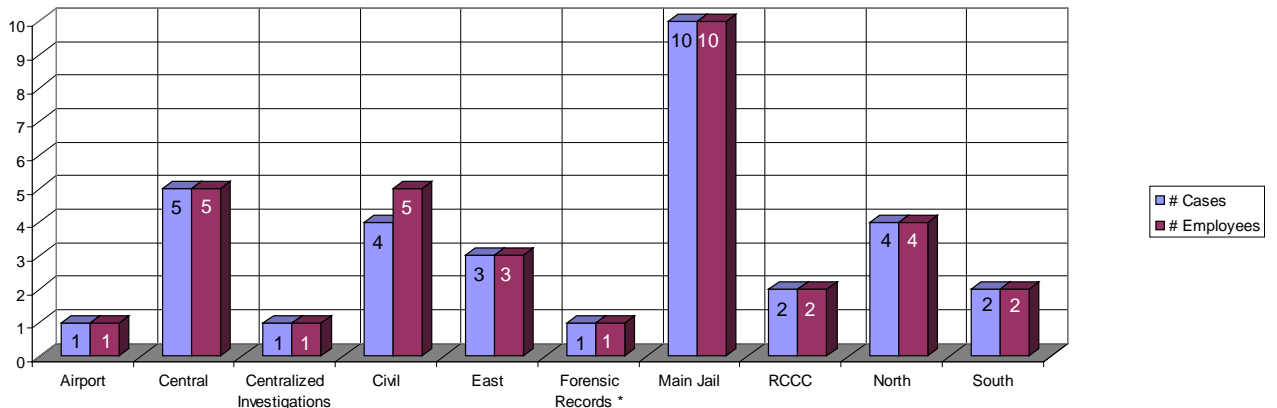


### Employees Involved in Divisional Investigations by Division

Airport Division	1 Case	3.03%	1 Employee	2.94%
Central Division	5 Cases	15.15%	5 Employees	14.71%
Centralized Investigations Division	1 Case	3.03%	1 Employee	2.94%
Civil Division	4 Cases	12.12%	5 Employees	14.71%
East Division	3 Cases	9.09%	3 Employees	8.83%
Forensic Records Division *	1 Case	3.03%	1 Employee	2.94%
Main Jail Division	10 Cases	30.31%	10 Employees	29.41%
Rio Cosumnes Correctional Center (RCCC)	2 Cases	6.06%	2 Employees	5.88%
North	4 Cases	12.12%	4 Employees	11.76%
South	2 Cases	6.06%	2 Employees	5.88%
<b>Total</b>	<b>33</b>	<b>100.00%</b>	<b>34</b>	<b>100.00%</b>

\*Forensic Records Division was dissolved and decentralized in March 2009 under a Department-wide reorganization. This investigation was completed in February, 2009.

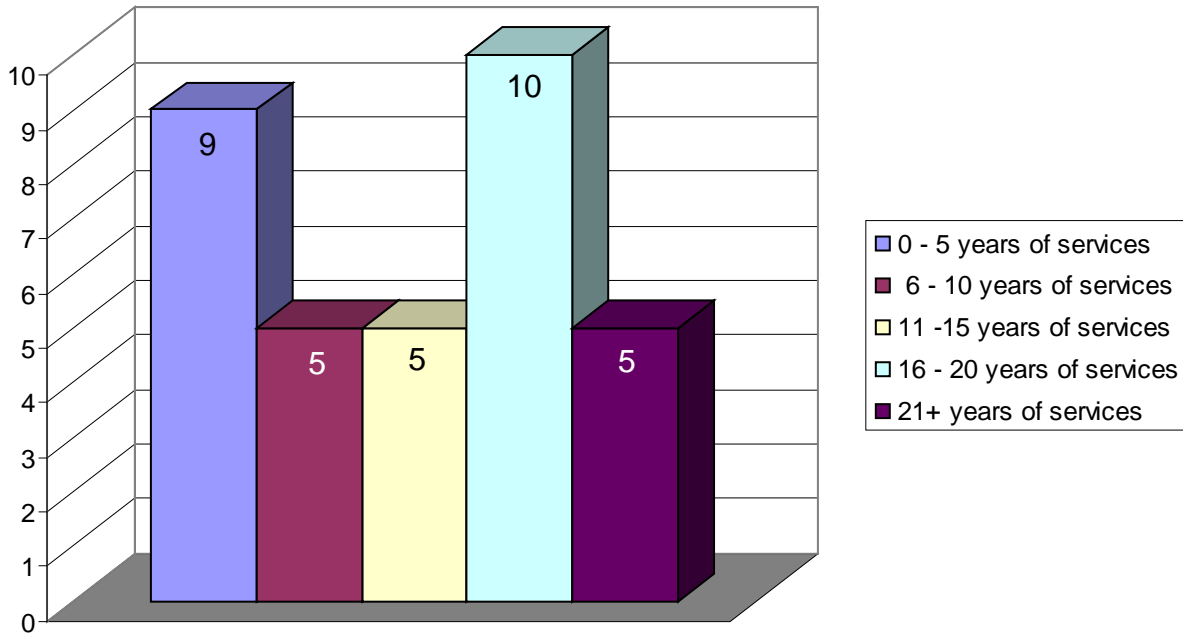
### Divisional Investigations by Division



**Average Years of Service by Employees Involved in Divisional Investigations**

0 - 5 years of services	9	26.47%
6 - 10 years of services	5	14.71%
11 -15 years of services	5	14.71%
16 - 20 years of services	10	29.40%
21+ years of services	5	14.71%
Total	34	100.00%

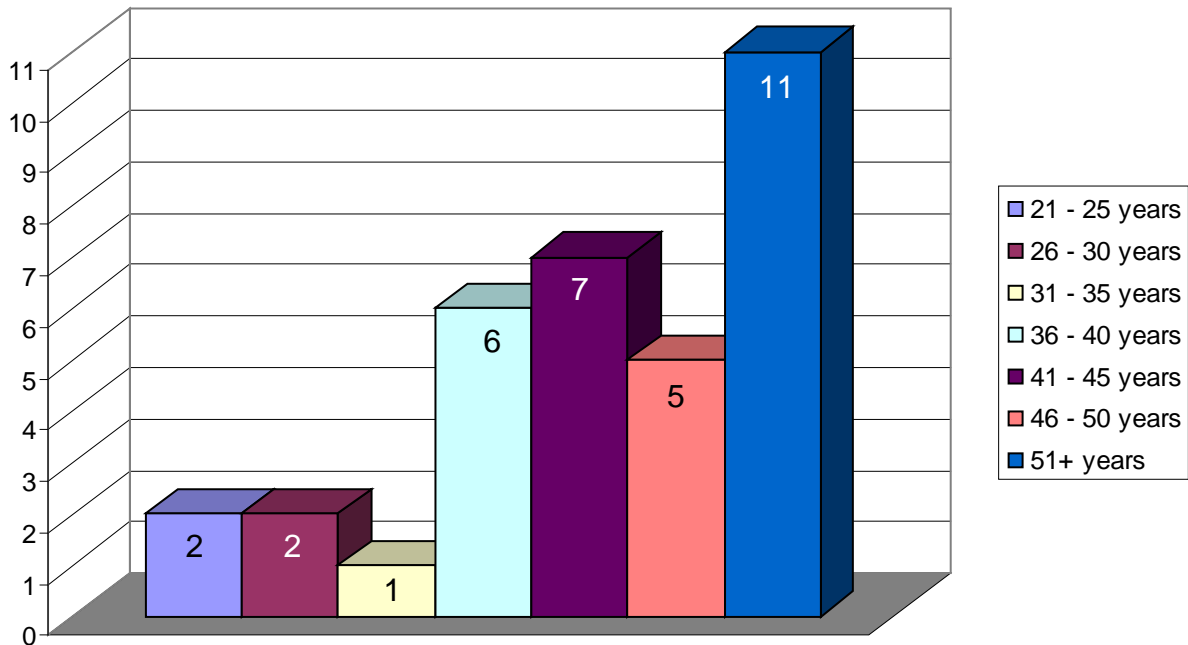
**Average Years of Service**



**Age of Employee at Time of Divisional Investigation**

21 - 25 Years Old	2	5.88%
26 - 30 Years Old	2	5.88%
31 - 35 Years Old	1	2.94%
36 - 40 Years Old	6	17.65%
41 - 45 Years Old	7	20.59%
46 - 50 Years Old	5	14.71%
51+ Years Old	11	32.35%
Total	34	100.00%

**Employee Age at Time of Divisional Investigation**

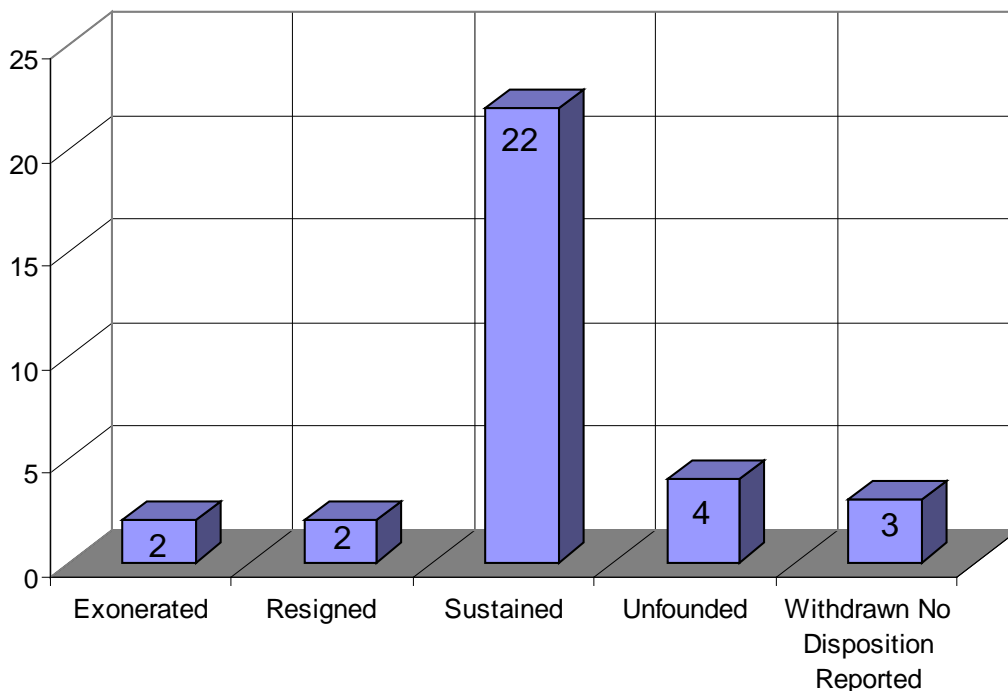




**Divisional Investigations: Findings - Disposition**

Exonerated	2	6.06%
Resigned	2	6.06%
Sustained	22	66.67%
Unfounded	4	12.12%
Withdrawn No Disposition Reported	3	9.09%
Total	33	100.00%

**Divisional Investigations: Disposition**



**Definitions:**

Exonerated - The investigation indicates the act occurred, but that the act was justified, lawful, and proper.

Sustained - A preponderance of evidence indicates "that the complained of conduct did occur", i.e.: it is more likely than not true.

Unfounded - The investigation indicates the act complained of did not occur.

Withdrawn - The claim of misconduct was recanted by the claimant and available evidence did not support continuing the investigation.

Resigned - Accused employee resigned employment prior to disciplinary proceedings.

