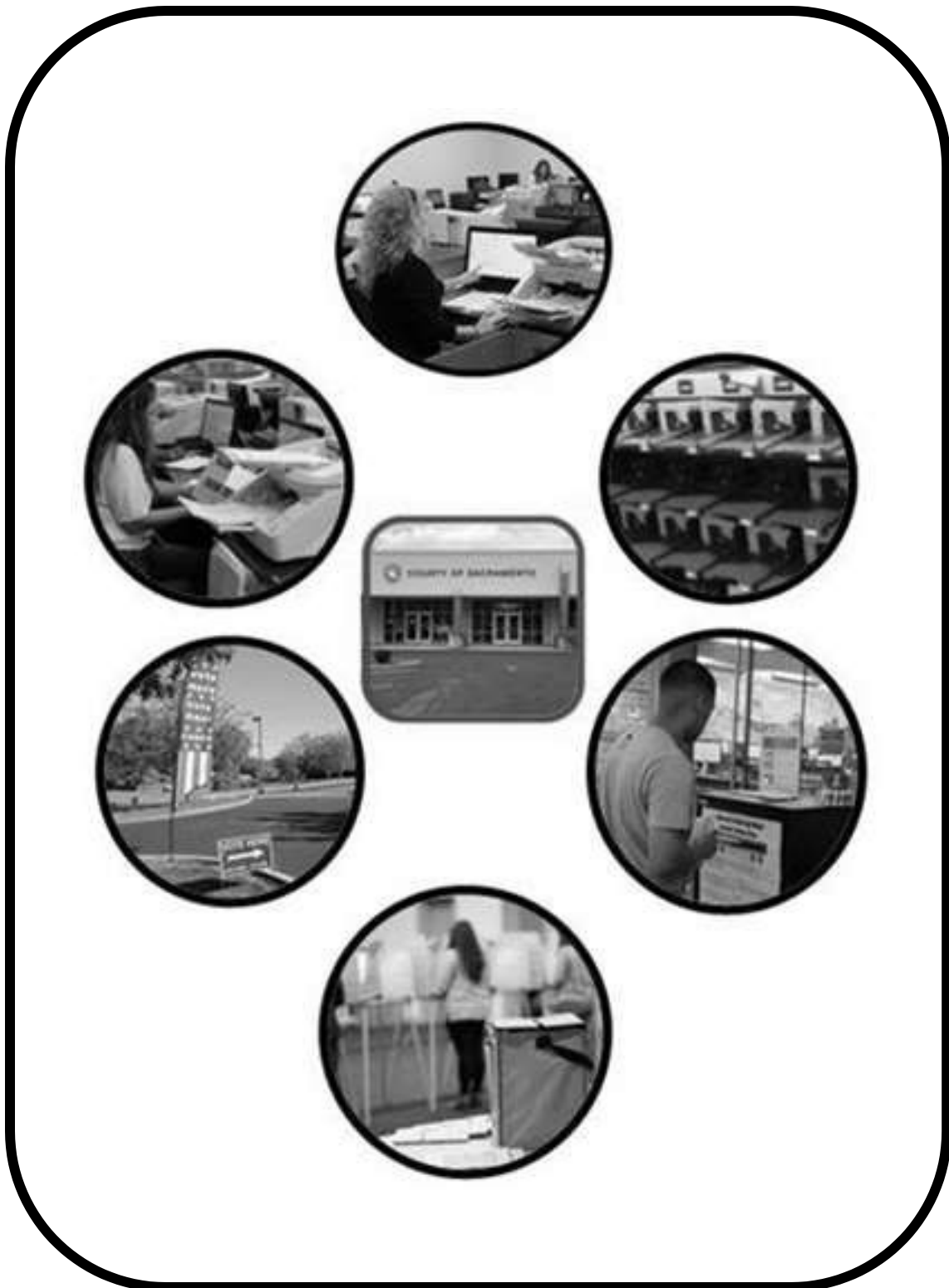


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Election Security in Sacramento County



ELECTION SECURITY IN SACRAMENTO COUNTY

Election Results

The date and time of the results are noted on the page.

Our first election night report includes absentee and mail ballots. All subsequent reports for election night reporting include results as they are processed.

3/24/2020 5:28 PM

Summary for: All Contests, All Districts, All Tabulators, All Counting Groups

Sacramento County

2020 Presidential Primary Election

March 3, 2020

FINAL

Elector Group	Counting Group	Cards Cast	Voters Cast	Registered Voters	Turnout
Democrat					
	Election Day	34,311	17,128		4.71%
	Vote by Mail	373,693	188,963		51.93%
	Canvass	17,762	8,911		2.45%
	Total	425,766	215,002	363,895	59.08%
Republican					
	Election Day	10,712	5,349		2.54%
	Vote by Mail	221,894	111,428		53.00%
	Canvass	4,709	2,364		1.12%
	Total	237,315	119,141	210,222	56.67%
Independent					
Non-Partisan	Election Day	1,282	641		2.28%
Green	Vote by Mail	19,455	9,753		34.75%
Libertarian	Canvass	446	223		0.79%
Peace Freedom	Total	150,325	75,208	164,766	37.83%
	Total	813,406	409,351	409,351	49.99%

Source: Election Results Sacramento County Website

SUMMARY

In 2010, hackers hijacked San Mateo's Registrar of Voters Election website and in 2016 cyberthieves successfully breached several employee email accounts using phishing techniques. A 2018-19 San Mateo County Grand Jury (SMCGJ) report, "Security of Election Announcements," focused on the vulnerabilities of their county's email and online communication platforms to hijacking and propagating disinformation in the guise of election instructions and/or announcements, and included a series of recommendations which proposed short-term fixes to address the immediate risk to upcoming elections and longer-term changes to assess the broader cybersecurity threats to election information.

In 2019, the Sacramento County Grand Jury (SCGJ) received a citizen inquiry regarding whether Sacramento's Voter Registration System could benefit from the recommendations adopted in San Mateo. The SCGJ forwarded this report to the Sacramento County Registrar of Voters (SCRV) to ask if these recommendations applied to Sacramento and, if so, whether they were being implemented. The SCGJ found that most of the San Mateo recommendations had either been adopted by or were in the process of being adopted by the Sacramento County Department of Technology (DTech) and the Voter Registration and Elections Department (VRE). However, the SCGJ also determined that DTech was not regularly performing vulnerability scans and penetration testing of Sacramento County information technology systems. We, therefore, recommend that DTech develop a plan to perform regular vulnerability scans and penetration testing.

BACKGROUND

In 2008 after a \$1 million comprehensive review of the voting system, the Secretary of State of California decided that several of California's electronic voting machines were faulty and required that all electronic voting machines must leave a paper trail. VRE uses a state-of-the-art paper ballot system and an air gap computer system to tally results. Air gapping is a network security measure employed on one or more computers to ensure that a secure computer network is physically isolated from unsecured networks, such as the public Internet or an unsecured local area network.

The 2016 Voter's Choice Act dramatically changed the voting process in California. The 2020 Primary Election is the second time the new process has been used in Sacramento County and the first time for most of the other counties in California, giving Sacramento County a lead role in implementation both in the U.S. and statewide. The Department of Homeland Security's (DHS) website notes, "A secure and resilient electoral process is a vital national interest and one of our highest priorities." A 2018-19 SMCGJ report focused on the vulnerabilities of its county's email and online communication platforms to hijacking and propagating disinformation in the guise of election instructions and/or announcements and issued a series of recommendations to strengthen the security of its Voter Registration system. The report concluded with findings and recommendations which represented short-term fixes to address the immediate risk to upcoming elections and longer-term changes to assess the broader cybersecurity threats to election information.

