



CONTRA COSTA COUNTY OFFICE OF THE SHERIFF
DAVID O. LIVINGSTON
SHERIFF - CORONER

June 9, 2015

1508 report date: 5-28-15

The Honorable John T. Laettner
2014 – 2015 Contra Costa Grand Jury
Superior Court, State of California
County of Contra Costa Courthouse
725 Court Street
Martinez, California 94553-0091

Dear Judge Laettner:

Penal Code Section 933.05 requires the Office of the Sheriff to comment on Findings and Recommendations of the Grand Jury Report; attached hereto you will find our response to Grand Jury Report Number 1508.

The Office of the Sheriff is committed to providing the highest quality of emergency management possible. I welcome the comments and support this independent study of government business by the Grand Jury.

Should there be any remaining issues not addressed by my response, please feel free to contact me personally.

Sincerely,

David O. Livingston, Sheriff-Coroner

MVC:la

Attachment

Cc: Sherry Rufini, Foreperson, Contra Costa County Civil Grand Jury
David Twa, County Administrator

Following is the Office of the Sheriff's response to Grand Jury Report No. 1508 dated May 28, 2015, "The Underutilization of the Marsh Creek Detention Facility."

FINDINGS

Finding No. 1

The Marsh Creek Detention Facility uses 1/3 of its dormitory space.

Response: Agree

Finding No. 2

The five-year average daily occupancy rate at the Marsh Creek Detention Facility is 52 inmates, although there is a capacity for 160.

Response: Agree

The Board of State and Community Corrections inmate capacity for the Marsh Creek Detention Facility is 188 not 160.

Finding No. 3

The Marsh Creek Detention Facility, built in 1942, is 73 years old.

Response: Agree

Finding No. 4

The Marsh Creek Detention Facility occupies 32 acres of a 163-acre parcel owned by the County at the southeastern foot of Mt. Diablo.

Response: Agree

Finding No. 5

The Sheriff's Office has a shooting range and a training facility on the County's 164-acre parcel at the southeastern foot of Mt. Diablo.

Response: Agree

Finding No. 6

There are six (6) dormitory wings at the Marsh Creek Detention Facility.

Response: Partially Disagree

Two of the six dormitory wings (F and G Dorms) cannot be used to house inmates due to significant structural issues with the flooring and roofs.

Finding No. 7

The Marsh Creek Detention Facility dormitory, Wings F and G, are permanently closed, Wings B and C are open; and Wings A and B are closed but could re-open if the flooring were reinforced.

Response: Partially Disagree

It is correct that both F and G Dorms are permanently closed. D Dorm and E Dorm are currently being used to house inmates. B Dorm and C Dorm can both be used immediately if needed. A Dorm is currently vacant and would need structural repairs to the flooring before inmates could be housed there.

Finding No. 8

Barbed wire fences surround the perimeter of the Marsh Creek Detention Facility.

Response: Agree

Finding No. 9

The Marsh Creek Detention Facility is a low-security prison.

Response: Partially Disagree

The Marsh Creek Detention Facility is a county jail for sentenced inmates only. It is not considered a prison.

Finding No. 10

The Marsh Creek Detention Facility lacks security cameras.

Response: Partially Disagree

There are security cameras at the Marsh Creek Detention Facility that monitor the two secured holding cells used for transportation staging and the Sheriff's Office Range.

Finding No. 11

The Sheriff's Office does not transfer offenders who are flight risks and prone to violence to the Marsh Creek Detention Facility because it lacks adequate security.

Response: Partially Disagree

The Office of the Sheriff has the responsibility to provide safe and secure housing for all inmates within our jail system and to the community. The Marsh Creek Detention Facility is a facility that operates many programs and opportunities for inmates who want to better themselves, with the understanding that they must be able to program within that open campus setting. Inmates who are escape risks and have violent tendencies do not meet the classification for this environment.

Finding No. 12

One Contra Costa deputy sheriff is on duty at night at the Marsh Creek Detention Facility.

Response: Disagree

There are two sheriff's deputies and one sergeant assigned to work with the Marsh Creek Detention facility at all times.

Finding No. 13

There are minimal behavioral conflicts at the Marsh Creek Detention Facility.

Response: Agree

Finding No. 14

The infirmary at the Marsh Creek Detention Facility is open 8:30 a.m. – 4:30 p.m., Monday-Friday.