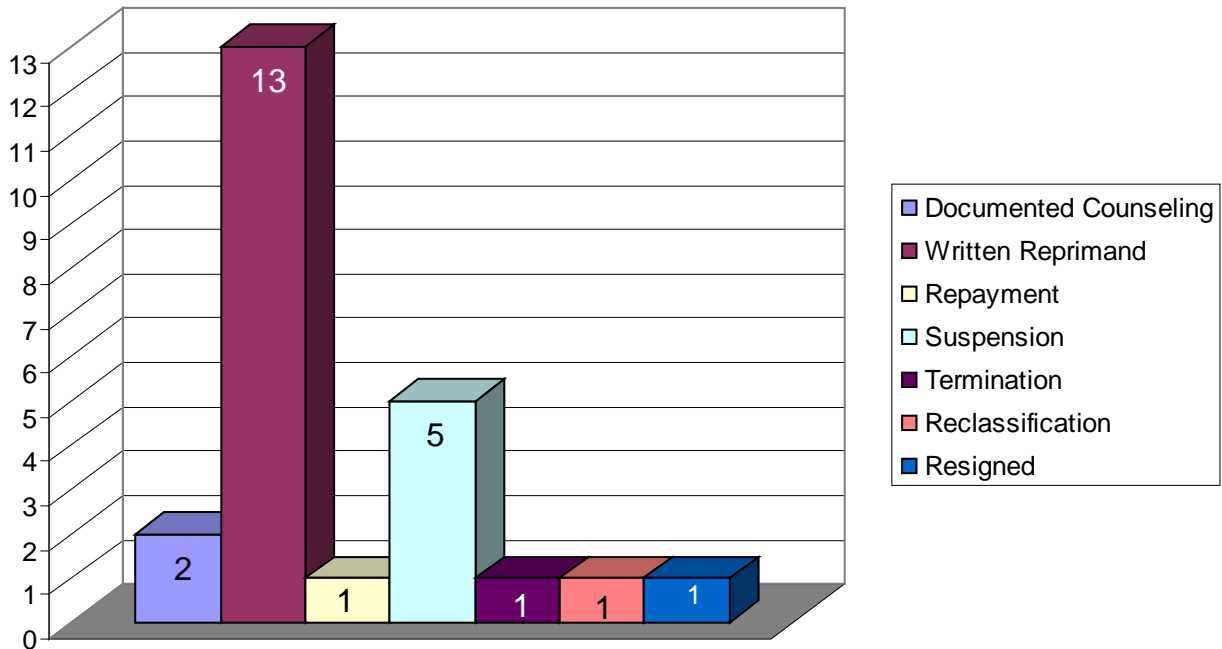
**Divisional Investigations: Sustained Findings – Action Taken**

Documented Counseling *	2	8.32%
Written Reprimand *	13	54.17%
Repayment	1	4.17%
Suspension	5	20.83%
Termination	1	4.17%
Reclassification	1	4.17%
Resigned	1	4.17%
<b>Total</b>	<b>24</b>	<b>100.00%</b>

\* Records of counseling and reprimand are steps in the SSD progressive discipline system, which memorialize the incident and outlines corrective measures.

Note: Action was taken on 2 employees in one case.

**Sustained Findings - Disposition**



**Divisional Investigations  
Sustained Findings Details by Service Area and Division**

Misconduct ▼	Correctional and Court Services		
	Main Jail	RCCC	Court Security
CSR 11.4(k)-Discourteous Treatment	1		
CSR 11.4(b)-Incompetency		1	
CSR 11.4(e)-Insubordination		1	
CSR 11.4(d)-Inexcusable neglect of duty	2		1
G.O. 6/02.1 Operation of Dept. Vehicles (901)	1		1
<b>Totals</b>	<b>4</b>	<b>2</b>	<b>2</b>

Note: The Support Services Area received no complaints resulting in a Divisional investigation during the reporting period.

Misconduct ▼	Field and Investigative Services				
	Airport	Central	East	South	North
CSR 11.4(k)-Discourteous Treatment	1			1	1
CSR 11.4(p)-Behavior which brings discredit to dept.			1		
CSR 11.4(d)-Inexcusable Neglect of Duty		2	1		3
G.O. 6/02.1 Operation of Dept. Vehicles (901)		3			
CSR 11.4(e)-Insubordination			1	1	
<b>Totals</b>	<b>1</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>4</b>

## Collaborative Outreach

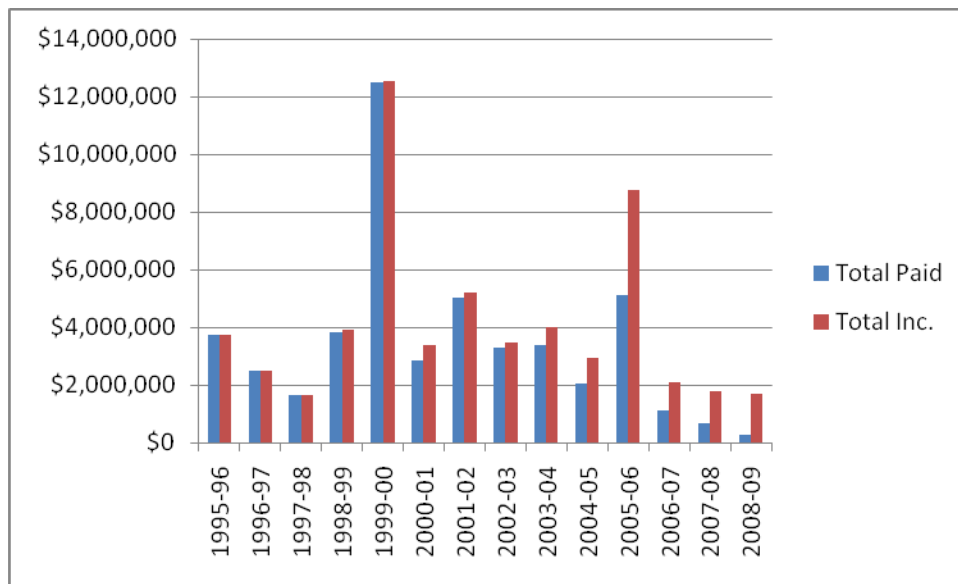
### *Project Horizon*

In July 2008 the Office of Inspector General (OIG) kicked-off an ambitious venture known as *Project Horizon*. In a nutshell, *Project Horizon* is about understanding and managing complaints, claims, lawsuits, and certain high-risk activities associated with day-to-day operations of the Sacramento Sheriff's Department (SSD). Specifically, the goal is to modify behavior in order to preempt adverse outcomes.

The *Project Horizon* steering group includes members from the County Counsel's Office, County Risk Management, SSD Professional Standards Division, Office of the Sheriff, George Hills Company (County's claims administrator) and the OIG. The *Project Horizon* mission statement is:

*"To better serve the community by identifying and tracking patterns of conduct by SSD employees that expose the Department and individuals to criminal, civil, and administrative liability, in order to engage preemptive strategies in the form of policy, practice, training, and education."*

The Project Horizon group has collaborated on ways to reduce costs and mitigate hardship associated with claims arising from on-duty conduct by Sacramento County Sheriff's Department (SSD) personnel. The below graph shows the amounts paid and incurred for Sheriff's Department claims for the last 14 Fiscal Years. The dollars are tied to the claims which were generated during each Fiscal Year. This includes ALL associated costs (i.e. adjuster fees, legal fees, expert fees, and settlements). Data is valued as of 9-17-2009.



Concepts have been deliberated, industry practitioners have provided input, and best practices have been examined. Our theme has been to focus on causative activities, together with networking of corollary internal functions, in order to design both preemptive strategies as well as a process for prompt and equitable resolution of certain claims.

## The Vision

A collaborative approach will enable the design of a viable and pragmatic early warning system targeting risky behaviors. Training, policy, procedure or other discretionary intervention all come into play here. The idea is to proactively address inherently risky activities, problematic practices, and liability-creating conduct. A parallel objective is to fashion an improved process for expediting resolution of potential claims against Sacramento County when liability likely exists. Business sense, customer service and notions of equity dictate this direction.

## Structure

Better community service and mitigation of costs, are together, the end-in-mind from this endeavor. To this end, Sheriff McGinness has approved formation of the SSD Professional Standards Division to assume oversight of interrelated functions. Stewardship, synergy and accountability best describe the purpose from moving in this direction. Functions central to the efficacy of an effective early warning system, designed to work in concert with a viable model for early claims resolution, are now part of the newly approved SSD Professional Standards Division.

## Early Claims Resolution

Under the current structure and procedures, claims and lawsuits are handled by the County's Claims Administrator, George Hills Company, with oversight and monitoring by the County's Risk Manager or his designee. The current steps in this process are outlined below:

### Current Steps

- ✓ Event occurs leading to potential claim or lawsuit;
- ✓ Claimant requests claim form or summons is received (lawsuit);
- ✓ Claim Filed at the Board of Supervisors;
- ✓ Claim Processed through Risk Management (Notification letter to claimant and copy to department);
- ✓ Claim sent to Claims Administrator for assignment to adjuster;
- ✓ Reserves set;
- ✓ Information gathered and claim investigated;
- ✓ Decision regarding liability/payment is made;
- ✓ If claim is denied, notice is mailed to the claimant to trigger statutes.



What is proposed is the use of a Risk Management Response Team as a way to expedite the handling of claims. The proposed steps in this process are outlined below:

- ✓ Knowledge of potential Liability Incident;
- ✓ Contact Risk Management Response Team;
- ✓ Respond to meet with affected party and gather facts;
- ✓ Determine legal liability and possible exposure to the County;
- ✓ Make decision regarding potential settlement authority and enter negotiations if approved;
- ✓ If settlement is negotiated, a claim form is to be filled out by the claimant for filing at the Board of Supervisors;
- ✓ A release must be obtained prior to disbursement of funds;
- ✓ All paperwork is routed through the Board of Supervisors and then to Risk Management.

The goal with this approach is to be much more proactive in responding, investigating, evaluating and resolving claims by bringing together the involved personnel, the claimant, and the Claims Administrator and Risk Management. The benefits of this approach should be clear:

- Accountability of the involved parties will be enhanced as on-scene supervisors and commanders will have a more "real-time" knowledge of field personnel actions and consequences;
- Communications will be timely between the field personnel, supervisors, commanders, and members of the Team and in many cases will be "face-to-face" rather than through delayed means such as interoffice mail and e-mail, and missed telephone messages;
- Concerns of claimants will be reduced as they see a much quicker response and a more "hands on" approach to addressing an incident;
- Decisions will be more timely thereby reducing delays that can sometimes lead to frustration on the part of claimants;
- Public image of the Sheriff's Department will be enhanced as the public sees a responsive and responsible law enforcement agency addressing citizens concerns;
- Claim costs will be reduced due to the elimination of delays in investigating and resolving an incident;
- Claims outcomes will be more definitive as all stakeholders will have an active part in the claims process from start to finish;
- Claims results (financial) will be more useful to the Sheriff's Department in developing mitigation strategies to avoid behaviors and processes that lead to costly claims and lawsuits;
- Recommendations for improvement will be more relevant as experiences and observations of stakeholders are incorporated into a "lessons learned" approach.

## Implementation

- Establish Risk Management Response Team;
- Implement a General Order utilizing the early resolution of claims approach; (see attachment C)
- Designate Sheriff's Field Services for a year long trial period and track results;
- Evaluate findings from trial period and make recommendations relative to continuing, fine tuning, or redirecting the process.

## Monitoring Results

We will be using the following six key benchmarks comparing historical data to data developed during the trial period to measure the effectiveness and efficiency of the early claim intervention program. Additionally, the Professional Standards Division will track and report the top five loss categories to the division level as a springboard to designing preemptive training, procedures and other discretionary strategies which simply make good sense toward reducing the frequency of adverse incidents.

- Average adjuster fees for non-litigated claims
- Average length of time between loss date and claim payment or closure
- Average length of time between receipt of claim and claim payment or closure
- Total number of non-litigated claims paid
- Total number of non-litigated claims closed without payment
- Total property damage claims costs (capped at \$7,500 per claim)

## Summary

Business as usual is quickly becoming a thing of the past as government reaches to sustain essential services. This prospectus seeks to engage a proactive approach to mitigate the adverse fiscal impact of claims and lawsuits against the County of Sacramento which arise from on-duty activities by SSD personnel. Approval of a year-long pilot program consistent with the parameters outlined herein was approved by Sheriff McGinness, with concurrence from the Office of County Counsel and County Risk Management to begin in 2010. The SSD Professional Standards Division will assume primary oversight of this pilot program. At the conclusion of the trial period, a follow up report assessing the pros and cons of continuing the program will be completed by the steering group.

## Race and Vehicle Stops

### Background

The law requires that before any individual can be stopped or detained by a law enforcement officer, the officer must have individualized suspicion that the person being stopped is either engaging in unlawful activity, is about to engage in unlawful activity, or has engaged in unlawful activity. Law enforcement officers need to have reasonable suspicion or probable cause to search, whether it's a vehicle or a person.

At its most obvious, bias-based policing involves initiating contact meant to inconvenience, frighten, or humiliate a member of a particular race or group. A less obvious form of bias is *racial profiling*. Racial profiling takes place when an officer stops or detains a person simply because he or she believes the individual's racial or ethnic group to be frequently involved in crime. Racial profiling de-emphasizes characteristics other than race, such as the citizen's appearance and behavior, the time and place of the officer's encounter with the citizen, or actual crime patterns.

Without being able to assess an officer's actual thought process, it is impossible to determine for sure whether racial stereotyping, profiling, or simply effective policing has been involved. Police officers in some jurisdictions and locations may indeed disproportionately stop members of certain ethnic groups. But, their action cannot automatically be attributed to racial profiling. Crime trends, perpetrator profiles, and targeted deployment of officers to reduce crime and apprehend offenders all play a role.

### Current Thinking

A number of studies chronicled by the *Police Executive Research Forum (PERF)*, the premier law enforcement "think-tank" working under the auspice of the United States Department of Justice, have found that one or more minorities were disproportionately stopped when compared to their representation in the driving-age population. Thus, the concern relative to bias-based policing is raised. In addition, minorities are often found to be searched and arrested more often than non-minorities. After repeated stops, it is difficult for a person to believe he or she has *not* been profiled. This problem is aggravated when law enforcement officers leave the citizen with the feeling that he or she is generally regarded as a suspect.