In 2019, the SCGJ received an inquiry regarding the Sacramento Voter Registration System and whether it had or needed to adopt the same kinds of recommendations that were presented to San Mateo County. SCRIV was provided a copy of the report and was requested to provide an assessment and determination regarding the applicability of the San Mateo County recommendations to Sacramento and, if appropriate, plans for remediation.

VRE invited DTech to conduct a series of meetings to assess the recommendations, and if necessary, the plans for remediation. VRE collated their joint recommendations and provided the summary of actions taken or contemplated to the SCGJ. That comparative summary is included in the "Discussion" section.

METHODOLOGY

The SCGJ interviewed both senior and line staff of the VRE, the SCR, DTech and CyberDefenses. It also reviewed system documentation, including the system's assessment of recommendations and actions, and conducted onsite reviews of the VRE and their onsite information technology system. VRE and DTech currently have a contract with CyberDefenses, Inc. to evaluate information technology security throughout Sacramento County. SCGJ had a team onsite at the VRE offices during the March 3, 2020, primary election during which time a question and answer session was held with the SCR, two employees of DTech and the managing director of CyberDefenses, Inc.

DISCUSSION

In response to the Grand Jury's inquiry, the SCR, in cooperation with DTech conducted a series of meetings in 2019 to determine how Sacramento County's Voter System measured up to the standards as documented in the SMCGJ 2018-2019 Report "Security of Election Announcements."

The SCGJ reviewed the recommendations adopted by and actions taken by the VRE and DTech to determine the security of the current system and to determine if further recommendations or actions were required. The Grand Jury found that most of the San Mateo County recommendations had either been adopted by or were in the process of being adopted by the DTech and the VRE.

The SCGJ's decision to initiate this investigation may have helped bring the deficiency of multi-factor authentication forward as a threat to the current election cycle. A series of meetings with the department heads of DTech and VRE to address all the concerns of the SMCGJ report was undertaken. The implementation of Domain-based Message Authentication Reporting and Conformance (DMARC) may also have been accelerated because of the inquiry. DMARC limits the ability of hackers to use phishing techniques to steal passwords and other personal information to breach computing systems. The SCGJ was unable to determine when the last external audit was done to evaluate the security of Sacramento County Election systems or what entity had done the penetration testing.

SMCGJ's proposed security measures outlined in the table below are technical in nature. They were divided by the Sacramento County Grand Jury into categories for ease of presentation.

- Security measures 1, 2: Address the need to update the County's election security policies and to publish the revised results.
- Security measure 3: Addresses DMARC, (Domain-based Message Authentication, Reporting and Conformance) an email authentication, policy, and reporting protocol. It verifies linkage to the author ("From") domain name to ensure that the sender is properly identified and helps improve and monitor the protection of the domain from fraudulent email.
- Security measures 4 - 9: Address the management of account passwords and the enforcement of the County of Sacramento supported multi-factor authentication methods. Cell phones are specifically excluded as the SIM cards can be switched between phones.
- Security measures 10, 11, 12: The Election Security Working Group identifies and addresses security concerns for all aspects of the election system. A cyber hygiene awareness program is being implemented this year to educate and train new hires as well as existing staff in safe online practices.

SMCGJ Report

Proposed Security Measures

VRE and DTech Responses

1: Incorporate Communications into Election Security Definition: VRE should adopt a policy that defines election security to include the security of the VRE website, VRE staff email accounts, social media accounts used for VRE announcements, and other platforms VRE uses for publishing election announcements.	Policy adjustments are in progress to specifically call out security controls for election systems that deal with communications, registration, vote casting and results from the tabulation. Estimated completion June 30, 2020.
2: Publish Updated Security Policy: VRE should update the VRE website's written	Written descriptions of election security for VRE websites are in development.

descriptions of the election security to incorporate the policy resulting from R1 on the security of election communications in addition to the current focus on the security of (a) registration, (b) vote casting, and (c) election results. .	These descriptions will call out security controls for election systems that deal with communications, registration, vote casting and results from tabulation in an appropriate format for external dissemination. Estimated completion by March 15, 2020.
3: Prevent Spoofing with DMARC. DTech, the Communication and Media Office (CMO), and VRE should improve email security for employees involved in election announcements by configuring and enabling DMARC for at least the smcvre.org and smcgov.org domains.	DMARC is now fully implemented in all Sacramento County email domains.
4: Combat VRE Email Account Phishing with FIDO Keys: VRE should provide FIDO physical security keys to each of its permanent elections employees and require the use of those FIDO keys as part of their multi-factor authentication for accessing their County email accounts.	The County of Sacramento has begun a county-wide employee and contractor initiative to implement Duo to provide Multi-Factor Authentication for systems and applications. FIDO tokens are an available option but are not enforced as the only authentication method. The County of Sacramento will support the following: Duo multi-factor authentication types Duo Push, U2F (FIDO) and tokens (limited to Duo application and organizational desk phones). Cell phone texting and call verification methods are blocked to prevent SIM swapping. This project is currently in a limited pilot and is being rolled out in segments over 16 months, with critical infrastructure and

	departments like VRE deploying first.
5: Fast Identity Combat Other Email Account Phishing with FIDO keys: VRE should identify County employees outside of VRE that have a role in election announcements (e.g., Chief Communications Officer, senior DTech employees, etc.) and ask that the departments of the identified employees provide FIDO physical security keys to each of the identified employees and require the use of those FIDO keys as part of their multi-factor authentication for accessing their County email accounts.	The County of Sacramento has begun a county-wide employee and contractor initiative to implement Duo to provide Multi-Factor Authentication for systems and applications. FIDO tokens are an available option but are not enforced as the only authentication method. The County of Sacramento will support the following: Duo multi-factor authentication types Duo Push, U2F FIDO and tokens (limited to Duo application and organizational desk phones). This project is currently in a limited pilot and is being rolled out in segments over 16 months, with critical infrastructure and departments like VRE deploying first. VRE should complete this recommendation by December 31, 2020
6: Combat Island Hopping with FIDO key Vendor Requirement: VRE and DTech should require employees and contractors of any vendor that hosts the VRE website to use FIDO physical security keys as part of their multi-factor authentication.	The County of Sacramento has begun a county-wide employee and contractor initiative to implement Duo to provide Multi-Factor Authentication for systems and applications. FIDO tokens are an available option but are not enforced as the only authentication method. The County of Sacramento will support the following: Duo multi-factor authentication types Duo Push, U2F FIDO and tokens (limited to Duo application and organizational desk phones). This project is currently in a limited pilot and is being rolled out in segments over 16

	months, with critical infrastructure and departments like VRE deploying first.
7: Stop Sharing Social Media Account Passwords: VRE and Communication and Media Office (CMO) should implement procedures whereby communications staff manage official County social media accounts with multi-user administration, and no employees share social media account passwords.	Social Media Accounts are managed by the CMO and adhere to the County of Sacramento Social Media Policy. This policy is currently under review to address the management of account passwords and the enforcement of the County of Sacramento supported multi-factor authentication methods. The estimated completion date of January 15, 2021.
8: Request FIDO key Feature If Not Available: VRE and CMO should jointly draft and send a FIDO key feature request citing this report to the social media companies used by the County to broadcast election announcements, but that do not currently offer FIDO account security protections—especially Instagram and Nextdoor.	Social Media Accounts are managed by the CMO and adhere to the County of Sacramento Social Media Policy. This policy is currently under review to address the management of account passwords and the enforcement of the County of Sacramento authentication methods. The estimated completion date is June 30, 2020. Additionally, due to the limitations and diversity of Social Media Accounts authentications, a review of Social Media Management software will be conducted. The estimated completion date is January 15, 2021
9: Combat VRE Social Media Account Phishing with FIDO Keys: VRE should require any employee social media accounts capable of administering the official VRE social media pages listed in	Social Media Accounts are managed by the CMO and adhere to the County of Sacramento Social Media Policy. This policy is currently under review to address the management of account

