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## COUNTY JAIL INMATE TELEPHONE AND COMMISSARY

**Background:** As part of its inquiry into the Sonoma County Main Adult Detention Facility’s (MADF) telephone service, the Grand Jury found a pattern of charges for inmate phone use that exceeds the market rate by more than tenfold. The Sheriff’s Office also runs a commissary inside the MADF and its prices are typically 200% to 300% over the jail’s wholesale cost. The Sheriff’s Office deposits the phone commissions and commissary mark-up into the Inmate Welfare Trust (IWT) as State law requires. The Inmate Welfare Trust (IWT) was established to provide inmate programs, and in any given year, the IWT Committee may decide not to spend all of the money it raised. As of early 2021, the IWT held a surplus of over \$1.6 million. The Grand Jury offered these Recommendations to provide inmates a more accessible phone system and a more affordable commissary.

RES = Respondent; GJ = Sonoma County Civil Grand Jury

BOS = Sonoma County Board of Supervisors MADF = Main Adult Detention Facility;

SCSO = Sonoma County Sheriff’s Office; GTL = Global Tel Link, (MADF telephone provider)

RECOMMENDATIONS	RES.	RESPONSES	2021-2022 GJ OBSERVATIONS
R1. The Sheriff’s Office work with the Board of Supervisors to replace the current commission-based audio and video contract with Global Tel Link, using a model based on the San Francisco County Sheriff’s Department, by December 31, 2021.	SCSO	This Recommendation requires further analysis. The SCSO is open to replacing the commission-based contract, as long as the inmate programs it supports are not sacrificed. The SCSO would look to the BOS to commit General Funds for these programs so they would not be discontinued.	The Grand Jury acknowledges that this Recommendation requires further analysis and cannot be implemented until the analysis is completed.
	BOS	This Recommendation requires further analysis. County staff will research San Francisco County’s commission-free model to evaluate feasibility, fiscal impact and operational impact. Upon completion of the analysis, the BOS will look to the Sheriff’s office to determine if the program and structure should be changed, and then bring a recommendation to the BOS as needed.	The Grand Jury acknowledges that this Recommendation requires further analysis, and that the BOS cannot implement it by December 31, 2021. The GJ recognizes that the BOS will direct staff to perform the necessary research for the analysis.
R2. By September 30, 2021, the Sheriff’s Office develop a new communications model to provide for sufficient telephone kiosks to allow the inmate population free telephone and video visitation for at least 90 minutes per week until such time as a new	SCSO	This Recommendation has been partially implemented and requires further analysis. Detention staff is currently in communication with GTL for additional telephone kiosks and video visitation at the MADF. The SCSO is currently offering each inmate 70 minutes of free phone calls per week. Sheriff’s staff has prepared a funding request to the BOS to ensure continued funding, and if provided, will work with GTL for more equipment as needed.	The Grand Jury acknowledges that this Recommendation requires further analysis, and that the analysis should be completed by December 2021. The GJ recognizes that the SCSO has made changes to improve inmate telephone access by offering 70 minutes of free phone calls per inmate per week.

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communication contract is in effect.			
R3. As required by PC § 4025(e), the Sheriff’s Office provide an annual report to the Board of Supervisors detailing line item revenue and expenses within the Inmate Welfare Trust, beginning with the fiscal year ending June 30, 2021, with the initial report due by November 30, 2021.	SCSO BOS	This Recommendation has been implemented. The SCSO has been providing an annual report to the BOS as required by PC § 4025(e) since FY 03-04, and will submit the report for fiscal year ending June 30, 2021 by November 30, 2021.	The Grand Jury acknowledges that this Recommendation has been implemented.
R4. The Sheriff’s Office use its \$1.6 million Inmate Welfare Trust surplus to remove all charges for telephone service while in-person visitation is suspended, on or before September 30, 2021.	SCSO	This Recommendation will not be implemented. On June 17, 2021, the SCSO returned to normal visiting operations. The SCSO also continues to provide each inmate a free 10-minute phone call per day.	The Grand Jury acknowledges that this Recommendation will not be implemented. The GJ also recognizes that the SCSO has made changes that improve inmate access to in-person visits and phone usage.
R5. The Sheriff’s Office reevaluate its commissary markup to be in line with grocery store, as opposed to convenience store pricing, on or before September 1, 2021.	SCSO	This Recommendation requires further analysis. The SCSO intends to change the pricing structure with an updated and modernized commissary system based on analysis expected to be completed in December 2021. While it is the intent of the SCSO to sell hygiene supplies and stationery products with a 0% mark-up, snack items will not be priced similar to a grocery store because the pricing structure needs to compensate for the additional costs at the MADF (security, small storage area, delivery, etc.) that are not present in a grocery store setting.	The Grand Jury acknowledges that this Recommendation requires further analysis and cannot be implemented until the analysis is completed in December 2021. The GJ also recognizes the SCSO does not have the ability at the MADF to purchase in bulk and store in large quantity to obtain discount pricing. The MADF also incurs more direct overhead costs than that of a grocery store.
R6. By September 30, 2021, the Sheriff’s Office, using the reserve Inmate Welfare Trust funds, resume all inmate programs in existence pre-COVID, with funding at the same level once COVID related restrictions are lifted.	SCSO	This Recommendation has not yet been implemented, but will be in the future. Prolonged interactions between inmates from different housing areas has been eliminated in order to reduce the spread of COVID-19. Detention staff will resume pre-pandemic level programming when it is safe to do so.	The Grand Jury acknowledges that this Recommendation will be implemented in the future. The GJ recognizes that the COVID-19 safety precautions create program challenges in the MADF congregate setting.