African-Americans are most likely to be overrepresented in stops of drivers relative to their population. Studies in five jurisdictions found African-American drivers to be overrepresented by a margin approximating 50 percent when compared with their representation in the driving population. These studies suggested that Hispanics had an overrepresentation of about 25 percent compared with their driving population.

Current thinking about race and law enforcement has come to reflect the complexity involved in a police officer's decision to initiate an encounter with a specific citizen. The term "bias-based policing" goes beyond the criterion of sole or predominant reliance upon race in initiating police action. *PERF* has adopted a working definition of bias-based policing as, "law

*enforcement which inappropriately considers race or ethnicity in deciding with whom and how to intervene in an enforcement capacity."* The sole use of race and reliance upon race is set aside in favor of *appropriateness* of race as the test of whether bias does or does not exist. Emerging from this discussion is the possibility that a police officer may use race as an important - though not exclusive - legal authority for stopping a citizen.

## Prior Sacramento Sheriff's Department Study

To promote informed public discussion, the University of Southern California (USC) in collaboration with the Sacramento County Sheriff's Department (SSD) previously conducted a study of vehicle stops by Sheriff's deputies. The resulting report covers three years of data collection (December 1, 2003 through November 30, 2006) and is based on records of 105,698 vehicle stops throughout the County. The objectives of this study were to:

- ensure that accurate data on vehicle stops are available for analysis;
- interpret the data to provide a clear picture of how and why stops are made;
- identify possible training needs, and;
- prompt constructive dialogue between the community and law enforcement.

The study sought to determine whether, in comparison with their representation in the driving age population, minorities are overrepresented among drivers stopped, and whether any overrepresentation found may reflect racial bias. Sheriff's deputies were required to report characteristics of each vehicle stop they made, including the driver's race, age, gender, and residence location, as well as the legal authority for the stop and its duration and disposition. They also reported on whether a search had taken place and, if so, whether contraband was found.

African-Americans were found to be overrepresented among drivers stopped by a margin approximating 50 percent when compared with their driving population; no other racial group appeared to be overrepresented. Major differences were not found among racial groups in likelihood of being searched. When searches took place, contraband was found with approximately equal likelihood in the cars of Hispanic, Caucasian, and African-American drivers.

Caucasian deputies were no more likely to stop African-American drivers than were African-American deputies, and no more likely to stop Hispanic drivers than were Hispanic deputies. The researchers concluded that it cannot be determined from this study whether the overrepresentation of African-Americans among drivers stopped reflects actual bias among Sheriff's deputies. Further analysis taking neighborhood and other contextual factors into account was recommended.

## Assessment

Sheriff McGinness candidly acknowledges that deployment of crime suppression resources to effect early intervention, offender apprehension, and violence reduction, particularly in high-crime areas, is in all likelihood a significant factor in the above-described study results.

In other words, a collateral outcome of this deployment strategy can be a disproportionate impact on underrepresented groups which may be predominant within the areas of concentration.

There will be those in the community who understandably view this disparate impact as unacceptable under any circumstances, regardless of what might otherwise seem to serve a compelling public safety interest. This will likely remain a work-in-progress in terms of working collaboratively with the community and through the Sheriff's Outreach Community Advisory Board to find common ground.

## Direction

Near the end of the previous SSD study on race and vehicle stops, a program to install video cameras in all patrol vehicles was undertaken. The objectives of installing video cameras in officers' vehicles were to enhance officer safety, gather evidence, and promote accountability in encounters between law enforcement personnel and the public. Because the practice is relatively new, assessment of the impact of these cameras has not yet taken place.

To affect yet another layer of transparency, the Office of Inspector General recommended an assessment of the impact of operating video cameras in Sacramento Sheriff's Department vehicles. To accomplish this at no additional cost, the Department sought to engage the services of the University of Southern California research team who performed the initial study, using encumbered grant funding. Possible areas of impact include:

- volume of vehicle stops by officers;
- racial distribution of drivers stopped;
- average time elapsed during stops;
- tendency to search drivers or detain them for an extended time period;
- disposition of stops (for example, warning, citation, arrest).

A "before-after" assessment of the impact of video cameras comparing data collected before and after the cameras went into operation is the focus of this effort. Data already analyzed for the earlier report serves as a baseline against which to compare vehicle stop data collected after the cameras became operative. Baseline data comprise records of 105,698 vehicle stops that took place between December 1, 2003 and November 30, 2006. Data on these stops would be compared with an expected 45,000 stops during an eighteen month extension of the study. Special analyses could be done within the context of area-specific assignments, demographics, calls for service, crime patterns, etc.

Installation of the cameras should reinforce accountability accompanied by no reduction in efficiency or effectiveness. The hypothesis is that officers under surveillance via camera will act no differently than officers working without such monitoring. Absence of change in volume of stops and average time elapsed during a stop would serve as evidence that effectiveness and efficiency were being maintained. On the dimension of accountability a finding of no material change in the racial distribution of drivers stopped would suggest an

absence of institutionalized bias-based practices among Sheriff's deputies. One potential complicating factor in terms of validating the study extension is the reduction in Sheriff's patrol vehicles fielded throughout the county. The researchers will need to weigh this factor and evaluate its impact on the study.

Findings on the impact of video cameras would seem to be important in terms of insights to community relations and for facilitating internal assessment of best practices in this regard. The evaluative process itself would clearly contribute to a sense of openness and transparency. Documentation of the impact of field cameras as suggested may also benefit law enforcement by establishing the initiative in this area as a best practice.

### Next Step

Near the end of 2009, final approval was obtained through the Sacramento County Board of Supervisors and University of Southern California to extend prior grant funding to complete the above described study extension. This was the single remaining option to complete this study without incurring additional costs. Sheriff McGinness approved the study extension, to be administered through the SSD Professional Standards Division. [The Sheriff's Outreach Community Advisory Board \(SOCAB\) upon recommendation by the OIG and with concurrence from Sheriff McGinness, appointed a delegation to serve as stakeholders in this important endeavor.](#) The OIG facilitated a kick-off meeting on December 16, 2009 and will monitor things as they unfold.





## Critical Events

The Office of Inspector General (OIG) monitors/responds to critical incidents handled by the Sheriff's Department. A critical event is defined as any occurrence which poses a degree of risk to public or officer safety which is outside the mainstream of day-to-day law enforcement operations. Such events often involve the threatened or actual loss of life or serious bodily injury. Critical events over the preceding year are listed below.

Near the beginning of 2006, the Department approved General Order 2/17 establishing a Tactical Review Board (TRB) to review all officer-involved shootings, custodial deaths, and use-of-force cases as deemed appropriate by Executive Staff. For the past two years, the review process outlined in this policy has been dormant for reasons which are not entirely clear. [It is recommended that the Department revisit the viability of this procedure in concert with its newly formed Professional Standards Division and affirmatively decide its status.](#)

### Officer-Involved Shootings

#### January 7, 2009-Gadsten Way

At 1:36 a.m., officers responded to a 9-1-1 hang up call from a residence in the 10900 block of Gadsten Way. As they approached the residence on foot, the officers were confronted by a 21-year-old male subject who was armed with a handgun. The officers ordered the suspect to drop the weapon several times. The suspect ignored the officer's commands and pointed his weapon at the officers. Fearing for their lives, both officers fired at the suspect, who was struck once in the upper leg and fell to the ground. The suspect's 65-year-old grandmother, who was standing behind him in the doorway of the home, was also struck by the officers' gunfire. She suffered a single, non life-threatening gunshot wound to her lower leg. Both subjects were transported to a local hospital and survived.

A former resident at the home, the suspect arrived in the early morning hours and became involved in an argument with his grandmother and uncle, threatening them both with his weapon. The weapon was recovered at the scene and was found to be an air pistol capable of firing either BB's or pellets. After he was deemed fit for incarceration, the suspect was charged with assault with a deadly weapon and booked into the Sacramento County Main Jail.

The circumstances surrounding this incident were investigated by the Sacramento Sheriff's Department's Homicide Unit, Internal Affairs Unit, and the Sacramento County District Attorney's Office. It was determined that the officers reasonably believed that they were in imminent peril and that their actions were thus legally justified and within policy.

#### January 24, 2009-Gail Way

At 6:32 a.m. Sheriff's deputies responded to a residence where an ex-boyfriend was at his former girlfriend's house in violation of a restraining order. The girlfriend told the 9-1-1 call

taker that her ex-boyfriend was armed with a fireplace poker and a knife. As a patrol deputy and sergeant approached the front yard of the house on foot, they were confronted by the boyfriend, who was still armed with a knife. The suspect ignored verbal commands to drop the knife and aggressively advanced toward the officers, who, fearing their lives were in imminent danger, shot the suspect. The officers immediately called for medical assistance and performed cardio pulmonary resuscitation on the suspect. Paramedics arrived a short time later and pronounced the suspect dead at the scene. The circumstances surrounding this incident were investigated by the Sheriff's Department Homicide Unit, Internal Affairs Unit, and the Sacramento County District Attorney's Office. It was determined that the officers were justified in their use of deadly force in self-defense.

### **March 9, 2009, 5100 block of Atlanta Way**

At 1:47 a.m., Sacramento County Sheriff's deputies responded to a call from a woman who said her 22-year-old boyfriend had been kidnapped at gunpoint. One of the deputies spotted a vehicle matching the description of the suspect vehicle parked in a nearby residential area; there were three male occupants in the vehicle. One of the passengers was ordered from the vehicle, whereupon he told the deputy that he had been kidnapped and robbed by the other two subjects. He also told them that one of the subjects in the vehicle was armed with a large caliber handgun.

When additional deputies arrived, the remaining two subjects were ordered from the vehicle, but both fled on foot. One of the suspects was immediately taken into custody. The second suspect was able to escape. A perimeter was set up and a Sheriff's K9 unit arrived to search for the suspect. At 3:20 a.m., the K9 unit located the suspect hiding in a backyard shed completely darkened by the surroundings. The suspect came out of the shed, ignored orders to surrender, and again began to flee. Fearing an imminent threat of death or great bodily injury to himself or members of the public from an armed, fleeing fugitive in a residential community, one of the deputies fired his departmentally issued shotgun at the suspect.

The suspect, a 39-year-old resident of Sacramento was then taken to the ground by the Sheriff's K9 a short distance away. Deputies took the suspect into custody and recovered a handgun which fell to the ground from his waistband. The deputies also discovered the suspect had been wounded in the shoulder and neck by four of nine shotgun pellets from the single round fired, which although dated, performed according to specifications. Paramedics transported the suspect to a local hospital where he was treated for non life threatening injuries. The suspect later told the Homicide Detectives that he is a career criminal, and that as such, he wasn't going to give up. The deputy involved in this shooting is a 20-year veteran with the Department. The circumstances surrounding this incident were investigated by the Sacramento Sheriff's Department's Homicide Unit, Internal Affairs Unit, and the Sacramento County District Attorney's Office. The deputy's actions in preventing the suspect's escape under the imminent threat of harm to themselves or others were found to be lawful and within policy.

### **November 20, 2009, 5100 block of Connecticut Drive**

At 10:00 p.m., Sheriff's deputies responded to a convenience store located at Madison Avenue and Garfield Avenue to investigate a report that the clerk there was being assaulted and possibly robbed. Three suspects, at least one possibly armed with a hand-gun, fled from the scene. Two unarmed suspects were captured by deputies a short distance away; a third individual ran to a four-plex located in the 5100 block of Connecticut Drive where he first hid from and then violently attacked the pursuing deputy. Fearing for his safety and unable to thwart his attacker, the deputy shot the suspect in the torso and took him into custody. Paramedics transported the suspect to a local hospital for treatment; he survived and was later booked on felony charges stemming from the incident.

In accordance with Sacramento County Sheriff's Department's policies and procedures the deputy involved in this shooting, a 15-year department veteran, was placed on paid administrative leave. The circumstances surrounding the shooting were investigated by the Sheriff's Department's Homicide Unit, Internal Affairs Unit, and the Sacramento County District Attorney's Office; final finding not reported at time of publication.

### **December 8, 2009, 4700 block of 50th Avenue**

Just after 10:30 a.m. a Sheriff's sergeant was dispatched to an apartment complex on 50th Avenue to mediate a disturbance between a 35-year-old son and his mother. The caller had a history of confrontation with law enforcement resulting in his arrest, and the call had been pending for about 90 minutes before the sergeant arrived. The sergeant made contact with the male caller to mediate the dispute. This effort deteriorated into a confrontation necessitating defensive application of pepper spray by the sergeant to subdue the complainant who at this point had become the aggressor.