Table 1 to use FIDO physical security keys as part of their multifactor authentication.	passwords and the enforcement of the County of Sacramento supported multi-factor authentication methods. The estimated completion date is June 30, 2020. Additionally, due to the limitations and diversity of Social Media Accounts authentications, a review of Social Media Management software will be conducted. The estimated completion date is January 15, 2021
10: Coordinate Election Security with Interdepartmental Working Group: VRE and DTech should create an election security working group that meets periodically and is responsible for evaluating and improving the security of elections (a) registration, (b) vote casting, (c) results from tabulation, and (d) communication within San Mateo County.	The County of Sacramento holds monthly meetings between the VRE department, infrastructure support teams and information security teams. This Election Security Working Group identifies and addresses security concerns for all aspects of the election system. Additionally, this group leverages independent security consultants to audit security control effectiveness and recommend improvements.
11: Evaluate Free DHS Elections Security Assistance Programs: VRE and DTech election security working group should evaluate the benefits of having all members of the election security working group participate in any of the free DHS elections security assistance programs listed in Table 2.	A vendor is scheduled to audit the next election from a people process and technology standpoint. A DHS assessment is in the roadmap after another organizational segment completes its audit. Report back by September 30, 2020

12: Offer Behavioral Cyber Hygiene Audits: DTech and the County Controller's Office should develop a behavioral auditing program consisting of sampling the day-to-day routines and security practices of employees, contractors, and/or vendors and offer to audit each department within the County periodically to (1) evaluate compliance with existing cyber hygiene policies and (2) provide proactive advice on cyber hygiene improvements that could inform new policies.	In support of the County's focus on cybersecurity, a new cyber awareness program is being rolled out this year to educate, evaluate, and enhance its security posture. This program includes activities like new hire training, annual computer-based training, site visits, promotional poster and email distributions, and cyber hygiene audits. Report back by September 30, 2020
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FINDINGS

F1. Sacramento County Department of Technology (DTech) is not currently practicing regular, consistent vulnerability scans and penetration testing. Vulnerability scanning and penetration testing are often confused. The two security procedures are quite different and are used for different purposes. At the most basic level, vulnerability scanning aims to identify any systems that are subject to known vulnerabilities while a penetration test aims to identify weaknesses in specific system configurations and organizational processes and practices that can be exploited to compromise security.

F2. Voter Registration and Elections Department (VRE) considers election security a major concern and has given it a very high priority. The Sacramento County Registrar of Voters (SCRV) and her staff were very cooperative and began almost immediately to implement changes and corrective measures for identified shortcomings.

F3. Media policy is currently under review to address the management of account passwords and the enforcement of the County of Sacramento supported multi-factor authentication methods. The estimated completion date is June 30, 2020. Social Media Accounts are managed by the Communication and Media Office (CMO) and adhere to the County of Sacramento Social Media Policy.

Due to the limitations and diversity of Social Media account authentications, a review of Social Media Management software will be conducted by the Sacramento County Department of Technology (DTech). The estimated completion date is January 15, 2021.

F4. Sacramento County Department of Technology (DTech) has begun a 16-month county-wide initiative to implement multi-factor authentication. Multi-factor authentication is one of the best deterrents to keep unauthorized users from hacking into computer networks. Voter Registration and Elections Department (VRE) will be one of the first departments to deploy this methodology.

RECOMMENDATIONS

R1. Sacramento County Grand Jury (SCGJ) recommends the Sacramento County Department of Technology (DTech) institute frequent penetration testing performed by a third party twice per year at a minimum. SCGJ further recommends DTech perform vulnerability scans each time the following occurs within the IT ecosystem.

- Security patches are applied,
- Significant changes are made to the infrastructure or network,
- New infrastructure or web applications are added,
- An office location changes, or an office is added to the network.

R2. Sacramento County Grand Jury (SCGJ) recommends the Communication and Media Office (CMO) adjust its election security policy to include security of the Voter Registration and Elections Department (VRE) website, communication, registration, voting and results from tabulation by June 30, 2020 in preparation for the November 2020 general election.

R3. Sacramento County Grand Jury (SCGJ) recommends that the Sacramento County Department of Technology (DTech) and Voter Registration and Elections Department (VRE) need to implement multi-factor authentication procedures before the November 2020 general election.

R4. Sacramento County Grand Jury (SCGJ) requests that the Sacramento County Department of Technology (DTech) report back to the SCGJ the results of the CyberDefenses, Inc. review and the U.S. Department of Homeland Security (DHS) audit of the election security by September 30, 2020.

GLOSSARY

CMO:	Communication and Media Office
DHS	U.S. Department of Homeland Security
DMARC	Domain-based Message Authentication Reporting and Conformance
Duo	Multi-factor authentication and device trust security platform
DTech	Sacramento County Department of Technology
FIDO	Fast Identity Online Alliance
Multi-factor Authentication	Proof of identity at login using a combination of unique identifiers
Phishing	The fraudulent practice of sending emails purporting to be from reputable companies to induce individuals to reveal personal information, such as passwords and credit card numbers.
SCGJ	Sacramento County Grand Jury
SCRV	Sacramento County Registrar of Voters
VRE	Voter Registration and Elections Department

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05 the grand jury requests responses as follows:
Responses from the following Sacramento County officials within 60 days:

- Courtney Bailey-Kanelos
Registrar of Voters
Voter Registration and Elections
7000 65th Street, Suite A
Sacramento, CA 95823
- Rami Zakaria,
Chief Information Officer
Department of Technology
799 G Street
Sacramento, CA 95814

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

- Paul Thorn
Jury Commissioners
ThornP@saccourt.ca.gov
- Ms. Erendira Tapier-Bouthillier
Grand jury
TapiaE@saccourt.ca.gov

INVITED RESPONSES

- Janna Haynes
County Communication and Media Office
c/o Voter Registration and Elections
7000 65th Street, Suite A
Sacramento, CA 95823

