

**A REPORT BY
THE 2013-2014 CONTRA COSTA COUNTY GRAND JURY**
725 Court Street
Martinez, California 94553

REPORT 1408

**CONTRA COSTA COUNTY
DETENTION FACILITIES**

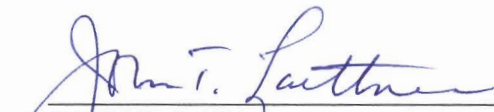
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Contra Costa County Grand Jury Report 1408

CONTRA COSTA DETENTION FACILITIES

TO: Contra Costa County Board of Supervisors
Contra Costa County Sheriff

CC: Contra Costa County Chief Administrative Officer
Contra Costa County Chief Probation Officer
Contra Costa County Director of Public Works

SUMMARY

The Contra Costa Civil Grand Jury is required by California Penal Code 919(b) to conduct inspections of detention facilities in Contra Costa County (County). In addition, California Penal Code Section 925 allows the Grand Jury to investigate the operations of the County's juvenile holding and detention facilities, as well as the Probation Department.

The 2013-2014 Contra Costa Civil Grand Jury inspected the County's adult detention facilities: the Martinez Detention Center, the West County Detention Center and the Marsh Creek Detention Center, as well as both juvenile facilities, John A. Davis Juvenile Hall (Juvenile Hall) and Orin Allen Youth Rehabilitation Center (Boys' Ranch).

The County's detention facilities are operated in a professional manner. Detention facility management seeks to reduce the likelihood that inmates will reoffend when released. The age and configuration of the Martinez adult facility and staffing constraints at the juvenile facilities are challenges to the full realization of this goal.

METHODOLOGY

In preparing this report, the Contra Costa County Civil Grand Jury:

- Reviewed reports of detention facility inspections carried out by the California Board of State and Community Corrections Facilities Standards and Operations Division, as well as Contra Costa County Public Works reports related to facilities repair and maintenance, relevant inspection reports of Contra Costa Fire, Richmond Fire Department and Contra Costa County Public Health (related to Environmental Health, Nutritional Health).
- Inspected Contra Costa County adult detention facilities including Martinez, West County and Marsh Creek.
- Inspected Contra Costa County juvenile detention facilities including John A. Davis Juvenile Hall in Martinez and Orin Allen Youth Rehabilitation Facility in Byron.
- Received and reviewed the most recent Juvenile Justice Commission Inspection Reports and Annual Report.
- Interviewed management and program staff at all facilities.
- Conducted interviews with representatives of the Probation Department and the Sheriff's Office.
- Reviewed the incarceration practices followed by the County and the results of those policies.
- Reviewed AB 109, Penal Code Sections 17.5, 3450-3465, Public Safety Realignment Act

BACKGROUND

The Contra Costa Civil Grand Jury is required to conduct inspections of detention facilities in the County by California Penal Code section 919(b), which provides: *"The grand jury shall inquire into the condition and management of the public prisons within the county."* California Penal Code section 925 also provides for the Grand Jury to investigate the operations of the county's juvenile holding and detention facilities, and the Probation Department.

Inspection of Facilities

It is really not possible to fully comprehend the complexity of the detention system, the problems it grapples with and the professionalism and passion of the men and women who are charged with staffing it without visiting the county's detention facilities. The detention facilities constitute a substantial financial cost to the county.

The success or failure of the facilities not only affect those who pass through the system, and their families, but also those citizens at large who may be the victims of future crimes if the detention system is unsuccessful.

Adult Detention Facilities

Detention Philosophy

There are two basic philosophies regarding detention of those convicted of criminal acts.

One, the incarceration model, emphasizes keeping inmates off the streets for the protection of the public, punishing them for their crimes through incarceration. The other, the rehabilitative model, emphasizes using the time the prisoners are in custody to assist them in overcoming addictions and psychological problems, teaching them to think and act differently, and providing for educational, living and employment skills that may assist them to avoid future criminal behavior once they are released.