The pepper spray was of little effect, and a violent struggle ensued. The sergeant drew his collapsible baton in an effort to gain control of the suspect, but according to witnesses, the suspect gained control of the sergeant's baton and struck him in the head with it. Threatened with death or great bodily injury, the sergeant drew his department-issued semi-automatic handgun and shot the suspect in the upper body; paramedics arrived a short time later and pronounced him dead at the scene. The sergeant suffered swelling and bruising to his forehead and was treated for his injuries.

In accordance with the Sacramento County Sheriff's Department's policies and procedures the sergeant involved in this shooting, a 45-year-old/19-year department veteran, was placed on temporary administrative leave. The circumstances surrounding the shooting were investigated by the Sheriff's Department's Homicide Unit, Internal Affairs Unit, and the Sacramento County District Attorney's Office; final finding not reported at time of publication.

## Assault on Officers

### **January 15, 2009-44<sup>th</sup> Street and Perry Avenue**

At 10:50 p.m., a Sheriff's deputy stopped a vehicle in the area of 44<sup>th</sup> Street and Perry Avenue. The deputy approached the vehicle, which was occupied by a 58-year-old male driver and two female passengers. He asked the driver to step out of the vehicle so he could speak to him behind the car. As the deputy and driver were standing behind the car, the driver attacked the deputy. During the ensuing struggle, the deputy felt the suspect grab his handgun, in an apparent attempt to remove it from its holster. As he fought with the suspect to maintain control of his gun with one hand, and believing he was in imminent danger of death or great bodily injury, the deputy drew a knife from his duty belt with his free hand and stabbed the suspect in the upper body. The suspect stopped fighting at that point and was handcuffed by the deputy. Paramedics transported the suspect to a local hospital. After he was deemed to be fit for incarceration, the suspect was booked into the Sacramento County Main Jail.

Sheriff's patrol deputies are authorized by the Department to carry a knife during the performance of their duties. The circumstances surrounding this incident were investigated by the Sheriff's Department's Homicide Unit and the Internal Affairs Unit, as well as the District Attorney's Office. The officer's actions were found to be lawful and within policy.

### **August 8, 2009, Madison Avenue and Hillsdale Boulevard**

At 1:23 p.m., while on patrol, a Sacramento County Sheriff's deputy was waved down by a citizen at the corner of Madison Avenue and Hillsdale Boulevard. The citizen told the deputy that there were three or four subjects wearing masks behind the businesses at 5222 Hillsdale Boulevard. The deputy drove to the east side of the business, and upon exiting his patrol vehicle, was shot by one of the suspects. The deputy was nonetheless able to broadcast a description of the suspects who were taken into custody by officers from allied agencies. The wounded deputy was treated at a nearby hospital and survived this near-fatal attack.

It was later learned that the Rocklin Police Department had pursued the suspects in question into Sacramento County following a Wells Fargo bank robbery in the City of Rocklin several minutes earlier. All indications are that SSD communications was not notified by Rocklin PD of the robbery and pursuit due to incompatibility of interagency communication systems; thus, the deputy who was shot did not know that the individuals he was about to encounter were wanted in connection with a fresh bank robbery in a nearby jurisdiction.

Remedial steps were initiated by the Department to preempt a recurrence of this nature, in the interest of protecting both law enforcement officers and the community at large. Communications shortcomings between the Rocklin Police Department and the Sacramento Sheriff's Department have been identified in two areas. First of all, the agencies do not share compatible radio systems since Rocklin is on the LawNet 450 mhz system while the Sheriff's Department uses an 800 mhz system. Secondly, Rocklin is not connected to the

Sheriff's Hotline, which is a direct com line into the SSD dispatch center. Steps are currently underway to provide a 450 mhz monitoring system for the Sacramento Sheriff's Department. Likewise, the ability to connect the Rocklin Police Department into the Sheriff's Hotline is also being evaluated.

## Sheriff's K-9 Killed

### **On January 18, 2009- Lewiston Way**

At 7:03 p.m. Sheriff's deputies responded to a carjacking at an apartment complex in the 6900 block of Lewiston Way. When deputies arrived the 67-year-old male victim told them that he was beaten by two male subjects who took his car keys and vehicle. Minutes later a Sheriff's K-9 unit spotted the victim's vehicle and followed it into an apartment complex, where the two occupants abandoned the vehicle and fled on foot. The K-9 deputy and his canine partner, Ado, chased after the suspects on foot. Ado followed one of the suspects as he ran through the apartment complex and then across 47<sup>th</sup> Avenue. As Ado was running across 47<sup>th</sup> Avenue he was struck and killed by a passing motorist. A perimeter was quickly set up but the suspects were not located. Ado was a 5-year-old German Sheppard. He had been trained and certified by his handler, a 14-year-veteran with the Department.

## In-Custody Deaths

### **February 17, 2009-Main Jail Homicide**

At 3:40 p.m., Sheriff's deputies serving dinner to inmates housed in general population on the eighth floor of the Sacramento County Main Jail located an unresponsive inmate in his cell. Deputies immediately entered the cell and discovered that the inmate was dead; they detained his cellmate and notified Sheriff's homicide detectives who responded to initiate an inmate-death investigation. As a result of their investigation, and consistent with the coroner's findings, detectives believe the victim died from strangulation at the hands of his cellmate, who was subsequently booked on the additional charge of homicide. Both the suspect and the victim were first-time offenders in the county.

The 44 year old suspect was booked at the Main Jail the previous day on charges of assault with a deadly weapon. The 25 year old deceased inmate was likewise booked at the Main Jail the previous day for driving under the influence and was being held on a United States Border Patrol hold. The victim in this case was Hispanic; the suspect is Caucasian. Concern was voiced by members of the Jail Reform Coalition that the crime may have been racially motivated. At the behest of the Jail Reform Coalition, and with concurrence by Sheriff McGinness, the OIG facilitated a meeting with command staff from the Main Jail and delegates from the Justice Reform Coalition to discuss issues related to this tragic incident.

It was determined that the victim was placed in general population nine hours after he was booked, subsequent to detoxification; the suspect was then housed with the victim some three hours later. Both the victim and the suspect had completed intake screening and no

red-flags were raised necessitating that they be housed separately due to their ethnicity or express bias.

Although civil detainees are by law kept separate from criminal inmates, space constraints at the Main Jail do not always permit separating violent and non-violent offenders once they complete intake screening. The INS duty officer placed a hold on the victim due to his undocumented status. Inasmuch as the victim had local charges as well, he was being held in accordance with California law pertaining to jail standards. In summary, it does not appear that this tragic incident was triggered by procedural flaws in the screening or housing process, or other lack of attention to duty by jail staff.

The concern relative to separate housing for undocumented inmates is tied to the dilemma of overpopulation in the Sheriff's jail system addressed in this annual report. While this procedure would clearly make sense in the interest of safety and security, it is unlikely to occur given current conditions described infra; (See Jail Audit at page 85).

### **December 19, 2009, Main Jail Suicide**

At 4:12 p.m., Sheriff's deputies assigned to work on the 8<sup>th</sup> floor of the Sacramento County Jail entered the cell of an unresponsive inmate. Deputies found the inmate with a ligature tied around his neck; he was unconscious and not breathing. Medical staff arrived a short time later, but they were unable to resuscitate the inmate who was pronounced dead at the scene. The 27-year-old inmate was the sole occupant of the cell. He had been housed at the Main Jail since November 16, 2009, and was facing charges of burglary, possession of stolen property, and probation violation.

The decedent had been placed in administrative segregation resulting from numerous write-ups. This occurred without incident. Requisite cell checks were completed and logged. In serving the evening meal one of the deputies observed a knot made out of a plastic bag protruding from the crack between the top of the cell door and the door frame in the decedent's cell. The window of the cell door was covered, which prevented the deputies from seeing into the cell.

Deputies keyed open the cell door and saw that the plastic knot observed from outside of the cell was a trash bag, the lower part of which was intertwined with another bag or bags and fashioned into a noose that was wrapped and knotted tightly around the decedent's neck. With assistance from jail medical staff, deputies rendered CPR until Fire personnel arrived and pronounced the inmate deceased. Suicide notes dated December 19, 2009 to the decedent's father and girlfriend indicated that he had no desire to live because he suspected his girlfriend left him for another man.

The decedent had no serious medical issues, nor was he taking any mind or mood altering medications. He had authored two requests to be seen by Jail Psychiatric Services (JPS) the month of his death, citing depression and sleep deprivation. JPS utilizes a prioritization schedule of levels A, B, and C, with A being the most urgent. The decedent's first request was classified as a level C and his second request was upgraded to a level B. JPS staffing



and the volume of priority requests preempted a more timely response to the decedent's request to be seen.

*Recommendations:*

*Critically review this case through the Main Jail suicide prevention task force. Evaluate procedures to alert jail deputies of priority JPS requests in order to prompt a heightened awareness of risk on a case-by-case basis. Review and report on joint oversight topics at regular monthly meetings between medical and custody staff as set forth at page 114 infra. Review search/shakedown procedures associated with placement of inmates in segregation status.*







*Sheriff's Main Jail, Sixth & I streets*

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## Sheriff's Jail Operations

### Overview

Correctional Services performed by the Sacramento County Sheriff's Department are administered through the below-described Divisions, each of which provided information for this report consistent with an agreed-upon reporting template. The operation in its entirety is at the same time costly and essential to public safety. The scope and breath of services provided entails an ongoing balancing of resources. Special thanks go to the Correctional Services Executive Staff and Division Commands for providing pertinent information concerning their respective areas of responsibility.

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

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

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

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

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

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

case management of care provided to inmates via off-site facilities. CHS operates daily nurse and physician sick-call, providing over 130,000 visits annually. On any given day, approximately 65% of the inmate population is receiving medications.

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



## ***SSD Inmate Population Trends***

Planning, organizing, staffing, and directing day-to-day correctional services entails a sense of trends related to the population served. Noteworthy trends reported by SSD Correctional Services include:

- The average daily inmate population at the Main Jail dropped by 4.9% this year over last;
- Inmate-on-inmate assaults at the Main Jail decreased by approximately 27% this year over last, and assaults on staff dropped by approximately 85% during the same period;
- Approximately 28% of all assaults that took place at the Main Jail in 2009 were gang related;
- The average daily inmate population at the RCCC is trending slightly upward: in 2008 the average daily inmate population was 2,208; in 2009 the average daily inmate population was 2,212, with a high of 2,354 in February.
- The current trend at RCCC is an increase in inmate violence. In 2008 there were a total of 192 inmate-on-inmate assaults (with an average of 16 per month) and 5 assaults on staff. In 2009 there were 209 assaults (17.4 per month), a 9% increase over the previous year, and 13 assaults on staff, a 160% increase.
- A full 55% of all inmate-on-inmate assaults that occurred at RCCC in 2009 involved documented gang members or gang associates, whereas only 15% of assaults on staff involved documented gang members or associates.
- Of those parties involved in assaults from January through November, 2009, a total of 41% were sentenced inmates, 32% were pre-trial inmates, and 25% were state prisoners (13% were PC 3056 parole violators and 12% were in custody on a state prison commitment).
- While the inmate population is declining slightly, Correctional Health Services lost 32 full time positions as a result of budget cuts, resulting in a serious imbalance between the acuity and need for medical and psychiatric services, and the capacity to meet this need;
- The Sheriff's work release average population (currently 1329) dropped by 27% this year over last, resulting in a corresponding drop in the number of inmates who fail to complete the program and eventually have a warrant issued for their arrest;
- A temporary reduction in fees of 8.5% (to a maximum \$40 per day) has been approved for the Sheriff's work release program to offset a downturn in the economy and facilitate jail release programs.
- The number of inmates referred to the Sheriff's work program from the Rio Cosumnes Correctional Center in 2009 was 679, roughly a 30% troubling drop from the prior year;



- The Sheriff's Work Release Division offered an amnesty program to prior participants removed from the program for "Failure to Comply"; response was minimal, perhaps due to the economy or ineffective advertising.
- High risk offenders and sex registrants are being referred to the Sheriff's home detention program in greater numbers expanding the need for GPS monitoring and corresponding resources to track inmates whereabouts. The number of medically unfit inmates in the program has also been increased to reduce medical expenses from jail incarceration.



## Inmate Grievances and Incident Reports

Incarcerated individuals must have a viable way to be heard in terms of grievances concerning the conditions of their confinement. This is the essence of the inmate grievance system. There must in turn be an equitable process in place to hold inmates accountable for their actions which put the safety and security of the facility or the wellbeing of others in jeopardy. Incident / disciplinary reports are central to this process.

Inmate grievances, incident reports and disciplinary reports for each SSD Correctional Services Division have been formatted within a viable tracking system allowing for assessment of trends and corrective action consistent with ongoing evaluation. Figures for calendar year 2009 are reflected in the tables which follow.