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

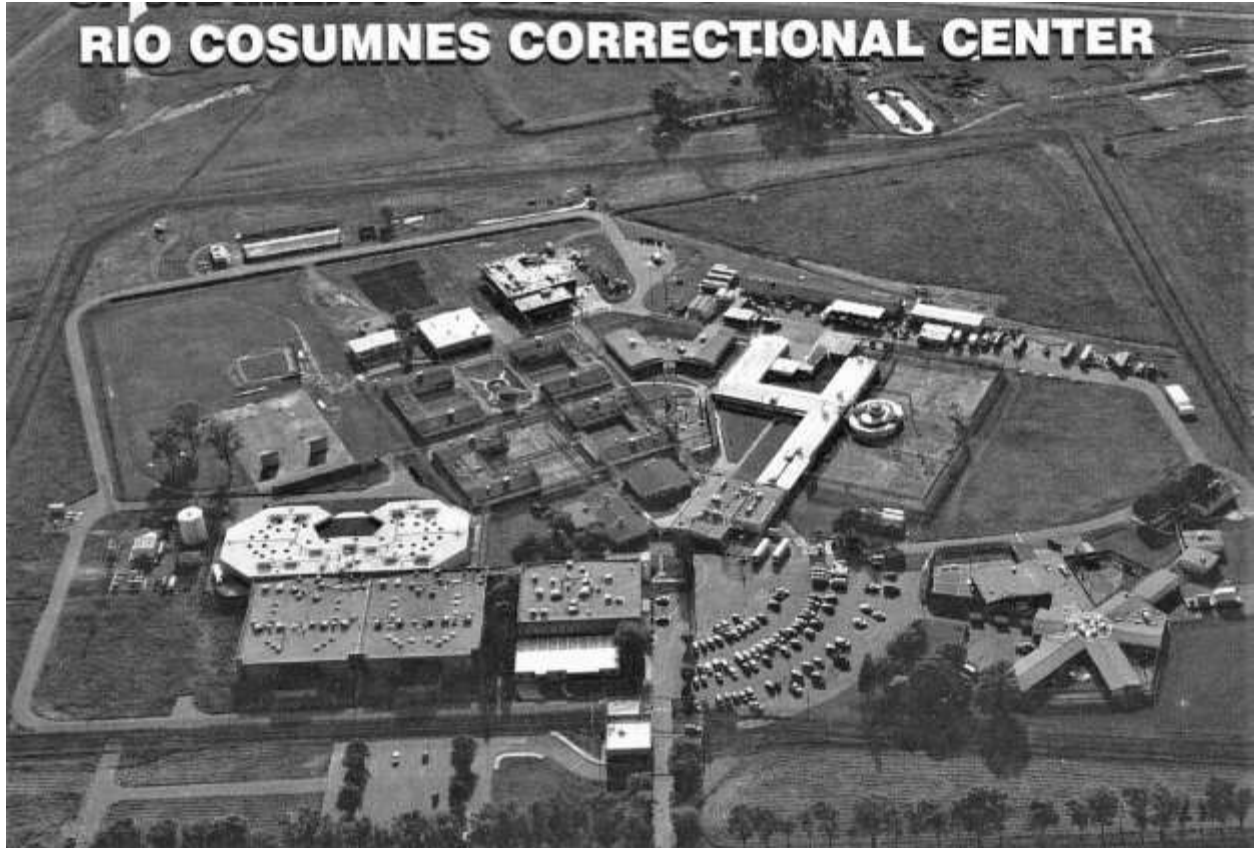
- Paul Thorn
Jury Commissioner
ThornP@saccourt.ca.gov
- Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or fact leading to the identity of any person who provides information to the Grand Jury.

DISCLAIMER

One Grand Juror was recused from participating in all aspects of the investigation, including interviews, deliberations, and the writing and the approval of this report due to that Grand Juror's service as an election clerk in Sacramento County.

California Senate Bill 1022: A Gift Too Good to Ignore



CALIFORNIA SENATE BILL 1022: A GIFT TOO GOOD TO IGNORE

SUMMARY

The 2019-2020 Sacramento County Grand Jury (SCGJ) initiated an investigation into the County of Sacramento's hesitancy to accept \$80 million in state funds authorized by Senate Bill 1022, the Adult Local Criminal Justice Facilities Construction Program (SB 1022). The intent of SB 1022 is to promote the implementation of Assembly Bill 109, the California Public Safety Realignment Act (AB 109), a law that requires minor felony level defendants be incarcerated locally rather than in overcrowded state prisons. The Board of State and Community Corrections (BSCC) oversees and assists the counties in making the modifications necessary to house, educate and provide medical and mental health services to long term inmates.

In 2013-2014 Sacramento County received authorization for \$80 million to make the necessary to existing local facilities. If the County agrees to accept the funds it must agree to pay the staffing costs and operate the facility until the lease revenue bonds which raise the necessary monies are fully paid. The Sacramento County Office of Budget and Debt Management estimated the approximate yearly increased staffing and operating costs would be between \$6-\$8 million per year for the next 30 years, the term of the lease revenue bonds.

In 2014, the Sacramento County Sheriff's Department began developing a plan for the use of the \$80 million to expand the programs and services needed for long-term inmates housed at Rio Cosumnes Correctional Center (RCCC) and the Sacramento County Main Jail (SCMJ). That plan included construction of a medical and mental health services center capable of housing up to 26 inmates, and the upgrade of reception and cafeteria facilities, as well as the expansion of educational and vocational training programs.

The County issued Requests for Proposals (RFPs) from contractors in 2015, 2017 and 2019. The scope of the successive RFPs was reduced each time, but the bids continued to exceed the engineers' estimates.

At the same time the RCCC expansion plans were undergoing reviews and revisions, Sacramento County was also defending a lawsuit in the United States District Court, Eastern District CA, Sacramento Division concerning the conditions in the SCMJ and RCCC. The litigation, *Mays v. County of Sacramento*¹ resulted in a Consent Decree approved by the court on January 13, 2020 between the County and the plaintiffs. The Consent Decree obligated

¹ *Lorenzo Mays et al., Plaintiffs, v. County of Sacramento, Defendant*, United States District Court, E.D. California, No. 2:18-cv-02081-TLN-KJN (PC), January 8, 2020)

Sacramento County to extensively upgrade medical and mental health facilities, as well as provide accommodations to inmates required by the Americans with Disabilities Act (ADA).

The Grand Jury found that the County will need to expend considerable funds to adequately accommodate the needs of its increased number of inmates due to realignment and compliance with the requirements of the *Mays Consent Decree*; and that acceptance of the \$80 million in state funds available through SB 1022 will substantially offset anticipated funding requirements. Failing that, County funds should be allocated for infrastructure improvements to support the expansion of medical and mental health services, as well as the education and vocational training opportunities for all inmates.

BACKGROUND

On November 8, 1994, the California voters approved Proposition 184, Three Strikes Sentencing Initiative, also known as “Three Strikes and You’re Out.” The essence of the Three Strikes law was to mandate a lengthy prison sentence for habitual offenders. The law was codified in California Penal Code section 667.

Once implemented, the California prison population exploded and new prison construction couldn’t keep up with the growth. The population reached a high of approximately 173,000 inmates by 2007 up from about 125,600 inmates in 1994 when the “Three Strikes and You’re Out” sentencing law was passed.

In 2009 the US Supreme Court mandated that the State of California reduce the prison population to no more than 115,000 inmates, or 137.5 percent of its design capacity, within two years. By the year 2011 the state prison population continued to rise and reached 143,493 inmates or 180 per cent of design capacity. On April 4, 2011, the state legislature passed AB 109, to reduce the state prison population. This bill immediately shifted the responsibility for housing certain new offenders, specifically persons convicted of non-violent, non-serious, non-sex offenses and parole violations, from State Corrections to the County Sheriff and the responsibility for parole supervision from State Parole to County Probation.

As a result, since 2011 Sacramento County has become responsible for housing and supervising over 8,000 new offenders and state parole violators that otherwise would have been incarcerated in the state prisons or placed on state parole. The state appropriated funding to assist each County with the implementation of AB 109. Sacramento County has, through 2019, received approximately \$287 million in supplemental funding to support realignment.

On June 27, 2012, SB 1022 became law. The California Legislature adopted SB 1022 to help the counties fund the construction costs associated with AB 109. Up to \$500 million was authorized in lease revenue bond financing for the acquisition, design, and construction of adult local criminal justice facilities.

The State of California has allocated up to \$80 million to Sacramento County to replace, renovate and expand the medical, mental health and rehabilitation facilities at the Sacramento County jails. On November 5, 2019, at the Sacramento County Board of Supervisors (BOS) meeting, the Director of the Department of General Services (DGS) and the Chief Fiscal Officer of Sacramento County presented a proposal recommending that the County reject the latest bids received in August 2019, and instead, reduce the scope of the RCCC's expansion and infrastructure project, and authorize the distribution of RFPs (Request for Proposals) reflecting those reductions.²

Approving the Project requires that the County commit to provide staffing and operate the facility until the lease revenue bonds are fully paid. The Sacramento County Office of Budget and Debt Management estimated the approximate yearly staffing and operating costs would be between \$6-\$8 million each year for the next 30 years or until the bond is repaid. The Agenda noted that the lowest construction bid was \$15 million higher than the County's estimated cost. The bid was reviewed by representatives of the Sacramento Sheriff's Office, the DGS, the Sacramento County Counsel and the County's architectural/engineering consultant. Their review resulted in a recommendation to reduce the Project's scope and send out new RFPs.