The incarceration model requires little more of detention facilities than cells and provision for services such as food and laundry. The rehabilitative model requires places where classes and individual counseling may take place. Certain outside organizations offer rehabilitative services for a fee, and others provide these services for free out of religious or humanitarian values. In all cases, the detention facility must be configured to permit these services to be rendered outside of the strict confinement of a cell.

Contra Costa County, through the work of its criminal justice agencies, the Superior Court, the Sheriff, the Probation Department, the District Attorney, and the Public Defender is committed to the rehabilitative model. Wherever possible the County offers a wide range of programs and services to its inmates and to those on probation. The County's Superior Court is more likely than other counties in the state to rely on probation rather than incarceration. Before the advent of AB 109 the County sent only 13% of those convicted to state prison, as compared to 20% for the state as a whole.

Courts in Contra Costa County are far more likely to impose "split sentences", which involve a combination of incarceration and probation, than the rest of the state. The percentage for split sentences in the County is 90%, and is 28 % for the State. These County policies have shown some success. Before AB 109, the County experienced a 20% recidivism rate for those placed on probation following conviction for a felony; the comparable recidivism rate for the state was 60%.

Facility Type, Capacity, and Use

Inmates are "scored" and classified before they are assigned to one of the three county detention facilities. Inmates who have been charged or convicted of certain serious or violent crimes, are members of gangs or have "special needs" (i.e. require protective custody or have severe medical or mental health issues) can only be assigned to the Martinez facility where

security is the highest, and access to the County Hospital and the courts is more readily available. This classification system allows the County to be able to place the inmates in the most appropriate facility for their needs.

The Martinez facility is a high-security, wet cell facility (cells have toilets and sinks so that inmates can remain in their cells for extended periods of time). Originally built to house 320 inmates, one to a cell, it currently houses 646, with most prisoners doubled up in the cells. The current capacity of the Martinez facility is 695. Nearly all those housed there are ineligible to be moved to other county facilities because of their classification status. This facility is 32 years old and was designed and constructed for short-term incarceration only. Inmates were held for trial and, once convicted, transferred to other facilities, including state prison, or they served short sentences at Martinez. Since there were few or no programs such as exist today to effectuate the rehabilitation model, the Martinez facility was not designed with classrooms or counseling areas. Inmates who are eligible to receive services or programs receive them in their cells. Without access to the array of rehabilitative programs available in the other facilities, these inmates may be less likely to re-enter society successfully.

The West County facility is a medium-security, program-driven, direct supervision facility that currently houses 874 inmates. It has a capacity of 1,000 (of which 200 spaces are set aside for women). Inmates are encouraged to attend classes and training programs. There are adequate physical facilities to permit such programs. The deputies have direct interaction with the inmates. Inmates are allowed to move on their own between their dormitories and other areas of the facility such as classrooms.

The Marsh Creek facility is the oldest facility in the County and commonly referred to as "The Farm." It is a relatively low-security facility with a population of approximately 77 and a capacity of 150. Built in the 1930s, the facility is in fair condition and has benefited from the influx of AB 109 money to upgrade essential systems. It is, however, geographically remote and difficult for friends and families of inmates to visit.

The West County and Marsh Creek facilities have adequate resources to support the rehabilitative model but the Martinez facility does not.

Serving Future Needs

In 2013, pursuant to SB 1022, counties were invited to submit requests for awards of funds up to \$80 million for construction of new detention facilities. Contra Costa County, through the Sheriff's Office, and with the approval of the Board of Supervisors, applied for such a grant. The Board's resolution approving the application included a commitment by the Board to provide matching funding equal to 10 percent of the grant, or \$8 million.

The grant application proposed constructing an additional building at the West County facility with 20,000 square feet for 240 new cells and learning areas. This additional building would permit the transfer of prisoners from the Martinez to secure space at the West County facility, where they have access to educational and treatment programs.