*Gordon D. Schaber Sacramento County Courthouse,*

## Main Jail Grievances

Inmate grievances at the Main Jail were compiled for tracking purposes during 2009. An overview of the categorized grievances is reflected here.

### HEALTH

JPS	Treatment	Meds	Medical	Total
24	132	94	9	259

### PROPERTY

Mail	Money	Personal	Tank Prop	Total
11	89	31	13	144

### PROGRAMS

Education	Religious	Work Project	Total
0	1	0	1

### SERVICE

Clothing	Recreation	Phones	Commissary	Food	Showers	Visits	Laundry	Total
2	0	4	14	41	1	2		64

### LEGAL

Attorney	Courts	Law Lib.	Total
2	5	5	12

### STAFF CONDUCT

Treatment	Use-of-Force	Misconduct	Total
39	7	2	48

### POLICY/PROCEDURES

Discipline	Classification	Security	Facility	Other	Total
76	25	0	10	29	140
Sub Total					668

### OTHER

					Total
					0

### TOTAL GRIEVANCES 2009

					668
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### OUTCOMES

Denied	Corrective Action	Resolved	Not Grievable	Outstanding	Total
229	-	297	80	-	606



## Main Jail Incidents

The following chart reflects Main Jail documented incidents for 2009. It includes: inmate-on-inmate assaults; inmate assaults on staff; Jail Psychiatric Services (JPS) incidents (most commonly suicidal ideations); medical events and casualties, and unscheduled medical transports to a medical treatment center:

2009	Assault (Inmate)	Assault (Staff)	JPS	Med Casualty	Med Transport
January	31	11	44	36	93
February	24	10	38	36	41
March	18	14	40	45	61
April	20	5	43	31	74
May	15	7	49	36	75
June	15	4	49	34	86
July	26	1	58	158	75
August	14	1	68	20	66
September	17	2	37	29	103
October	13	3	44	29	89
November	23	0	39	18	36
December	13	5	12	36	86
<b>Year Total</b>	<b>229</b>	<b>63</b>	<b>521</b>	<b>508</b>	<b>885</b>
<b>Mthly Avg.</b>	19.1	5.3	43.4	42.3	73.8

## RCCC Grievances

Inmate grievances at the RCCC are under the oversight of an on-call deputy who maintains a corresponding database and facilitates the grievance process. Potential problem areas are discussed with the Division Commander for appropriate action.

### HEALTH

JPS	Treatment	Meds	Medical	Total
57	108	130	155	450

### PROPERTY

Mail	Money	Personal	Tank Prop.	Total
32	50	27	27	136

### PROGRAMS

Education	Religious	Work Project	Total
12	3	3	18

### SERVICE

Clothing	Recreation	Phones	Commissary	Food	Showers	Visits	Laundry	Total
10	6	7	129	50	5	6	7	220

### LEGAL

Attorney	Courts	Law Lib.	Total
3	3	20	26

### STAFF CONDUCT

Treatment	Use-of-Force	Misconduct	Total
59	3	0	62

### POLICY/PROCEDURES

Discipline	Classification	Security	Facility	Other	Total
168	42	13	23	81	327

TOTAL GRIEVANCES 2009

Grand Total **1239**

### OUTCOMES

Denied	Corrective Action	Resolved	Not Grievable	Outstanding	Total
771	161	226	35	46	1239

## RCCC Incidents

The following chart reflects RCCC documented incidents for 2009. It includes: inmate-on-inmate assaults; inmate assaults on staff; Jail Psychiatric Services (JPS) incidents (most commonly suicidal ideations); medical events and casualties, and unscheduled medical transports to a medical treatment center:

2009	Assault (Inmate)	Assault (Staff)	JPS	Med Casualty	Med Transport
January	8	2	7	2	10
February	21	1	5	7	14
March	25	1	16	3	11
April	16	1	11	8	16
May	19	2	14	7	19
June	15	0	9	4	10
July	17	2	5	20	6
August	24	1	6	12	4
September	12	0	2	11	4
October	10	1	6	10	4
November	21	2	4	15	11
December	13	0	5	5	7
<b>Year Total</b>	<b>201</b>	<b>13</b>	<b>90</b>	<b>104</b>	<b>116</b>
<b>Mthly Avg.</b>	16.8	1.1	7.5	8.7	9.7

Figures are derived from partial reporting due to Department-wide reallocation of resources and corresponding interruption of internal administrative process.



Tower Bridge

## Correctional Health Services (CHS) Grievances

Correctional Health Services continues to see a reduction in inmate grievances. Overall grievances related to medical and psychiatric care went down an additional 3% to 963 for the year. The chart below shows the three year patterns for grievances in the three main categories: access to care, scope of practice/treatment, and medication administration.

<b>Type of Grievance Issue</b>	<b>July 06 – June 07 (2540 grievances annually)</b>	<b>July 07 – June 08 (1001 grievances annually)</b>	<b>July 08 – June 09 (963 grievances annually)</b>
Access to Care	59%	28%	21%
Scope of Practice/Treatment	17%	48%	37%
Medication Administration	24%	24%	39%

### Access to Care:

Grievances related to access to care have continued to decline with a 7% reduction in comparison to last year. In order to continue to provide necessary services while trying to weather such a significant reduction in funding, the medical practice moved from a “physician centric” model of delivering care to a “nurse practitioner” model of care. A nurse practitioners model is when a lead physician is established at a facility and a team of nurse practitioners report to that physician. This structure is quite common in the community and has enabled the practice to maintain levels of service while reducing costs. Specifically, CHS reduced our use of on-call physicians and hired 3.5 nurse practitioners from the County Clinics who were otherwise going to be laid off.

### Scope of Practice/Treatment:

Grievances related to scope of practice and various treatment decisions have also gone down 11% this year. Inmates continue to demand higher care than is required under Title 15. The scope of practice practiced by CHS is reviewed annually during our audits and the practice is fully compliant with established levels of care under Title 15.

### Medication Administration:

Grievances in this area have gone up 15% which is a result of transitioning to a new pharmacy system and expected glitches as we worked to bring the program on-line. These issues have been resolved and the new system is working well. The monthly grievance pattern shows a spike in grievances in August, with grievances declining in recent months back down to previous levels. In addition, the new pharmacy system has allowed us to monitor our use of various medications. Through this analysis CHS has been able to move inmates to a consistent formulary which enhances patient care and cost efficiency. This movement of patients to medications in the same drug class and with the same efficacy has generated grievances as inmates want to receive the exact same medication they were receiving outside of custody.

The following chart reflects CHS documented grievances for 2009. It includes: Access to Care; Scope of Practice/Treatment; Medication Administration, and Jail Psychiatric Services (JPS):

	Main Jail				RCCC			
	Access To Care	Scope of Practice/ Treatment	Med. Admin.	JPS	Access To Care	Scope of Practice/ Treatment	Med. Admin.	JPS
2009								
January	8	7	10	0	23	6	8	0
February	6	16	8	0	13	9	11	0
March	9	18	3	2	10	5	11	2
April	5	15	2	0	15	12	15	4
May	10	20	6	1	5	8	8	3
June	12	17	12	1	14	14	15	3
July	12	22	24	0	5	5	8	1
August	15	25	56	1	4	21	48	5
September	6	15	32	0	6	16	17	3
October	8	14	25	1	5	17	4	3
November	1	20	20	1	7	20	7	0
December	2	9	19	2	2	18	7	2
<b>Year</b>	<b>94</b>	<b>198</b>	<b>217</b>	<b>9</b>	<b>109</b>	<b>151</b>	<b>159</b>	<b>26</b>
<b>Mthly Avg.</b>	8.3	66	72.33	3	36.33	50.33	53	8.67

## Misconduct Complaints

The goal of any disciplinary system should be to eliminate or at least combat the effect of conditions tending to cause or perpetrate misconduct. Reaffirming admirable behavior and managing discipline along with conditions which give rise to misconduct are ultimately internal functions of supervision and command. Thus, having collective knowledge of on duty adverse behavior becomes a means to an end for the respective Division Commander. Only concluded cases with findings are reported; cases pending final findings will be reported in the succeeding year.

### Main Jail Division

<b>Date Received</b>	<b>SSD Case #</b>	<b>Allegation</b>	<b>Findings</b>
27-Aug-08	2008DIV-036	Chronic unauthorized and undocumented early departure from worksite.	Sustained
20-Aug-08	2008DIV-039	Unwarranted and unprofessional comment regarding how to commit suicide in the presence of an inmate who requested psych services from jail nurse.	Sustained <i>Tower Bridge</i>
3-Dec-08	2008DIV-044	Deputy allegedly yelled at a nurse and allowed pill call to be conducted without the presence of a floor officer.	Unfounded
5-Jun-08	2008IA-037	Inmate's mother accused deputy of discourteous treatment of her inmate son.	Sustained
19-Jun-08	2008IA-042	Unnecessary force against inmate who failed to comply with supervisor's admonition to keep his hands in his pants on the elevator.	Unfounded
20-Aug-08	2008IA-049	Employee reportedly allowed an active parolee and former jail inmate to reside at personal residence.	Sustained
15-Sep-08	2008IA-054	Inmate in custody for public intoxication involved in altercation with booking deputies alleges arm was broken in incident and he was refused medical attention.	Exonerated
22-Sep-08	2008IA-056	Excessive force during booking confrontation injuring inmate's elbow.	Exonerated

<b>Date Received</b>	<b>SSD Case #</b>	<b>Allegation</b>	<b>Findings</b>
12-Sep-08	2008IA-058	Inmate's face exposed to sewage back-up in cell when deputies forced him to the floor.	Unfounded
28-Oct-08	2008IA-060	Failure to properly perform and accurately log cell check in violation of policy.	Sustained
31-Oct-08	2008IA-068	Excessive force (control hold) during booking confrontation allegedly injured inmate's wrist.	Sustained
2-Dec-08	2008IA-074	Improper use of taser to control inmate.	Sustained
30-Jan-09	2009DIV-005	Inmate held in custody 5 days due to computer database anomaly.	Unfounded
27-Jan-09	2009IA-005	Excessive force by way of pushing inmate's head into wall during booking confrontation.	Sustained
4-Mar-09	2009IA-013	Misuse of SSD computer system to access confidential information.	Sustained
25-Mar-09	2009IA-017	Inmate arrested & injured by outside agency claims booking deputies treated him in an unprofessional manner.	Sustained
5-Jun-09	2009IA-032	Excessive force in confrontation with inmate during booking process allegedly caused black eye and bruised torso.	Unfounded
13-Apr-09	2009IA-033	Unnecessary force during booking search of inmate allegedly caused injury to inmate's ankle & both wrists.	Exonerated
4-May-09	2009IA-034	Floor deputy reportedly used excessive force in movement of inmate for rules infractions, resulting in bruising.	Exonerated
23-Jun-09	2009IA-037	Deputy reportedly left shift early.	Sustained
15-Jun-09	2009IA-043	Failure to notify supervisor and document use of force that occurred during movement of inmate.	Sustained



Rio Cosumnes Correctional Center

<b>Date Received</b>	<b>SSD Case #</b>	<b>Allegation</b>	<b>Findings</b>
17-Sep-08	2008DIV-038	Prior RCCC felony inmate allegedly allowed to reside at employee's personal residence.	Sustained
19-Nov-08	2008DIV-043	Officer failed to qualify with his duty weapon.	Sustained
2-Sep-08	2008IA-052	Employee stored and sent material of a pornographic nature using SSD e-mail system.	Sustained
17-Oct-08	2008IA-064	Inappropriately use of SSD computer system to obtain confidential information.	Sustained
17-Dec-08	2008IA-078	Excessive force to control inmate during a shakedown reportedly broke the inmate's arm.	Exonerated
29-Mar-09	2009IA-020	Unprofessional conduct (profanity and discourteous treatment) during movement of inmate for rules infraction.	Sustained
27-Apr-09	2009IA-022	Excessive force allegedly occurred when deputy kned a handcuffed inmate in the neck after inmate was involved in physical confrontation with deputies.	Sustained

## Correctional Health Services

<b>Date Received</b>	<b>SSD Case #</b>	<b>Allegation</b>	<b>Findings</b>
20-Jun-08	2008DIV-028	Employees allegedly had knowledge of cigarettes being smuggled to inmates at RCCC but took no action.	Unfounded
25-Jul-08	2008DIV-033	Employee allegedly falsely documented inmates receiving pills that were later found by RCCC officer on facility grounds.	Withdrawn
22-Oct-08	2008DIV-042	Employee reportedly failed to complete an assignment, was insubordinate and discourteous.	Sustained
15-Jan-08	2008IA-002	Employee allegedly solicited business from and rented property to inmates recently released from RCCC, and accessed department computer to find renters.	Sustained
21-Nov-08	2008IA-070	Employee reportedly passed marijuana to federal inmate at outside facility during visitation.	Sustained
14-Jan-09	2009IA-002	Employee arrested by Bureau of Narcotics Enforcement for using false prescriptions to obtain controlled substance.	Sustained

## Work Release

<b>Date Received</b>	<b>SSD Case #</b>	<b>Allegation</b>	<b>Findings</b>
6-Feb-09	2009DIV-006	Preventable traffic accident.	Sustained
15-Jan-09	2009IA-003	Inappropriate use of SSD computer system for personal use.	Exonerated



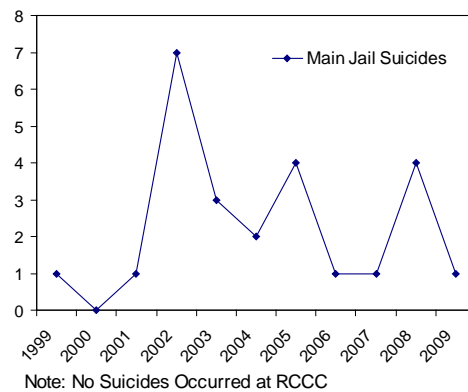
## Inmate Deaths / Interventions

At the core of any custodial system is its ability to safeguard the well being of those incarcerated. This challenge is heightened by the reality that desperate people sometimes do desperate things. Sadly, inmate deaths will continue to confront and challenge custody professionals. The inquiry is whether those in charge can point to a proactive, ongoing process designed to evaluate, mitigate, and preempt conditions underlying in-custody deaths.