Decarcerate of Sacramento (DS), criminal justice reform activists who advocate for community-based rehabilitation programs in lieu of incarceration, opposed going forward with the Project. DS contends that modifications to RCCC will increase inmate capacity and therefore the County should turn down the SB 1022 funds.

The BOS ultimately failed to adopt the Proposal by a vote of 2-2. One supervisor commented that the projected \$6-\$8 million a year cost to the County for the Project's additional personnel was a concern.³

² Jeffrey A. Gasaway and Britt E. Ferguson, eds. Agenda of November 5, 2019, *Contract No. 4347, "Rio Cosumnes Correctional Center Expansion and Infrastructure Improvements Project," Reject All Bids, Reduce Project Scope, And Authorize to Re-Advertise.*)

³ Gasaway and Ferguson, page 2.

METHODOLOGY

The 2019-2020 Grand Jury conducted:

Interviews with individuals from the following agencies:

- Sacramento County Board of Supervisors
- Sacramento County Sheriff's Department
- Sacramento County Office of Budget and Debt Management
- Board of State and Community Corrections
- Rio Cosumnes Correctional Center Staff, October 17, 2019
- Decarcerate of Sacramento

Extensive research and review of the following:

- California Assembly Bill 109
- California Senate Bill 1022
- California Proposition 184
- California PC Section 667
- Sacramento County Sheriff's Office Reentry Services Unit Program Guide. n.d.
- Sacramento County Board of Supervisors Broadcasted Meeting, Agenda and Associated Documents, November 5, 2019
- California State Legislative Analyst's Office
- Media reports on issues relevant to Senate Bill 1022 and AB 109
- Sacramento County Sheriff's Office, Rio Cosumnes Correctional Center Facility Guide, n.d.
- *Lorenzo Mays, et al., Plaintiffs, v. County of Sacramento, Defendant*, United States District Court, E.D. California, No. 2:18-cv-02081-TLN-KJN (PC), January 8, 2020.

Confinement facility tours:

- Sacramento County Main Jail, August 9, 2019
- Rio Cosumnes Correctional Center, October 17, 2019

DISCUSSION

The Elk Grove RCCC was established in 1960, in a structure originally built to house military personnel during World War II. It was designed to serve as an overflow facility for the Sacramento County Main Jail (SCMJ). It had the capacity to house, provide medical and mental health treatment, educational and vocational training services to 750 inmates with a maximum sentence of one year. Since the passage of AB 109 in 2011, Sacramento County has received an

additional 8,000 inmates. RCCC now houses offenders serving sentences averaging 5 years or more. At the time of this report the inmate population at RCCC was approximately 1,725 inmates, with a maximum capacity to house 2,262 inmates. The population at the SCMJ was 2,116 inmates with a maximum capacity to house 2,993 inmates.

The state appropriated funding through AB 109 to assist the counties with the implementation of realignment. This funding was divided between SCMJ, RCCC and County Probation (CP). According to published accounts, Sacramento County has received approximately \$287 million in supplemental funding to support realignment since 2011. RCCC was provided \$29 million each year of AB 109 realignment funds, making its annual budget a total of \$95 million.

The California State Legislature adopted SB 1022 in 2012 to assist the counties in funding the capital costs associated with realignment. Under the administration of the BSCC, each County is allocated SB 1022 funds, to help finance capital expenditures.

Sacramento County was initially authorized \$56 million in SB 1022 funds for construction in 2013. That allocation was increased to \$80 million when \$24 million previously allocated to other counties was not accepted and became transferrable to Sacramento County.

RCCC currently conducts a broad range of programs to facilitate inmates' re-entry to society, although the facilities are inadequate to serve all the needs of all of the inmates. As outlined in the Sacramento County Sheriff's Reentry Services Unit Program Guide, the programs include 10 Cognitive Behavior Therapy Treatment Programs, six Educational Programs, seven Vocational Programs and 13 Treatment Programs/Classes. However, when the 2019-2020 SCGJ toured RCCC on October 17, 2019, only 575 of the 1,725 total inmates housed at RCCC were participating in any type of programing, such as a work assignment, vocational training or an educational program.

There are currently 218 female inmates housed at RCCC. Male and female inmates are unable to participate in programs together, thus restricting the access for female inmates to participate in the majority of rehabilitative or vocational programs. The only rehabilitative trades offered to female inmates are Culinary Arts and a Janitorial Service vocational program. Additionally, they have access to two classroom programs, Thinking for Change and Cognitive Behavior Treatment.

At the time of this report RCCC can only provide re-entry training and education services to one-third of the inmates. For both females and males, the lack of programs for each inmate is due to RCCC's current lack of classroom facilities. Additional reasons include: short-term inmates are ineligible to participate because the amount of time to complete the class exceeds

the inmate's length of sentence; and serious offenders are not permitted to participate in some classes. Recidivism data shows that inmates who successfully complete RCCC re-entry programs have a 20 percent recidivism rate vs the 80 percent recidivism rate of inmates who leave prisons without skills or training.⁴

Furthermore, the perimeter fence, dorms and the trailers for classrooms are in need of repair, and there is limited space for medical and mental health treatment. Reports in the 1997-1998, 2009-2010 and 2018-2019 Sacramento County Grand Jury Report recorded similar deficiencies. The County will eventually have to provide funds for infrastructure improvements and the expansion of the medical and mental health services as well as the educational and vocational training opportunities for all inmates.

On June 20, 2019, a settlement in *Mays v. County of Sacramento*, was reached, which requires improvements in the Sacramento County jails. Specifically, the jails must reduce the use of solitary confinement, take additional measures to prevent suicide, expand program activities, treat mental illness and provide accommodations to inmates with disabilities. The federal court and the Prison Law Office will monitor all aspects of the *Mays Consent Decree* and the implementation of the remedial plans.

In light of the above, the 2019-2020 Grand Jury opened this investigation to understand why Sacramento County has not accepted funds from the State of California to improve the jails and inmate programs in the eight years since the passage of SB 1022.

It is our understanding that as of the date of this Report, no formal notification has been submitted by the Sacramento County to BSCC informing it that it does not plan to apply for these funds. Representatives of the Department of General Services, the County Executive, the Sheriff's Department and County Probation met with BSCC in January 2020. The plan is to report back to BSCC within six months as to if and how Sacramento County plans to seek SB 1022 funds for the RCCC expansion.

FINDINGS

F1. Due to realignment and the *Mays* Consent Decree the Sacramento County jails must provide additional educational and vocational training, medical and mental health services, and brings the facilities into compliance with ADA.

⁴ Sacramento County Sheriff's Reentry Services Unit Program Guide, pp. 12-14.

F2. The Grand Jury is aware, based on its interviews and research, that there are those who believe that acceptance of any funds would be an endorsement of a policy of increased incarceration. The Grand Jury believes proponents of the project should emphasize the importance of increased services and programs to ultimately reduce recidivism and improve the post incarceration lives of the inmates and their families.

F3. Accepting the SB 1022 funds will commit the County to spending between \$6-8 million each year for 30 years or until the bonds are repaid for staffing and operating costs.

F4. If the County does not accept the SB 1022 funds, the structural improvements identified by the Sheriff, DGS and the County Executive as essential to meet the housing, educational and medical and mental health service needs of long term inmates at RCCC will require county funds to be accomplished.