The County did not receive the grant. The prime problem apparently was technical and involved the identification of the precise funds the County would use for its match. A second round of grants is scheduled for 2015. The County expects to resubmit its application at that time.

Maintenance and Repairs

Maintenance of and repairs to the adult facilities are often not promptly made. Yet, in general, all three adult facilities appeared to be in reasonably good condition, taking into consideration the ages of the buildings and the significant County budget reductions over the past several years.

Some repairs and renovations, particularly those at Marsh Creek, have been financed by funds made available by AB 109. It is difficult to make repairs to the detention facilities because they are occupied around the clock. A clogged toilet or defective light switch is much more of a problem at these facilities than it would be in a building where people work regular hours or where occupants are free to move out of the affected space to meet their needs.

The 2011-2012 Grand Jury Report No.1210 recommended that the County meet with the union representing General Services' employees regarding the use of voluntary inmate labor to perform minor maintenance and repairs at the detention facilities. The resolution reached allows inmates to perform only grounds maintenance (yard work) at the detention facilities, firing range and field operations building on a very limited basis. No other work is permitted by inmates.

Juvenile Detention Facilities

The Grand Jury has been more than a little critical with regard to juvenile programs and facilities over the years. Starting in 1999-2000, grand juries have questioned the adequacy of the facilities, programs, food service, and staffing in reports. The 2012-2013 Grand Jury produced a much more positive report. However, some problems remain.

Facility Type, Capacity, and Use

The John A. Davis Juvenile Hall (Juvenile Hall) in Martinez is a modern facility with sound, integrated educational and behavioral programs and a dedicated staff.

The Orin Allen Rehabilitation Facility (Boys' Ranch) in Byron, while heavily used over the years and in need of renovation, is well maintained and has a broad array of educational and personal growth programs. Like Juvenile Hall, the staff of the Boys' Ranch is professional and dedicated.

Library resources for both facilities have been substantially improved because of a partnership between the Probation Department and the Contra Costa County Library.

Staffing

Some juveniles are much more impulsive and unpredictable than are adults and for those reasons juvenile inmates (referred to as “residents”) can be potentially more dangerous than are adults. Adult facilities have a ratio of Sheriff’s deputies to inmates of 1:64 and in all but the highest security areas Sheriff’s, deputies pass freely among inmates with safety. However, in juvenile facilities, especially Juvenile Hall, attacks by residents on other residents or staff members are not uncommon. One or more Probation Officers are on disability as a result of serious injuries suffered at the hands of residents.

The staffing level of the juvenile facilities is set by state law at a minimum of 1:10, which is the ratio currently maintained by the County. Because of the County’s recent financial difficulties, the state rules have been interpreted freely to keep staffing as low as possible, perhaps lower than required. As a result of these interpretations, some staff members work only when the population of the detention facility has increased in order to ensure the state requirements are met. They are not called to work when the resident population falls.

The staffing levels at the juvenile facilities are inadequate to achieve their mission. Like the adult detention program, juvenile detention in Contra Costa County is based on the rehabilitative model. Under this model, numerous programs are made available to the young men and women caught up in the juvenile justice system at a time when they might benefit from them. While valuable programs are currently provided, more programs could be offered, some provided free of cost by volunteers.

There are adequate physical facilities to offer rehabilitative programs at the juvenile detention facilities, but the facilities lack adequate staff to do so. For example, if residents are to be brought to a classroom for a program, a guard has to escort them. Each residential unit must be staffed by at least two probation staffers when the residents are in a common area. If one staffer has to leave to escort residents to another area, all residents must be confined to their rooms. This creates additional problems. Outside teachers and counselors conducting the programs cannot be left alone with the residents because of the threat to their safety.

As a result of the minimal staffing, residents are deprived of access to programs that may benefit them and reduce their likelihood of re-offending.

In 2015, a federal law, the Rape Reduction Act, will eventually require juvenile facilities nationwide to maintain minimum staffing levels of 1:8.