Two in-custody deaths, other than those resulting from natural causes, occurred during 2009, as reported in the "Critical Incidents" section of this report (supra, page 58).

Quite often, direct intervention by custody staff to prevent death or serious injury to an inmate does occur. Upon request from the Office of Inspector General, SSD Correctional Services provided the following information:

**Correctional Services Suicides**



## Main Jail Interventions

<b>Date</b>	<b>Means</b>	<b>Successful Intervention</b>
3/14/09	Jump from cell window ledge	Deputies intervened.
3/23/09	Strangling	Deputies intervened.
3/31/09	Tried to use pencil to stab through neck	Cellmate informed Deputies who intervened.
4/14/09	Hanging	Deputies intervened.
5/12/09	Strangling	Deputies intervened.
5/14/09	Strangling	Deputies intervened.
5/14/09	Tried to slit wrists with a pencil	Deputies intervened.
5/30/09	Strangling	Cellmate informed Deputies who intervened.
5/31/09	Hanging	Deputies intervened.
6/5/09	Strangling	Deputies intervened.
6/5/09	Strangling	Deputies intervened.
6/23/09	Hanging	Inmate worker informed Deputies who intervened.
6/25/09	Hanging	Deputies observed via video & intervened.
7/30/09	Hanging	Inmate worker informed Deputies who intervened.
8/23/09	Attempted to drown in toilet	Deputies intervened.
10/15/09	Strangling	Cellmate informed Deputies who intervened.
10/20/09	Overdose	Cellmate informed Deputies who intervened.
10/22/09	Banged head against wall	Deputies intervened.
11/2/09	Hanging	Nurse informed Deputies who intervened.
11/5/09	Hanging	Deputies intervened.
11/16/09	Strangling	Deputies intervened.
11/25/09	Strangling	Deputies intervened.
11/30/09	Strangling	Deputies intervened.

Note: Strangling denotes self-inflicted harm

## Rio Cosumnes Correctional Center Interventions

<b>Date</b>	<b>Means</b>	<b>Successful Intervention</b>
01/07/09	Hanging	During cell watch, deputies observed noose made from blanket in cell.
02/18/09	Cardiac Arrest	CPR and multiple shocks administered; breathing restored. Inmate transported to hospital.
04/02/09	Hanging	Inmate attempted to hang self with noose fashioned from T-shirt. Deputies intervened.
04/02/09	Hanging	Inmate attempted to hang self with noose fashioned from T-shirt. Deputies intervened.
04/14/09	Stabbing	Inmate reported he had been stabbed by another inmate. Subsequent investigation revealed wound self-inflicted.
05/06/09	Suffocation	Inmate pressed emergency button and said cell-mate was suicidal and tried to suffocate himself by placing his head in a plastic bag, Deputies intervened.
05/22/09	Stabbing	Self inflicted stab wound with broken metal arm of eyeglasses. Deputies responded, inmate medically treated and seen by JPS.
05/27/09	Concussion	Inmate banged head against floor; Deputies intervened and inmate placed in safety suit.
06/16/09	Concussion	Inmate pounded head and hands against floor. Deputies intervened and inmate placed in safety suit.
7/6/2009	Hanging (Towel)	Noose (made from towel) found hanging from middle of top bunk and 'Death, SOS, & Help' on walls.
7/25/2009	Threats of Attempt Suicide by biting his own wrists	Inmate attempted suicide by biting his wrists. Inmate was placed in a safety suit and JPS staff was notified.
8/25/2009	Attempted Self-strangulation (underwear around neck)	Inmate tied underwear around his neck in attempt to kill himself; Deputies intervened. Inmate placed in safety suit and JPS staff notified.
11/7/2009	Chest pains	Inmate with chest pains transported to area hospital by code-3 ambulance for treatment.

Date	Means	Successful Intervention
12/5/2009	Threatened to hang self	Suicidal inmate with laceration on his wrist. Placed in single cell for observation. Medical staff and JPS treated inmate.
12/27/2009	Hanging (Rope made from t-shirt)	Inmate told Deputies he was hearing voices telling him to kill himself. Inmate was transported to Main Jail Acute Psych Unit for evaluation/treatment.

Note: Strangling denotes self-inflicted harm.



## Enhancements

Sheriff's correctional facilities personnel evaluate ongoing enhancements to safety, security, and quality of care. Realistically, the challenge is to prioritize those things which will do the most good, since not everything which is desirable is likewise feasible, particularly in light of recent and prospective budget cuts. A flexible vision, perseverance, and adapting to changing circumstances will no doubt become increasingly important. Recently implemented or currently pending enhancements include:

### Main Jail Division

Various measures have been implemented to increase the security and efficiency of the Main Jail. Staff can now access the Main Jail portal website which is an instant communication conduit for all employees assigned to the facility. After recent facility inspections by two different entities, the Main Jail key and lock control has been enhanced throughout the entire facility.

Cameras are now installed in the nurses' exam room on the floors and can be instantly monitored by adjacent control room officers. In spite of budget cuts, the centralized mail room officer position has been continued through the use of on-call deputies. This critical position intercepts narcotics and contraband destined for jail inmates. Additionally, the facility created an analyst position to capture data critical to planning, organizing and staffing essential services central to safety and security of the facility.

In December, the first phase of the upper screening/rail project was completed. The focal point of the project is to reduce inmate suicides and assaults on the upper tiers. With the completion of the 300 pod of floor 3 west, construction will now begin on all pods located on 8 west.

### Rio Cosumnes Correctional Center

The RCCC would benefit from eliminating the inefficient practice of having sentenced inmates serve weekends at that facility, which creates an administrative overburden and exacerbates an already acute overpopulation dilemma at this facility. This enhancement has been proposed to the Sacramento County Criminal Justice Cabinet for review and action. An Adult Facility Planning and Operations Committee (AFPOC) has been formed to deal with this and other issues impacting the Sheriff's jail operations.

### Correctional Health Services

An automated sick-call program that distinguishes between and among nurse, nurse-practitioner, and doctor visits has significantly increased the volume of patient visits. Residual visits are automatically rescheduled which ensures that no one is overlooked.

The recently completed automated pharmacy system is working well and has saved the division over \$2.4 million in drug costs through efficiency and elimination of waste in the



first year. All orders are now directly placed by the clinician and approved by a pharmacist before being automatically dispensed, and are again checked at the patient level. Each facility now operates a fully licensed pharmacy in compliance with all Board of Pharmacy regulations. Enhancements to safety and reliability from this new system are clear.

#### Work Release Division

February 2010 is the target date for activation of updated computer revenue collection software for the Sheriff's Work Release Division. Updated licensing fees are the only cost associated with this enhancement, which is not expected to diminish productivity. Computerized thumb scanners for work project sites will also be introduced this year. These scanners will increase the efficiency and accountability of check-in and check-out procedures.

The Sheriff's Home Detention Program hopes to realize increased efficiency and effectiveness during the forthcoming year through upgraded monitoring and newer technology designed to mitigate error and reduce booking time.

## Directions and Challenges

### Main Jail

The Main Jail continues to cope with overcrowding at the facility. This has been an ongoing hindrance for years with no immediate resolution. Additionally, a core challenge during the coming year will be managing the unimaginable in terms of the residual impact from reallocation of resources (lay-offs, demotions, and reassignments) driven by the budget downturn.

### RCCC

Challenges confronted by the RCCC are largely chronicled in the 2009 OIG Jail Audit. They are facing the potential of losing additional resources, and by necessity, have taken or are preparing to take such drastic steps as eliminating briefings and moving specialty functions such K9 and ISU officers back to line positions to augment day-to-day operations. All non-mandated or unfunded training has been cancelled. Opportunities to institute fiscal or operational efficiencies in all aspects including food service, laundry and warehouse operations are being explored. The bottom line is that they are running out of options, and curtailment of the aforementioned functions will adversely impact the safety and security of the facility.

### Correctional Health Services

Correctional Health Services suffered a 25% reduction in overall funding in FY09-10 and faces the potential for additional cut-backs this year. This has had a profound effect on their ability to provide care. The Division lost 32.5 positions (mostly clinical positions) and is significantly underfunded for hospital and specialty care.

Due to budget reductions, the number of intake nurses has been reduced from four to two. This has caused significant delays in the processing of inmates, and staff from Correctional Health Services partner agencies have voiced their concern regarding these delays. On any given shift, CHS now has only five to six nurses on staff, and any additional deployment of nurses from the floors to intake would severely threaten their ability to respond to emergencies or issues with patients on the acute units.

Several years ago CHS established a no-rollover policy which meant that a patient would be seen within 24 hours from the time of request for services. This policy was effective in reducing emergency transports and associated costs and proved to be a proactive method for managing the practice. Regrettably, this no roll-over practice has given way to staffing reductions, resulting in treatment delays and compounded difficulties in attending to medical and psychiatric needs.

## Work Release

The Sheriff's Work Project program needs to expand as an alternative to traditional incarceration. The problem is that staffing reductions have resulted in numerous schools, churches, and other non-profit inmate work sites being cut from the program. Maintaining a safe inmate-to-deputy ratio is essential and additional depletion of resources could jeopardize our ability to service and maintain existing contracts.





*Rio Cosumnes Correctional Center*

## Jail Audit

Communities embrace certain expectations regarding crime and punishment, to include the central role of government in protecting the public interest. In 2009, the OIG under direction from the Sacramento County Board of Supervisors commissioned an audit of the Sheriff's jail operations to examine core facets of jail operations. Expert consultation was provided by Mr. Larry Stamm to facilitate an audit focusing on casual factors and remedial strategies linked to jail overcrowding. As a field representative for the California State Board of Corrections, Mr. Stamm spent many years auditing jail operations throughout the State. He is a 31-year veteran of the Sacramento County Sheriff's Department, having served as Undersheriff, Chief Deputy of Corrections, and Commander of the Main Jail. His expertise and dedication to the task made completion of this audit possible.

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

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

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

## Executive Summary

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

By all accounts, the State of California correctional system is in disarray. Responsive strategies by government to address this reality will place an ever-increasing burden on local jails to deal with the resulting fallout. Of central concern is the court-ordered early release of thousands of state inmates, many of whom will be under little or no continuing supervision; (execution of this order has been stayed pending appeal by the State's Attorney General.)

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

### 2. Staffing Standards

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

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

### 3. Service Alternatives

In 1993 a lawsuit over conditions adversely effecting pretrial inmates in the SSD jail facilities led to a federal consent decree regarding the care and treatment of inmates. In 1998, a modification to this consent decree was approved which increased the Main Jail population cap from 2,000 to 2,432 inmates. The Main Jail appears to be operating within the provisions of this consent decree. Inmate population at the Sheriff's Rio



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Cosumnes Correctional Center (RCCC) has steadily risen however since that facility has become the "relief valve" for overcrowding at the Main Jail.

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

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

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

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

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

#### 4. Medical / Mental Health

The "system" must provide incarcerated individuals with access to medical and mental health services that are consistent with industry standards and within constitutionally

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acceptable parameters. As services on the outside dry up for want of funding, a steady influx of inmates with a host of chronically neglected medical and mental health issues stand to overwhelm local jails seeking to remediate these often acute individual health conditions.