F5. Whether or not Sacramento County accepts the SB 1022 funds, the County will still be responsible to fund all the changes required by the *Mays* Consent Decree.

RECOMMENDATIONS

R1. By December 31, 2020, the Board of Supervisors should accept the \$80 million made available to Sacramento County through SB1022.

R2. By June 1, 2021, the Sheriff's Department should develop and begin implementation of the most cost-effective plan to achieve the objectives of the RCCC expansion and infrastructure improvement project.

R3. By June 20, 2021, the Board of Supervisors in co-operation with the Sheriff's Department should include in implementation plans the flexibility to reduce operating expenditures to the extent required by reductions in jail population.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the 2019-2020 Sacramento County Grand Jury requests responses from the following elected officials within 60 days:

- Sacramento County Board of Supervisors
700 H Street, Suite 1450
Sacramento, CA 95814

- Sheriff Scott R. Jones
711 G Street
Sacramento, CA 95814

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

- Paul Thorn
Jury Commissioner
ThornP@saccourt.ca.gov
- Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

INVITED RESPONSES

- Navdeep S. Gill
County Executive
700 H Street
Sacramento, CA 95814
- Jeffrey J. Gassaway
Director
County of Sacramento
Department of General Services
9660 Ecology Lane
Sacramento, CA 95827
- Captain Jim Barnes
Commander
Rio Cosumnes Correctional Center
12500 Bruceville Rd.
Elk Grove, CA 95757

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

- Paul Thorn
Jury Commissioner
ThornP@saccourt.ca.gov
- Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides

Public Confinement Review



F o l s o m S t a t e P r i s o n
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PUBLIC CONFINEMENT REVIEW

BACKGROUND

The Sacramento County Grand Jury is mandated each year by California Penal Code 919 (b) to inquire into the conditions and management of public confinement facilities in Sacramento County. In fulfillment of this obligation, the 2019-2020 Sacramento Grand Jury toured all six confinement facilities within its jurisdiction, as well as the Sacramento County Sheriff's Work Release Division.

METHODOLOGY

The Grand Jury members met and spoke with officials from the respective confinement facilities prior to and during the scheduled tours. Questionnaires were provided to the officials, outlining areas of interest to be included in the inspections. Upon completion of each tour, the findings were documented for the Public Confinement Review.

Facilities Visited:

California State Prison-Sacramento (New Folsom)

Folsom State Prison

Folsom Women's Facility

Sacramento County Main Jail

Sacramento County Rio Cosumnes Correctional Center

Sacramento County Work Release Division

Sacramento County Youth Detention Facility

Sacramento County Main Jail Tour, August 9, 2019

With its maximum capacity for 2,432 inmates, the Sacramento County Main Jail's average daily population as of June of 2019 amounted to 1,924 inmates. The population was comprised of 1,398 non-sentenced males, 174 non-sentenced females, 280 sentenced males and 72 sentenced females.

The Main Jail staff consists of 254 sworn officers and 136 civilian employees, including plumbers, electricians, contracted vendors, state employees, nurses, doctors, and psychiatric staff. As of June 23, 2019 there were 45 vacancies within the ranks of staff. Sworn staff is

required to receive 24 hours of Standards and Training for Corrections (STC) each fiscal year. Civilian staff attends mandatory yearly training in policy and computer-related areas. Medical Standards and Training for Corrections (STC) each fiscal year. Civilian staff attends mandatory yearly training in policy and computer-related areas. Medical personnel receive training in jail safety as well as adherence to mandated Medical Board of California requirements.

The Booking area includes three stations staffed by doctors, registered nurses, and vocational licensed nurses. New arrestees are screened when first booked to determine if they are fit for incarceration, have pre-existing medical conditions, or exhibit signs of being suicidal. If required, pharmacy records of arrestees are obtained and noted. The jail has access to the California DNA database and a DNA sample is taken from each person booked for a felony.

The jail has access to the California DNA database and a DNA sample is taken from each person booked for a felony. California Penal Code (PC) Section 295 mandates that a DNA sample is taken from those booked for felony and misdemeanor offenses outlined in PC Sections 290 and 296 (a). Those offenses include: sex offender crimes; voluntary manslaughter or murder; or attempts to commit murder or voluntary manslaughter.

Inmates receive a comprehensive evaluation by the Main Jail's Classification Unit, generally within 24 hours of booking. The Unit is comprised of eight full-time deputies, two part-time deputies and one sergeant. Inmates are evaluated for criminal history, the nature of their offense, mental condition, and other criteria. The information gathered is entered into a database and the software assigns a classification rating of high, medium or low supervision required.

The Main Jail's Correctional Health Services (CHS) provides medical care to inmates 24 hours a day, 365 days a year. Its team is staffed by doctors, nurse practitioners, nurses, medical assistants and administrative staff. Medical services made available to inmates include radiology, dialysis, ophthalmology, OB/GYN and orthopedic services, and dentists staff the fully equipped dental office. Prescriptions for patients are provided by pharmacists and pharmacy technicians from the in-house pharmacy.

Psychiatric care is available 24-hours a day in the Psychiatric Services Acute-Inpatient Unit. Patients are examined seven days a week in the 18-bed unit by psychiatrists who are on call for night visits as well. The Unit is also staffed by registered nurses, psychiatric social workers and licensed vocational nurses. The Intensive Outpatient Psych (IOP) Program, carried out by five Jail Psych Services (JPS) staff members, provides classes and group sessions on coping skills and daily living challenges. The visiting rules for pretrial inmates at the Main Jail are two visits per week on any two days, excepting Fridays due to "operational restrictions." (https://www.sacsheriff.com/Pages/Organization/Main_Jail/InmateVisitation.aspx.)

With the goal of reducing recidivism, programs are offered to encourage inmates to use their time in the Main Jail productively through classes on Self Esteem, Interpersonal Communication, and Job Readiness. The Inmate Programs Manager, in partnership with the

Sacramento County Social Services and the Elk Grove Education and Recreation staff, provides classes on Adult Basic Education, General Education Diploma (GED) Test Preparation and testing, as well as English as a Second Language (ESL). Classes on Parenting, Recovery Life Skills, Impulse Control, as well as sessions on accountability, non-violence and communications skills are also available for inmates.

Folsom State Prison Tour, August 19, 2019

Folsom State Prison, the second oldest prison in California, is a campus surrounded by three walls, with the American River as the fourth barrier. While there is no electrical wiring atop the walls, there are 10 guard towers that are staffed by Correctional Officers on a 24/7 basis. There are also 44 homes on the grounds for prison staff.

The Folsom Prison Warden met with the Grand Jury members in his office. He noted that at the time of the visit there were 1,100 staff members, 600 of whom were custody staff. He opined that current staffing levels were adequate to manage and monitor inmates.

The prison adheres to California State standards and annual audits and inspections for fire, medical, mental, pharmacy, environmental and nutritional purposes are routine. For any area inspected which receives a marked deficiency, an appropriate corrective action plan is developed per the Warden.

The prison population consists of 3,458 inmates, including 248 outside the main walls (eight at the firehouse and 240 at a minimum-security facility) and 491 at the Folsom Women's Facility. According to the Warden, this facility is slightly overcrowded but the inmate populations are generally well within the federal mandate of 137.85 percent occupancy per cell. However, Building I, the largest housing unit, places 965 inmates in 632 cells (1.53 percent occupancy) which does not meet the federal mandate for occupancy.

The oldest building on the campus, Building V, is still run on a lock and key basis, and has 160 cells. A majority of inmates are on minimum (Level I) and medium (Level II) security, while 584 inmates are on medium (Level III) security, and 128 inmates are on maximum (Level IV) security watch. Both Level III and Level IV require more staff and armed tower guards.