Response: Agree

Finding No. 15

Inmates needing access to medical personnel 24-hours a day, such as those with cardiac and pulmonary issues, diabetes, asthma, and severe allergies, may not be housed at the Marsh Creek Detention Facility.

Response: Partially Disagree

There are inmates with each of the above medical issues who are still eligible to house at the Marsh Creek Detention Facility. They must meet certain medical criteria for this to occur. For example, a diabetic inmate who needs to inject insulin several times a day will not meet the criteria. However, a diabetic inmate who can control their blood sugar by eating a proper diet or take oral medication can meet the criteria to house at the Marsh Creek Detention Facility.

Finding No. 16

The Marsh Creek Detention Facility lacks a pharmacy.

Response: Agree

Finding No. 17

The Marsh Creek Detention Facility inmates have opportunities for rehabilitation.

Response: Agree

Finding No. 18

The Sheriff's Office provides classes for personal growth, academic education, and job skills to inmates at the Marsh Creek Detention Facility.

Response: Agree

The Office of the Sheriff partners with the Contra Costa County Office of Education to provide these classes.

Finding No. 19

Gang issues are a primary reason why Martinez Detention Facility inmates do not eat in a communal setting or take group classes.

Response: Partially Disagree

Gang affiliation is only one of many issues that dictate the Martinez Detention Facility daily operations. The physical design and construction of the Martinez Detention Facility has significant impact on the education and program services due to the lack of sufficient program space designed into its construction.

The classification issues to include gang affiliation, crime severity, criminal history, special needs housing, and administrative segregation all contribute a major role in the module operations within the Martinez Detention Facility.

Finding No. 20

Inmates at the Martinez Detention Facility are released to an interior room and a cement-walled courtyard for one to three hours either once a day or every other day, based on an inmate's classification.

Response: Partially Disagree

Each inmate has access to the modules common areas to use the telephone, take a shower, shave or get a haircut, watch television, and/or use the module courtyard during their "free time." General population inmates have 3 hours of "free time" each day. Administratively Segregated inmates have 1 hour of "free time" every other day.

Finding No. 21

In August 2015, there are plans to submit an application on behalf of Contra Costa County, for \$90 Million of State funds made available pursuant to Senate Bill 863. The funds will be used to build a 240-bed mental health wing at the West County Detention Facility.

Response: Partially Disagree

The Office of the Sheriff intends to submit an application to the Board of State and Community Corrections for funding through Senate Bill 863 in August. The funds will be used to build a 240 room building with significant programs space (22,000 square feet) for not only mental health treatment programs, but also important re-entry programs for our existing inmate population.

Finding No. 22

If the State awards Contra Costa County with Senate Bill 863 funds, the Sheriff's Office estimates that construction of the 240-bed mental health wing at the West County Detention Facility will be completed by late 2018 or early 2019.

Response: Partially Disagree

The 240 room building for both mental health and re-entry programs is estimated to be completed in 2019.

RECOMMENDATIONS

Recommendation No. 1

The Sheriff's Office should consider ways to fund the restoration of Marsh Creek Detention Facility Wings A and B.

Response:

The recommendation has been partially implemented; B Dorm has been fully restored.

Recommendation No. 2

The Sheriff's Office should consider providing medical staffing 24-hours a day, seven days a week and a pharmacy at the Marsh Creek Detention Facility, and ways to fund such staffing and the pharmacy.

Response:

The recommendation has not yet been implemented, but will be implemented in the fiscal year 2015/16. The Contra Costa County Detention Medical has requested through the Community Corrections Partnership funding to fully staff the Marsh Creek Detention Facility medical unit. This does not include a pharmacy.

Recommendation No. 3

Once recommendations 1-2 have been accomplished, the Sheriff's Office should consider broadening the classification of the Marsh Creek Detention Facility inmates so that the facility will be fully utilized.

Response:

The recommendation has not been implemented, but could be implemented in the fiscal year 2015/16. The Office of the Sheriff's Custody Services Bureau Classification Unit is continuously reviewing the Classification Matrix to better utilize all of the Sheriff's Office Detention Facilities.

Recommendation No. 4

If the State does not award SB 863 jail construction funds to the County, the Sheriff's Office should consider alternative plans and associated funding methods to reduce inmate occupancy at the Martinez Detention Facility.

Response:

The recommendation has not yet been implemented, but will be reviewed after the SB 863 application is received and awards are granted.