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

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

##### 5. Measures in Mitigation

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

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





## Central Findings

### 1. Collateral Impacts of State and Federal Action-Central Findings

#### Fiscal

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

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

Oversight of public assistance paid to Sheriff's inmates continues to be a worthy endeavor. During 2008, SSD was one of the leading reporting agencies submitting information to the

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Social Security Administration to suspend payment of benefits to 992 inmates, resulting in a “finder’s fee” of \$385,800 paid to the County. The Welfare Fraud unit of the County Department of Human Assistance monitors welfare benefits and suspends payment to incarcerated individuals after 30 days. According to benefit specialists in the state of California Unemployment Office, benefits are regulated by the State to ensure that incarcerated individuals are not receiving benefits. An obvious weakness here is the missing interface between and among these public assistance systems to mitigate fraud and abuse.

### Housing

In April 2009, Sacramento County entered into a multi-year contract with the California Department of Corrections and Rehabilitation (CDCR) to extend and expand the availability of bed-space for state prisoners. This agreement calls for housing 464 prisoners in Sacramento County jails. A long-standing agreement between SSD and the Federal Government likewise calls for housing 400 federal inmates.<sup>2</sup> These contracted beds would otherwise be available for local inmates. By contrast, the surrounding counties allocate very few beds for state and federal prisoners. Additionally, it was discovered during this audit that 161 pre-trial detainees under state-mandated parole hold were being held between the Main Jail and the RCCC. Importantly, there is no reimbursement to the County for the cost of housing pretrial prisoners under state-imposed parole hold; see Attachment-1.

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

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

### Safety & Security

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

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

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

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

## Summary

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

## Key Factors

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

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

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

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

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

## Recommendations

- Effect timely notice and billing to state officials for post-conviction inmates awaiting removal from the County jail system to state prison, in order to net fees under PC Section 4016.5 and to encourage prompt removal of these individuals from county facilities;

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*Status: Adopted as standing practice through SSD Fiscal Bureau. \$1.2 million is owed from the state to the County through Nov. 30, 2009, and a significant reduction in the number of post-conviction inmates held at the RCCC has been noted.*

- Consider legislation through the California State Sheriffs' Association to add 30-day delinquent interest/penalty fees for contract prisoners, and for fees due under PC Section 4016.5;

*Status: Taken under submission; no action to-date.*

- Facilitate a 30-day Main Jail classification review of state and federal prisoners to evaluate the nature and extent of prisoner history information provided at time of booking. Ensure corrective action as needed to include follow through with the State Corrections Standards Authority relative to uniformity of procedures;

*Status: On Nov. 17, 2009, the OIG received a letter from the California Department of Corrections and Rehabilitation stating, "...In terms of your request for complete prisoner classification information...we may have significant legal hurdles that prevent us from sharing this information". From a safety and security standpoint, this is flatly unacceptable, and needs to be resolved, either legally through the Office of County Counsel, or legislatively through the State Sheriff's Association.*

*Operational Orders for the Main Jail and RCCC have been recently modified to include specified factors to determine appropriate classification practices for inmates. Unique numerical values are critiqued to assist classification officers with housing inmates; such factors will enhance the safety and security of inmates.*

- Revisit what seems to be an inefficient practice of booking the majority of parole violators at the Main Jail subject to transport and housing at RCCC;

*Status: In January of 2010, CDCR will be implementing "Summary Parole." Summary parole will preclude arresting officers from receiving a parole violation on parolees who meet a certain criteria, reducing the number of parole violators booked at the Main Jail. More importantly, RCCC currently does not have an intake nurse to screen parole violators.*

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- Mitigate fraud and abuse of public assistance programs (SSI, welfare, unemployment) by developing an internal system to interface tracking of assistance payments to County jail inmates;

*Status: Taken under submission; no action to-date.*

- At a minimum, hold in abeyance any expansion of state or federal prisoner contracts pending resolution of jail infrastructure constraints;

*Status: Adopted in principle subject to fiscal constraints.*

- Identify medical transport in state and federal prisoner contracts as a compensated activity, and add a provision to allow for screening and rejection of certain prisoners based on past behavior, known medical conditions, criminal sophistication, etc.

*Status: Taken under submission; no action to-date.*





Attachment-1

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

Definitions:

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

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



## Sacramento County Sheriff's Department

### Strategic Direction 7.0

#### 7.0 Enhanced Correctional Services

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

## Sacramento County Sheriff's Department

### 7.1 Provide a safe and secure correctional environment

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

### 7.2 Provide optimum health care services

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

### 7.3 Promote rehabilitative opportunities

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

### 7.4 Optimize system management

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

## 2. Staffing Standards-Central Findings

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

Main Jail deputy sheriff positions:

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

Rio Cosumnes Correctional Center deputy sheriff positions:

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

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

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

Importantly, a comprehensive video monitoring system was installed at the RCCC in 2008 to help facility staff monitor inmate movement both on-grounds and inside the facilities. Whether this added surveillance will help to mitigate adverse incidents or simply serve as a useful investigative tool remains to be seen. Although clearly a valuable addition to the facility, video monitoring is not a viable substitute for functional staffing levels.

### Shift Schedules

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

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

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

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

3/12 – 3/12– 1/8: 80 hours bi-weekly;

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

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

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

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

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

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

#### Correctional Officer Classification

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

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

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The merits of supplanting fully POST certified jail officers with one or a combination of the above-noted classifications have drawn attention from agencies both large and small. The impetus of course is to reduce personnel costs, which explains the industry trend toward using employee classification other than fully sworn officers to staff corrections. It should be noted, however, that in many instances, the collective bargaining process has led to wage parity for custodial officers whose duties largely parallel their 830 PC peace officer counterparts; incentive pay and other collateral benefits reserved exclusively for full peace officers may then be the only residual cost savings.

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

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

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

There are nine counties remaining in California that rely exclusively on 830 PC fully POST certified peace officers in their jail operations: Los Angeles, San Bernardino, Ventura, Marin, Alameda, Contra Costa, Monterey, San Francisco, and Sacramento. Although the

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San Francisco Sheriff's Department has no street enforcement activities, they retain this classification simply to avoid detrimental reliance on outside agencies to perform any necessary law enforcement functions. Officers are fully aware that their career as a San Francisco deputy sheriff will be in corrections.

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

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

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

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

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

Central to this discussion is the efficacy of academy training sponsored through the regional facility. Recruits with little or no experience attend the academy with the hope of being hired as full-time law enforcement employees. Entry-level training costs borne by the SSD are largely mitigated due to an underwriting agreement with the local Community College District. This forum has produced excellent cadets for hire, and there remains a strong pool



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of candidates for each academy class. *Budget constraints preclude even nominal pay for trainees; recruits either pay their own way or simply forego the training.* (In the past recruits were hired and paid while attending the intensive, full-time academy.)

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

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

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

## Key Factors

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

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

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

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

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

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

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

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

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

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

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

## Recommendations

- [Implement staffing recommendations for the RCCC and Main Jail set forth in the SSD Management Analysis and Planning jail operations study;](#)

*Status: Taken under submission; to action to-date due to budget constraints.*

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- Examine the feasibility of utilizing a variety of employee classifications to staff the jails, in order to mitigate costs and maximize resources;

*Status: Taken under submission subject to further study.*

- Stress the importance of jail operations during entry-level training as well as continuing professional training to reaffirm professional expectations and mitigate liability exposure;

*Status: Adopted in principle; specific steps to follow.*

- Regularly evaluate the jail training officer program and supervisory oversight to ensure that both new and tenured officers assimilate the importance of their role in corrections through mentoring, leadership development, and deployment practices which preempt the underlying causes of misconduct;

*Status: Adopted in principle; specific steps to follow.*

- Ensure that all jail training officers are carefully selected, trained and supervised, and that all training for jail officers is completed prior to unsupervised assignment;

*Status: Adopted in principle; specific steps to follow.*

- If the practice of patrol training for probationary jail officers is to continue, (not recommended due to the unfunded liability cost), track and evaluate the costs associated with this unfunded liability within the scheme of budgetary and operational priorities.

*Status: This practice has been abandoned due to costs associated with the training and the result of lay-offs.*

### 3. Service Alternatives-Central Findings

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

#### Consent Decree

Over the years, California has seen its share of civil rights lawsuits by inmates held in local jail systems. In many instances, such litigation has necessitated major capital outlay by

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municipalities as part of court-ordered corrective intervention. Importantly, most of these lawsuits were filed on behalf of pretrial inmates. *Presently, there are 16 counties throughout California operating under court orders and/or consent decrees.<sup>9</sup> The Courts have made it clear that practical insolvency is no defense to a municipality in terms of tacitly condoning unconstitutional conditions within its local jail system.*

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

Meanwhile the Main Jail does appear to be operating within the provisions of its federal consent decree, which has indeed, had a positive effect on the Main Jail by keeping the inmate population to a prescribed level. The tradeoff has been that conditions at the Sheriff’s RCCC have steadily deteriorated, since that facility has become the “relief valve” for overcrowding at the Main Jail. A total of over 500 male and female pretrial prisoners are incarcerated at the RCCC. The facility houses over 2,400 inmates in total, but is rated for a population of only 1,625 prisoners. While all inmates are presently assigned a permanent bunk, the crowded conditions are self apparent.

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

#### Pretrial Accelerated Release

Except as otherwise directed by local judicial fiat, all misdemeanor offenders, if not cited and released in the field, are booked at the Main Jail and then released under citation as quickly as possible. By recent agreement between the Sacramento County Superior Court

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Presiding Judge and the Sheriff, misdemeanor offenders with a no-bail warrant or failure to appear, or those subject to a court-imposed no-release provision, are not subject to citation and release, pending their court appearance. Estimates are that this change in procedure adds about 30 inmates to the average jail population.

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

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

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

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

*For the SSD, there is no question that expanding the use of Home Detention, Work Project and the Sheriff's Parole Program, as alternatives to "jail time," is a strategy whose time has come. This is driven primarily by the urgency to mitigate jail overcrowding. It also makes good business sense purely in terms of measuring the effective allocation of resources against the demand for service.*

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

Several possibilities of expanding the program were discussed with staff to include more proactive screening of eligible candidates, and greater collaboration between the RCCC and

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

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

Participants in the Contra Costa County Work Project Program are charged a \$100 application fee and a daily administrative fee of \$12; these fees are currently under review, and will likely increase somewhat. No one, however, is turned away based on their inability to pay the specified fees, which can be waived based on demonstrated hardship. Based on notions of equal access, WRD finance office works closely with participants to work out a payment program that fits participant's needs, and based on a demonstrated hardship, fees have been waived.

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

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

**Sheriff's Parole Program:** *Finally, a review of the Sheriff's Parole Program reveals that this avenue to alleviate jail overcrowding has rarely been used over the past several years.* The Sheriff's Parole Program is authorized under California Penal Code section 3075,

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“County Boards of Parole Commissioners.” Individuals who would otherwise be required to serve time in custody may apply for sheriff’s parole, which is approved or denied by the local commission on a case-by-case basis. In conjunction with the other alternatives covered here, *this program should be revisited as a means to proactively serve the ends of justice, and at the same time help prevent jail overcrowding within the Sheriff’s correctional facilities.*

### Weekender Jail Time

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

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

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

### Folsom Court

The vision of establishing a Sacramento Superior Court facility in close proximity to Folsom Prison to prosecute prisoners charged with in-custody crimes has a checkered past. In 1980, the city of Folsom built its new police station with holding cells and a well designed high-risk security courtroom. The City even offered to pave a road from the prison to the back door of the jail to provide ultimate security while transporting prisoners. The local



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bench however did not support the quest for an outlying court, and thus, the effort failed. A second chance to open this court developed during the trial of Charles Ng (accused and ultimately convicted of mass-murder in Calaveras County in the 1990s). The District Attorney of Calaveras County succeeded in establishing venue for the trial in San Andreas, at considerable taxpayer expense.

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

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

## Key Factors

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

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

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

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

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

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

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

## Recommendations

- Track the length of stay for pretrial felony inmates in SSD jail facilities. Include this as a standing item for oversight by the Sacramento County Criminal Justice Cabinet in order to examine ways to mitigate jail overcrowding;

*Status: Adopted conditionally by the Criminal Justice Cabinet on November 12, 2009 subject to formulation of tracking program and subsequent report being developed by the jail administrators.*

- Monitor the impact of an agreement by the Sheriff to hold specified misdemeanor offenders pending court appearance, and report on same at regularly scheduled sessions of the Sacramento County Criminal Justice Cabinet;

*Status: Adopted by the Criminal Justice Cabinet on November 12, 2009. Misdemeanor offenders must complete the adjudication process within 30 days, and number of inmates that fall into this category continues to hover at approximately 30. Main Jail administrators will continue to monitor the impact.*

- To the extent possible, expand the scope of the SSD Work Project, Home Detention, Pretrial Release, and Sheriff's Parole Program, as alternatives to jail time. Visit the Contra Costa County Custody Alternatives Program and import procedures which make sense for Sacramento County;

*Status: The Home Detention Program (HDP) has a constant monthly average of 300 participants. The program supervisor has re-evaluated the guidelines and application process. Adjustments have been made to allow program participants that were not eligible in the past. The HDP recently entered into an agreement with the District Attorney's office to allow pre-trial DUI offenders on the program and is evaluating*

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further expansion in this area. Any additional expansion of the program will require additional staff to properly monitor participants.