Folsom State Prison has programs for auto mechanics, computer coding, building framing, plumbing and welding, in addition to jobs making license plates. While inmates may opt not to participate, a majority of inmates take part.

There are also educational opportunities, enabling inmates to earn GEDs, take courses through Folsom Lake Community College and online courses through Lassen College.

Daily life in the prison is regimented, but inmates are out of their cells an average of 14 hours a day. Inmate recreation is scheduled three times daily. Each session is from 2¼ hours to 3¼ hours per day in one large recreational yard. Maximum security prisoners are allowed 12

hours per week in a smaller yard, which is separate from the general prison population. Inmates are not allowed weights. There is a canteen in the yard where inmates can purchase items and take them back to their cells.

Two hot meals and a box lunch are served each day. Meal times are for 15 minutes. The main dining area has seating of four to a table, filled on a first-come, first-seated basis. As with their yard times, inmates will time their arrival so they can be with their preferred associates. The food is prepared at California State Prison and is brought to Folsom State Prison, where it is then re-heated and served to the inmates. Members of the Executive Men's Advisory Council said the food is the inmates' most frequent complaint. While there has been some improvement, they would like to have more heart-healthy choices, including more fresh fruit and produce.

Greystone Chapel is on campus and opens for prayer and church services daily. There is a full-time chaplain and services are held for all denominations and faiths/beliefs.

Visits with families occur every Saturday and Sunday from 7 a.m. to 2 p.m. for two-hour periods. Inmates whose families travel more than 250 miles may have all-day visitations. Inmate phone calls are routinely monitored and mail is inspected. The California Department of Corrections and Rehabilitation (CDCR) specifies that "All prisoners are eligible to receive visits unless they have temporarily lost that privilege due to disciplinary action." The loss-of-privilege guidelines are itemized on the CDCR's website at <https://www.cdcr.ca.gov/visitors/inmate-visiting-guidelines/>.

Folsom Women's Facility Tour, August 19, 2019

Located a short distance from Folsom State Prison is a smaller facility, which was converted into the Folsom Women's Facility in 2013. It is under the purview of the Warden of Folsom State Prison. The Women's Facility currently houses 491 inmates in the 520-bed facility. Staffing levels include 15–20 guards per shift. Unlike the male inmates who are housed two to a single cell, female inmates live in open dorm settings. The dorms include a washer and dryer, which may be used on a sign-up basis. There is no hospital on the premises, so the women inmates must be transported to the men's prison for their medical needs.

Training programs for the women include computer coding, construction labor, and a culinary arts program. A recent releasee and graduate of the culinary arts program obtained a position at *The Kitchen* restaurant in Sacramento, which recently received a prestigious Michelin Star. There is also a successful and sought-after Puppy Program, with six inmates selected to train dogs to be service animals.

Fourteen female inmates serve on the Women's Advisory Council, which holds monthly meetings to address inmate concerns and share them with prison officials. One Council member said the prison administration has been very receptive to concerns expressed by

members of the Council. The same Council member mentioned the food is not bad and they are now being offered more fresh vegetables and fruit. One of the biggest concerns for the women is the overhead lighting in the dorms, which goes on at 5 a.m. and off at 9 p.m. The complaint is the brightness of the lights in the early morning. Another complaint from an inmate is that the mail delivery is very slow and can take up to one month instead of the expected seven days. The visitation guidelines for the Folsom Women's Facility inmates are the same as those established by the CDCR for male inmates at the Folsom State Prison.

California State Prison – Sacramento Tour, September 20, 2019

California State Prison - Sacramento (CSP) was called New Folsom Prison until 1992. It was built adjacent to Folsom State Prison and houses maximum security prisoners. Built in 1986, it has two guard towers and is surrounded by a lethal electrified fence.

The prison is primarily a Level IV-High Security Institution with a capacity of 2,993 inmates. The current population is 2,116, including one death row inmate who was transferred to CSP for medical reasons. There are no female inmates. There are 955 correctional officers - 829 male and 126 female.

By the time an inmate reaches CSP, his classification has been fully reviewed. Receiving CSP staff does not conduct an extensive reclassification review. Instead, they review each inmate's individual requirements before placing him in an appropriate housing unit.

The institution has three separate self-contained Level IV (high security) housing areas, designated as Facility A, B and C. Each facility has eight housing buildings arranged in a 180-degree half-circle layout, which is considered the most secure in prison design. The Level I Minimum Support Facility (MSF) contains the lower level inmates and consists of two open-dorm units that house approximately 90 inmates in each unit. If there is an escape, it is usually from this group and is considered a "walk-away" more than an escape. The Short-Term Restricted Housing Unit is the administrative segregation building that houses inmates who are at extreme risk to themselves, staff or other inmates. Administrative segregation inmates are isolated from the general population and receive services and activities apart from other inmates.

A total of 359 medical and 215 mental health and dental staff members serve in two medical units (Buildings M50 and M56). M50 is a medical clinic. M56 is a 28,100 square-foot facility that provides medical, optical, specialty services and mental health treatments. It includes a Crisis Treatment Center for inmates undergoing a severe mental crisis and requires inpatient care. An inmate on suicide watch is monitored 24/7. Inmates in this unit must carry identification at all times because medication is not dispensed without confirmation of the inmate picture and identification.

Due to the level of prisoner offenses and their varying mental states, violence can be an everyday occurrence. The staff works with the constant threat of physical assault and is trained to be vigilant and prepared to quickly stop violence. There were 539 reported "use of force" incidents during 2018. There have already been 384 such incidents as of July 31, 2019. To minimize potential violence, the staff works to create a positive interaction between themselves and inmates.

Inmates are allowed 5-minute showers. There is no cable TV (other than the prison channel). Inmates are all issued the same clothes and any personal clothing items can only be white, black or blue. An inmate in the MSF facility mentioned that a washing machine was not working and indicated there was a leak in the ceiling. The Grand Jury was unable to tour the main medical area or the kitchen facilities.

There are as many as 370 programs available to inmates and their length of prison term does not determine the programs they may choose. The Reentry Programs include: substance abuse, anger management, criminal thinking and family relationships. Long Term Offender Programs include all of the Reentry Programs as well as Denial Management and Victim Impact. Academic opportunities include Adult Basic Education (ABE), General Education Development (GED), and Adult High School (AHS).

Food tends to be a primary source of complaint and food allergies as well as diet restrictions have led to many lawsuits. There is a statewide-standardized menu for all California prisons, but the actual location of the prison can sometimes dictate the availability of certain foods. To meet the requirements of a large population, food has to be made "bland." CSP is required to have a three-day supply of food in case of an emergency. Meals are flash frozen and served three days later. Some inmates compensate for the blandness by storing hot sauce and spices in their cells.

CSP has a canteen where food and toiletry items can be purchased. The exception is the Short-Term Restricted Housing inmates who may only purchase toiletry items at the canteen. Inmates get a minimum of 10 hours a week yard time. Mail is delivered every day and is inspected and censored for content when necessary. Senders of inappropriate mail are offered the choice of the mail being destroyed or returned.

The Warden met with the touring Grand Jury members and offered many insights into prison operations. He said his current primary concerns are the morale and safety of staff, keeping medical staff from leaving, and the nationwide shortage of psychiatric health care workers. He noted that CSP is subject to many inspections from outside sources, generally legal and watchdog agencies.