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<p>R7. The Sheriff’s Office restructure the 10-member Inmate Welfare Trust Committee by December 31, 2021 to include more diverse representation, for example, community members, financial analysts, social workers and educators to bring the Committee more in line with the requirements of Penal Code § 5006 regarding commission membership standards for State Prisons.</p>	<p>SCSO</p>	<p>This Recommendation will not be implemented. The Inmate Welfare Trust Committee provides recommendations and direction to the Sheriff on inmate programs and IWT expenditures. The SCSO is always open to suggestions from the community.</p>	<p>The Grand Jury acknowledges that this Recommendation will not be implemented. The GJ also recognizes that Penal Code § 5006 applies only to state prisons and not the MADF.</p>

## COVID-19 MITIGATION AND THE COUNTY JAIL

**Background:** The Grand Jury investigated activities by the Court, the District Attorney and the Sheriff’s Department to reduce jail populations and lessen the likelihood of a major COVID-19 outbreak within the jail. The Sheriff’s Office made significant efforts to mitigate Covid-19 transmission throughout its detention facilities to ensure the on-going health and safety of inmates and employees. The Grand Jury recognized the success of the Sheriff’s Office in avoiding a major COVID-19 outbreak in the jail. However, some actions significantly limited the ability of inmates to communicate with family and legal representatives. Other actions limited inmates’ access to educational and recreational resources. The Grand Jury made several Recommendations aimed at restoring inmates’ rights and maintaining reduced prison populations.

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 SCSO= Sonoma County Sheriff’s Office; DA = Sonoma County District Attorney;  
 MADF = Main Adult Detention Facility

RECOMMENDATIONS	RES.	RESPONSES	2021-2022 GJ OBSERVATIONS
R1. The Sheriff’s Office develop, no later than September 1, 2021, a policy to restore out of cell activity, in person and video visitation, and all programs to pre-pandemic levels.	SCSO	This Recommendation has not yet been implemented but will be implemented in the future. However, the SCSO partially disagrees with the Recommendation because out of cell activities partly depend on inmate population over which it does not have final control. It is the goal of the Sheriff’s Office to have a revised policy completed by April 1, 2022.	The Grand Jury acknowledges that this Recommendation will be implemented in the future, with a specific goal of implementation of video visitation programs by April 1, 2022.
R2. The Sheriff’s Office implement 30-minutes of video visits per week by September 30, 2021, and continue until it fully restores in-person visits to the pre-pandemic levels.	SCSO	This Recommendation has been implemented. As of June 19, 2021, the Sheriff’s Office has restored in-person visiting to pre-pandemic levels.	The Grand Jury acknowledges that this Recommendation has been implemented through the restoration of in-person visits.
R3. The Sheriff’s Office should continue the pandemic-era policies favoring citations over arrests.	SCSO	This Recommendation will not be implemented because it is not warranted or reasonable. The SCSO cannot legally “favor” citations over arrests. The decision of citation vs arrest is the responsibility of the officer in the field.	The Grand Jury acknowledges this Recommendation will not be implemented.
R4. The Sheriff’s Office and the Board of Supervisors work together to develop a plan by December 21, 2021 to increase the contracted Wellpath resources to fund four additional Wellpath	SCSO	This Recommendation requires further analysis. The SCSO recognizes the substantial role discharge planners play for inmates with ongoing mental health and medical needs. The SCSO will monitor case load and issue recommendations to the BOS as needed.	The Grand Jury acknowledges that this Recommendation requires further analysis. A future GJ may choose to follow up on this issue.

RECOMMENDATIONS	RES.	RESPONSES	2021-2022 GJ OBSERVATIONS
discharge planners for mental health and medical assignments to the Main Adult Detention Facility.			
R5. The District Attorney discontinue cash bail for defendants charged with misdemeanors and non-violent, non-sexual and less serious felonies.	DA	This Recommendation will not be implemented because the DA does not have authority to unilaterally discontinue cash bail. However, the DA acknowledges that the practice of issuing citations rather than making arrests for misdemeanors and non-violent felonies has helped keep the MADF population from increasing. Further, it involves not only the arrest practices of the SCSO, but that of all law enforcement agencies.	The Grand Jury acknowledges that this Recommendation cannot be fully implemented at this time.
R6. The Sheriff's Office implement a surveillance-testing program and require 100% participation by all unvaccinated jail staff by September 1, 2021.	SCSO	This Recommendation has not yet been implemented but will be implemented in the future. The California Dept of Public Health Services order dated July 26, 2021, requires implementation of the Recommendation. The SCSO will be fully compliant with the Order by August 23, 2021.	The Grand Jury acknowledges that this Recommendation will be implemented.
R7. The Sheriff's Office reassign jail staff who decline vaccination or participation in surveillance testing by September 1, 2021.	SCSO	This Recommendation will not be implemented because it is not warranted or reasonable. This is a Human Resources issue and will be addressed through the Sonoma County Human Resources Department.	The Grand Jury acknowledges that this Recommendation will not be implemented. Given the State Public Health Order, this Recommendation is no longer relevant as vaccination tracking or surveillance testing is now mandatory for State and local correctional facilities and detention centers.