The Work Project Program has worked closely with RCCC to “market” the program better in that jail facility. RCCC has posted new signs advertising and explaining the program. Work Release Division (WRD) employees have gone to the facility and addressed large inmate population groups marketing the program, answering questions and obtaining a large pool of applications later to be reviewed for approval at the WRD.

The Contra Costa County Alternative Work Project Unit accepts participants with a 30-day maximum sentence as opposed to SSD’s 90-day maximum. SSD also approves a broader criminal history as well as current charges on the program. A majority of our sites are contracted and the level of service requested requires a sworn deputy to supervise inmates. Since SSD allows a broader criminal history type on the program, they encounter disciplinary issues necessitating sworn staff. Having patrol deputies deal with these problems is not feasible at the department’s current staffing levels.

- Eliminate as inefficient the practice of having sentenced inmates serve weekends at the RCCC, which creates an administrative overburden and exacerbates an already acute overpopulation dilemma at this facility. Present this recommendation to the Sacramento County Criminal Justice Cabinet for review and action;

*Status: An Adult Facility Planning and Operations Committee (AFPOC) has been formed to deal with this issue. Preliminarily, it appears that home detention may serve as a good alternative.*

- Contact state officials to examine the viability of establishing a court facility to handle Folsom Prison inmate trials. Public safety, access to justice, and mitigation of taxpayer expense argue strongly in favor of such a facility.

*Status: State and county officials are conferring in earnest on the viability of this recommendation; more to follow*

#### 4. Medical/Mental Health-Central Findings

##### Mandated Services

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

*As services on the outside dry up for want of funding, a steady influx of at-risk, often drug-dependent inmates, with a host of chronically neglected medical and mental health issues,*

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*stand to overwhelm local jails tasked with remediating these often acute individual health conditions.* The magnitude of this challenge is illustrated by the numbers themselves. Sacramento County is among the 15th largest county jail systems in California, which together, have a combined population in excess of 83,000 inmates, comprising over 60% of all inmates held in local jails.<sup>9</sup>

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

#### Sheriff's Correctional Health Services Division

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

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

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

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

### Internal Procedures

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

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

While the average length of pretrial custody in these cases is not readily available, Dr. Sokolov agreed that *ongoing review of systemic impediments to the timely disposition of these cases through the courts, and tracking their average length of stay, would be a valuable undertaking for the Sacramento County Criminal Justice Cabinet.*

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

**Lack of classification information**, in particular the absence of appropriate medical information for state and federal inmates booked into the Main Jail, is a major concern. Jail medical staff report that some information for state prisoners is listed on a “Medical Transfer Form,” but that it is of limited use. California Code of Regulations Title 15, section\_1206,

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provides for a confidential folder with all pertinent medical information on prisoners being sent to state prisons and other correctional systems; it requires:

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

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

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

#### Oversight and Accountability

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

**Regaining accreditation through the Institute for Medical Quality (IMQ)** once held by the Sacramento County Correction Health Services is of interest to CHS.<sup>17</sup> Fewer than half of the Medical / Mental Health providers for county jail systems in California hold IMQ accreditation. This service protects the public and supports the integrity of correctional health practitioners through a system of quality control procedures designed to facilitate access to care. Accreditation is a source of pride in agencies that achieve this prestigious standing, since obtaining and sustaining this recognition takes considerable effort. Policy,

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procedure, record keeping, credentialing, and the gamut of medical / mental health industry standards are encompassed through the accreditation process. *From the standpoint of accountability, quality control, and consumer confidence, the goal of IMQ accreditation for CHS makes sense.*

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

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

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

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

## Key Factors

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



*Jail Audit Cont:*

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

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

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

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

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

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

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

CHS is responsible for ensuring that the Sacramento County general fund is reimbursed by state/federal authorities for expenses incurred in off-site treatment of inmates housed under contract in the County jail. This also applies to exceptional treatment, i.e. dialysis. The State contract with CDCR specifically exempts separate billing for dialysis; CHS must roll this expensive service into the jail rate, which limits recovery of expenses.

## Recommendations

- [Review and report on joint oversight topics at regular monthly meetings between medical and custody staff, as an adjunct to local health authority inspections \(See Attachment-1\);](#)

*Status: CHS hosts a monthly Joint Meeting of Custody, Correctional Health and Jail Psychiatric Services staff the second Thursday of each month. All members can bring*

*Jail Audit Cont:*

*information to that meeting. In conjunction with this meeting, the Suicide Prevention Task Force meets to address specific concerns and cases.*

- Add agenda item at regular sessions of the Sacramento County Criminal Justice Cabinet to examine systemic impediments to timely adjudication of high-risk medical / mental health offenders and track their average length of stay;

*Status: Adopted by the Criminal Justice Cabinet on November 12, 2009. Correctional Health Services will be working on capturing data to analyze this issue, which has not as yet begun.*

- Amend state and federal prisoner housing contracts to reflect: 1. right of refusal by CHS for acute medical / mental health cases, and 2. requirement of complete classification information at time of booking;

*Status: Taken under submission, no action to-date. CHS would also like to amend the contract to allow for separate billing of all specialty care whether provided on site or off site, and reduce from 3 days to 1 day the number of inpatient days paid by CHS prior to State paying for hospitalization.*

- Document joint supervisory oversight by medical and custody staff of all logs pertaining to safety cells, sobering cells and restraint chairs;

*Status: Taken under submission; no action to-date.:*

- Track and report on phone calls to the CHS patient "hot line" and corresponding response relative to quality of care;

*Status: All calls and all email correspondence have been tracked since the inception of the hotline two and ½ years ago; a summary report to the Board is pending and will follow implementation of the new pharmacy system.*

- Provide for ongoing review of custody alternatives (addressed in category-3 of this audit) to mitigate depletion of medical / mental health services;

*Status: Taken under submission; no action to-date. CHS would like to partner with custody to review high cost inmates as well as sentenced State and Federal inmates to examine alternatives to custody or pursue expeditious movement of these inmates to State and Federal facilities.*

- Provide new CHS employees with written materials on conduct and accountability, developed collaboratively by CHS and SSD Professional Standards Bureau;

*Status: CHS through its Nursing Trainer has developed written materials on conduct and accountability utilizing the SSD General Order's. In addition, custody staff provide a*

*training class on proper conduct and the specific parameters of working in a correctional setting.*

- Revisit the viability of CHS regaining accreditation through the Institute for Medical Quality as it becomes timely to do so.

*Status: Adopted in principle subject to resource and budgetary constraints. CHS will be pursuing accreditation, however, upon research by the CHS Executive Team it is felt that IMO is not the appropriate body to review our institution. The appropriate body would be National Commission on Correctional Health Care (NCCHC). Given the unique environment and inherent challenges of practicing medicine in a correctional setting, utilizing an organization that specializes in this area on a national level is felt to be a more appropriate fit. CHS hopes to begin initial accreditation processes in Fiscal Year 2010-11.*

## Oversight and Accountability

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

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

#### Title 15

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

## 5. Measures in Mitigation-Central Findings

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

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

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

### Key Factors

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

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

Vocational training venues for at-risk adult offenders offered through The Presley Group and the Sacramento Office of Education Community Based Coalition may be a valuable resource for joining or expanding alternative venues for SSD county jail inmates. (Contact was made during this audit with the aforementioned providers and both are enthusiastic about expanding their respective programs to encompass county jail inmates consistent with strategic direction 7.3 in the SSD Strategic Plan; see scope of inquiry references below for contact information);

*Jail Audit Cont:*

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

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

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

## Recommendations

- Implement a joint-powers agreement to encompass an interagency Parole Partnership Program (federal, state and local agencies) to mitigate the adverse public safety impact from early release of state prisoners by facilitating parolee orientation, oversight of high-risk offenders, information exchange, community education, and apprehension of re-offenders or parolees at large;

*Status: Taken under submission; no action to-date.*

- Evaluate the real-time costs of SSD contracting to house state and federal prisoners (litigation, injuries to inmates and staff, workers compensation, disability retirements, inmate disruptions, and health concerns caused by overcrowding) against the revenue gained from these agreements, and reduce the number of contracted beds, with a benchmark of remaining within the rated capacity for SSD jail facilities;

*Status: Taken under submission; no action to-date.*

- Set a manageable cap for post-conviction inmates awaiting transportation to state prison and use proactive notice and billing to state authorities pursuant to Penal Code section 4016.5 as leverage to reach and maintain this benchmark;

*Status: Taken under submission; no action to-date.*

*Jail Audit Cont:*

- Further reduce the SSD inmate population through proactive management of alternatives to incarceration discussed in category-3 of this report (Home Detention, Work Project, Sheriff's Parole Program, and pretrial release) with a benchmark of remaining within the rated capacity for SSD jail facilities;

*Status: This is to be addressed through the newly formed Adult Facility Planning and Operations Committee (AFPOC) formed to deal with this issue.*

- Enlist support from the Sacramento County Criminal Justice Cabinet as a stakeholder in identifying and resolving systemic impediments which exacerbate jail overcrowding. This has worked well in Yolo County, Yuba County, Shasta County, and Contra Costa County;

*Status: Adopted in principle by the Criminal Justice Cabinet at its November 12, 2009 regular session. This is to be addressed through the newly formed Adult Facility Planning and Operations Committee (AFPOC) formed to deal with this issue.*

- Network with industry resources providing vocational training for at-risk adult offenders (The Presley Group and Sacramento Office of Education Community Based Coalition) to explore the viability of alternative venues for SSD county jail inmates. 21 Integrate such training with application of other alternatives to incarceration noted in this report and pursue grant funding through collaborative ventures;

*Status: The Department is exploring the viability of a federal Second Chance grant in concert with the Presley Group to accomplish this recommendation; more to follow.*

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

*Status: Taken under submission; no action to-date.*



## Summary of Audit Recommendations

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

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

### **2. Staffing Standards**

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

### Summary of Audit Recommendations (Cont.)

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

### **3. Service Alternatives**

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

### **4. Medical / Mental Health**

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

### Summary of Audit Recommendations (Cont.)

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

### **5. Measures in Mitigation**

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

*Jail Audit Cont:*

Endnotes: Jail Operations Audit

<sup>1</sup>From April 1, 2008 to March 31, 2009 Sacramento County received \$9,042,802 from the state and \$15,451,658 from federal authorities under contracts to house prisoners

<sup>2</sup>As reported at page 72 in the 2007-2008 Sacramento County Grand Jury Final Report

<sup>3</sup>Memorandum Re: Jail Overcrowding and Safety Concerns at the RCCC, Captain Tim Sheehan, November 2008

<sup>4</sup>Sacramento Sheriff's Department 2008-2013 Strategic Plan at pages 16-17

<sup>5</sup>Final report on Sheriff's jail operations June 20, 2006 by Joseph Brann and Associates

<sup>6</sup> Sheriff' Department Management Analysis and Planning Bureau 2006 Correctional Services Study

<sup>7</sup>2008 Biennial California Correctional Standards Authority Report on RCCC and California Code of Regulations – Adult Standards – Title 15

<sup>8</sup>Sacramento County Deputy Sheriff's Association 2006-2011 Collective Bargaining Agreement, section 16.3

<sup>9</sup>Local Corrections in California, Biennial Report to the Legislature 2006-2008; Corrections Standards Authority

<sup>10</sup>Sacramento Sheriff's Department 1993 Main Jail Federal Consent Decree and 2000 addendum to same

<sup>11</sup>Sonoma County July 2007 Corrections Master Plan, chapter five, page 3

<sup>12</sup>Shasta County July 22, 2005 Jail Capacity Court Order on inmate cap and releases

<sup>13</sup>Contra Costa County Custody Alternative Program; <<http://www.co.contra-costa.ca.us/index.aspx?NID=105>>

<sup>14</sup>Sacramento County District Attorney's Violation of Probation in Lieu of Night Court Program

<sup>15</sup> Memorandum Re: Constitutional Minimum Levels of Service for Correctional Health Services August 12, 2009

<sup>16</sup>Article from Fresno Bee; Saturday July 4, 2009 *Fresno County Jail Forces Cheap Meds* and article from San Francisco Daily Journal April 27, 2009 *L.A.'s Central Problem*

<sup>17</sup>Application information and Self Survey form for the Institute for Medical Quality (IMQ)

<sup>18</sup>Sacramento County Public Defender lawsuit regarding Mental Health Inmates May 10, 2006 No. 05F09064 Dept. 21

<sup>19</sup>San Bernardino City Parole Partnership Project

<sup>20</sup>Assembly Bill 900- Memo by Captain Sheehan December 5, 2007



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Board of Supervisors**

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