Rio Cosumnes Correctional Center (RCCC) Tour, October 17, 2019

Rio Cosumnes Correctional Center (RCCC) is a correctional facility located in and operated by Sacramento County. It has a capacity of housing 2,262 inmates. At the time of the Grand Jury's visit, 1,728 inmates (1,503 males and 225 females) were housed in the facility. The principal function of RCCC to house inmates for up to one year in a county jail was expanded in 2011 by Assembly Bill 109 (AB109) to reduce state prison overcrowding. AB109 requirements are carried out by sentencing felons who are convicted of certain non-violent offenses to serve their sentences in local county jail facilities.

One of the most significant implications of AB109 has been the need for RCCC to develop vocational and educational re-entry programs. RCCC currently provides inmates with a series of educational and training programs to facilitate inmate re-entry into the community. The programs are conducted in cooperation with Los Rios Community College District, providing college credit for completion of specified courses, including computer skills. The re-entry program component includes the Culinary Arts Program for females, directed by Chef Bui.

Programs for male inmates are printing/engraving, welding/construction, horse training and auto repair. Females are currently ineligible for certain vocational programs, e.g., welding, due to regulations which bar combining genders in some programs.

Vocational training for males provides viable career tracks for inmates, resulting in significant reductions in recidivism of program enrollees. RCCC statistics reviewed during the Grand Jury tour indicated a 20 percent recidivism rate for vocational program graduates. Inmates who successfully complete welding, construction and printing/engraving programs may earn professional certification and are assisted by RCCC staff to obtain employment with local companies. The Wild Horse Training Program teaches male inmates to work with and train mustangs. The horses are auctioned to the public two or three times a year with prices ranging between \$700 and \$3,800 per horse. All proceeds from the auctions go to the Bureau of Land Management.

The 2018-2019 Grand Jury report of the RCCC tour noted that "deficiencies in the antiquated facilities were pointed out to the Grand Jury and were described as: decaying perimeter fence area; limited mental health space; limited space for vocational training; and the use of a trailer building for training." Grand Jury members observed the same conditions during their October 17, 2019, tour as well.

On June 27, 2012, the Adult Local Criminal Justice Facilities Construction Program, also known and referred to as SB1022 (Senate Bill 1022), became law. The bill authorized up to \$500 million in lease revenue bonding financing for the acquisition, design and construction of adult local criminal justice facilities.

The most recent proposal to apply for SB 1022 funds to improve facilities and programs at RCCC, submitted by the County Executive and Department of General Services to the Board of

Supervisors on November 5, 2019 was not adopted, and stakeholders are currently in the process of exploring possible alternatives.

Sacramento County Youth Detention Facility (YDF) Tour, October 21, 2019

The Sacramento County Grand Jury toured the Sacramento County Youth Detention Facility (YDF) on October 21, 2019 to review conditions and management of the facility.

Sacramento County Probation is responsible for the operation and management of the YDF, also known as Juvenile Hall. When a minor between the ages of 12 and 18 is suspected of a criminal act, the youth may be issued a citation and released to the custody of a parent/guardian or may be booked into the YDF. A youth under age 12 is released to the custody of a parent/guardian. A youth brought to the YDF is searched for contraband, has personal items removed and stored, and is fingerprinted and photographed. The youth then meets with an Intake Officer who does a risk assessment to determine if the youth can be released to a parent/guardian or should be detained. The youth is allowed telephone calls to a parent/guardian, a lawyer and an employer.

If the youth is detained, he or she completes in-processing and is assigned a security classification and housing. The law requires that charges be filed within 48 hours and also requires a detention hearing within two court days.

YDF is divided into 20 “housing” units. Each unit is a self-contained facility providing YDF services. Some units are living units where the detainees sleep (in a single occupant locked cell) and a common area where they eat. Male and female detainees are assigned to separate housing units. Young detainees (ages 12-14) are housed apart from older detainees.

Detainees over 18 are housed in a separate unit. Other units are used for YDF services such as educational programs, medical and recreational services such as Boys and Girls Club. Other units are currently unused or used for storage.

It was emphasized during the tour that the Sacramento County Probation Department is totally separate from the Sacramento County Sheriff’s Department and the Sacramento County jail. However, a juvenile YDF detainee may be temporarily housed in the county jail during extended court proceedings. On the day of the Grand Jury’s visit, the YDF had 120 detainees (106 male, 14 female). The facility has a maximum capacity of 418.

The Grand Jury was shown various programs provided by the YDF. These included the library, the Boys and Girls Club, and educational facilities. Grand Jury members had opportunities to talk with staff members in the Vocational Unit and the Boys and Girls Club Unit. The Vocational Unit is the location of the Culinary Arts Program, which was described by staff as the most popular program offered by the YDF. The Grand Jury had an opportunity to talk with a 17-year- old male detainee enrolled in this program.

During the visit, Grand Jury members discussed drug and alcohol counseling programs with staff. While counseling is available, the YDF does not have a permanent counseling staff. Outside counselors provide this service.

The Grand Jury was permitted to see the locked cell sleeping quarters of a female detainee who was not present during the tour. The sleeping quarters appear to be brightly lit and comfortable. Detainees are allowed to have limited personal items but cannot decorate the walls with posters or other items leading to an overall “stark” ambiance.

At the end of the visit, members of the Grand Jury talked to the guides about working conditions in the facility. Current staffing includes 146 full time staff, 100 part-time/on-call staff, and approximately 200 volunteers. Four-year college degrees are required for YDF full-time staff. Staff members who spoke with the Grand Jury were generally satisfied with the work environment but wished more resources were available. Some of the guides reported that in many cases burnout can become an issue and retention of senior staff is a problem.

Sacramento County Work Release Division (WRD), November 4, 2019

The mission of the Work Release Division (WRD) is to provide quality alternative correctional programs for Sacramento County by working in partnership with government agencies, the citizens of the community and local public organizations. During the tour it was stressed that their primary goal is to “keep people out of jail.” The WRD is administrative and does not contain detention facilities.

The three primary programs of the WRD are the Alternative Sentencing Program (ASP), the Sheriff’s Work Program (WP) and the Home Detention Program (HD). The WRD program budgets are funded, in part, by the individuals that participate. There is an application fee of \$80 and a participant can pay up to maximum per day of \$40 for the WP, \$30 for ASP and \$47 for HD. These fees are assessed subject to an ability to pay. All fees collected go to the General Fund.

Alternative Sentencing Program

If recommended by the sentencing judge, individuals are allowed to participate in community service. This usually includes park districts, churches and other non-profit organizations that serve the community. Participants are supervised by a work site administrator and this service is considered non-custodial. Currently there are about 1,000 participants.

Sheriff’s Work Project

As recommended by the sentencing judge, certain inmates are assigned to a work crew supervised by a Deputy Sheriff. The community benefits from the inmate labor and participation commutes the inmate’s sentence. Any disciplinary violation by an inmate will extend the inmate’s release date. Currently there are about 1,200 participants.

Home Detention (HD) Program

Each participant is fitted with an ankle transmitter. The goal of this program is to allow inmates who are employed, attending school or have certain medical conditions the ability to continue their activities. There are weekly required drug tests. Medical marijuana and other types of mood-altering medications are not allowed while participating. HD participants require much more staff time and resources, so the number of participants is generally fewer than 300. The average population is about 220.

Power Program

Education and assistance in re-entry into the community is provided by the Power Program.

The Power Program provides pre-employment training, resume writing, job search assistance and workshops to increase self-esteem in a non-custodial setting.

During the tour, staff stated that each unit could use at least one more staff person. Each position generally needs a vehicle or technical equipment which makes the position more costly and harder to budget. Although the staff work with a demanding caseload, they acknowledge that overtime is not the answer.

Staff members report that they are working hard to prevent staff “burnout.” Other budget concerns include the outdated office equipment, such as computers, and the need to update the office administrative spaces.



Responses to 2018 -2019 Grand Jury