Maintenance and Repair

The comments made above in the adult detention facility section with regard to maintenance and repair also apply to the juvenile facilities. When Juvenile Hall was designed and constructed various cost-saving measures were taken that have since complicated the operation of the building and increased the need for maintenance measures.

Lack of a Case Management System

The County Juvenile Probation system lacks a modern, computer-based case management system. The Probation Department is unable to accurately track whether individuals are receiving follow-up services, the rate of recidivism, or the effectiveness of rehabilitative programs. The County has recognized the need for a case management system. In the past year a concerted effort has proven successful, and a contract for the purchase of such a system is imminent. Nevertheless it will take many months to load all of the information, now recorded on paper and in smaller computer programs, into the system. When fully functional, the new case management system should permit the history of each juvenile entering the juvenile justice system to be tracked, and provide a way to evaluate the effectiveness of rehabilitative programs.

Mental Health Services

Many of the youth who enter the juvenile justice system suffer from mental and emotional problems. Since the average period of detention at Juvenile Hall is relatively short, it does not provide enough time generally to permit extensive treatment. However, the average period of detention provides adequate time to identify and evaluate those conditions, and the staffing available at Juvenile Hall appears to be adequate for these purposes.

The average period of confinement at the Boys' Ranch is long enough, however, to justify efforts to address treatment of mental health issues. Indeed, failure to do so would constitute a wasted opportunity to intervene at a crucial time in the life a troubled young man when the most good could be done at relatively little cost. For years the Boy's Ranch lacked enough mental health professionals to meet the needs of the resident population. For the past year there have been two full-time mental health professionals at the Ranch, bringing a much-needed service to this population.

FINDINGS

1. The Contra Costa County adult and juvenile facilities are well managed and well maintained by staff who conduct themselves professionally and courteously.
2. Contra Costa County is committed to a policy of providing adult and juvenile prisoners with programs that address their psychological and educational needs to reduce the likelihood that they will reoffend when they are released.
3. The County's rehabilitation-oriented philosophy cannot be fully implemented because rehabilitative programs are not available for a substantial number of adult prisoners housed at the Martinez facility.
4. The Sheriff's Office has applied to the State, unsuccessfully, for funds to build additional cells and program space at the West County facility that would help alleviate the problem of insufficient program space. The next opportunity to secure funding is likely to occur in 2015.

5. The juvenile facilities face challenges in providing adequate rehabilitative services because of a shortage of staff.
6. In 2015, a federal law will begin to be phased in that ultimately require a minimum 1:8 ratio of probation staff to juveniles, which compares favorably to the current ratio of 1:10.
7. Adequate mental health services at the Boys' Ranch are now available.
8. Routine maintenance and repair issues continue to be a constant source of annoyance to inmates/residents and to those responsible for operating both adult and juvenile detention facilities.
9. Absent the availability of more funding to address maintenance and repair needs, the best solution with regard to the adult facilities may would be to make use of inmate labor, as appropriate.

RECOMMENDATIONS

1. The County should consider preparing a complete application, including the identification of matching funds, when applying for a grant from the State during the next round of funding for the construction of additional detention facilities at West County, in order to provide rehabilitative services to inmates who could be transferred from Martinez.
2. The County should analyze ways to provide additional staffing at the juvenile facilities to comply with upcoming federal mandates.
3. The County should consider continuing to make the provision of adequate mental health services at the Boys' Ranch a high priority.
4. The County should consider continuing to engage appropriate unions in discussions with respect to using inmate labor to perform maintenance and repairs at county detention facilities.

REQUIRED RESPONSES

	<u>Findings</u>	<u>Recommendations</u>
Contra Costa County Board of Supervisors	1-9	1-4
Contra Costa County Sheriff	1, 3-5, 9	1

COPY FOR INFORMATION ONLY – NO RESPONSE REQUIRED

	<u>Findings</u>	<u>Recommendations</u>
Contra Costa County Chief Administrative Officer		
Contra Costa County Chief Probation Officer		
Contra Costa County Director of Public Works		