

## **MOVING THE DIAL AT THE COUNTY JAIL**

This report examines the progress the San Luis Obispo County Jail has made in providing programs aimed at reducing an inmate's risk of returning to incarceration. It also suggests how progress could be improved.

### **PREAMBLE**

The reader may wonder why this and other reports issued by the 2017–2018 San Luis Obispo County Grand Jury do not discuss recent deaths at the County Jail. Mr. Andrew Holland died at the Jail January 22, 2017, and Mr. Kevin McLaughlin died at the Jail April 13, 2017. Both deaths occurred before the 2017–2018 Grand Jury's term began. Mr. Russell Hammer died at the Jail November 27, 2017, after the 2017–2018 Grand Jury's term started.

Any in-custody death is a matter of grave concern and deserves thorough examination through a wide and unbiased lens. Jails and prisons have a duty to provide for the health, welfare, safety, and security of those who are incarcerated there. While proceedings of the Grand Jury are always confidential, it would be incorrect to conclude the Grand Jury did not inquire into the deaths of these men simply because it chose not to issue a report.

While the Grand Jury is mandated by law to inquire into the conditions and management of public jails, it is not mandated to issue a report on any or every aspect of its inquiry, nor is it required to duplicate investigations being done by other entities when it believes those entities are sufficiently competent, equipped, determined, and organized to do so.

The Grand Jury is mindful that organizations with greater resources—for example, the Santa Cruz County Sheriff's Office and the San Luis Obispo County District Attorney's Office (in the case of Mr. McLaughlin), law firms representing family members (in the case of Mr. Holland and Mr. Hammer), and the FBI—have taken on comprehensive investigations into these deaths. What these

investigations have revealed to-date has been the subject of broad and detailed media coverage. The Grand Jury looks to see where shining a light and issuing a public report on County government operations would be of value. The Grand Jury determined issuing its own report while these investigations are ongoing would not be of value.

## **SUMMARY**

California's Board of State and Community Corrections (BSCC) completed its biennial inspection of the San Luis Obispo County Jail in August 2017. In reporting its inspection results to the San Luis Obispo County Sheriff, the BSCC noted the challenges inherent in transitioning "from the warehousing of inmates to establishing evidence-based programs with the goal of reducing recidivism." The 2017–2018 San Luis Obispo County Grand Jury decided to investigate the progress the San Luis Obispo County Jail (Jail) has made in achieving this transition and the problems which still stand in the way.

While from a program standpoint the Jail is a busy place, with many services, classes, and activities, little has been done to determine whether these services, classes, and activities—referred to here as programs—reduce an inmate's risk of reoffending. Further, many inmates with the highest risk of reoffending have little or no access to programs due to safety and security concerns which limit their participation.

To move the dial further from warehousing to rehabilitation, Jail administration should invest more in programs known to work, and in programs which address higher-risk, harder-to-serve inmates. Providing inmate access to programs poses difficulties for correctional staff. These difficulties need to be weighed when deciding which programs to provide; programs shown to reduce an inmate's risk of reoffending should be given the greatest priority. Jail administration should also intensify efforts to find solutions to the classification and housing issues which still stand in the way of moving the Jail from a warehouse to rehabilitation environment.

## INTRODUCTION

In a December 2017 letter to the San Luis Obispo County Sheriff following its inspection of the Jail, the BSCC wrote:

“We were pleased to learn of several programs in place to address the needs of inmates and better prepare them for community re-entry. In addition to the standard jail programs (AA/NA, Parenting Skills, Religious Counseling, and GED/High School Diploma), Thinking for a Change and Alternatives to Violence, evidence-based programs<sup>1</sup> that use intervention to change behavior, are also being provided.

“Custody officers are actively participating as instructors and facilitators. Securing the buy-in and support from custody staff is one of the most difficult challenges for administrators as they make the transition from the warehousing of inmates to establishing evidence-based programs with the goal of reducing recidivism. We look forward as your management team continues to expand this practice.”

Inspired by the BSCC’s comment about the need to move away from simply warehousing inmates, the 2017–2018 San Luis Obispo County Grand Jury (Grand Jury) decided to investigate the current status of this shift.

The Grand Jury focused its investigation on programs handled by the Jail’s programs unit. It did not examine treatment services overseen by the Jail’s chief medical officer. During the Grand Jury’s term, treatment of mental illness and substance abuse has been the subject of intense review by the San Luis Obispo County Sheriff (Sheriff), Health Agency, Administrative Office, and Board of Supervisors. Two reports by the 2016–2017 San Luis Obispo County Grand Jury addressed the lack of treatment.<sup>2</sup> San Luis Obispo County officials acknowledged these reports as contributing to the changes recently made to try to better serve those with mental health and substance use

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<sup>1</sup> To be described as “evidence-based” an instructional program or collection of practices should have been tested and shown to have a record of success.

<sup>2</sup> *Incarceration in San Luis Obispo County: Inmate Health and Safety at the County Jail*, [http://slocourts.net/downloads/grand\\_jury/reports/2016/2017\\_County\\_Jail\\_Report.pdf](http://slocourts.net/downloads/grand_jury/reports/2016/2017_County_Jail_Report.pdf); *How Long Will the Need Go Unfulfilled: Residential Detoxification in San Luis Obispo County*, [http://slocourts.net/downloads/grand\\_jury/reports/2016/2017\\_Detox\\_Report.pdf](http://slocourts.net/downloads/grand_jury/reports/2016/2017_Detox_Report.pdf)

challenges both in and out of custody. Re-entry services designed to help inmates transition back to the community also fell outside the scope of this report.

## **AUTHORITY**

California Penal Code § 919(b) requires the Grand Jury to “inquire into the condition and management of the public prisons” within San Luis Obispo County.

## **METHOD OF INVESTIGATION**

The Grand Jury obtained its information by:

- interviewing San Luis Obispo County Community Corrections Partnership executive committee members
- interviewing Jail management, correctional staff, and personnel with program responsibility
- interviewing program providers
- inspecting the Jail, the San Luis Obispo County Juvenile Hall, and the California Men’s Colony (CMC)
- reviewing BSCC inspection results
- reviewing applicable Sheriff’s Office Custody Manual policies and the Sheriff’s Correctional Deputy job description
- reviewing San Luis Obispo County budget reports
- reviewing relevant San Luis Obispo County Board of Supervisors (BoS) meeting materials including San Luis Obispo County Community Corrections Partnership executive committee reports on implementation of San Luis Obispo County’s Public Safety Realignment Act (AB 109) plan
- reviewing San Luis Obispo County Community Corrections Partnership meeting agendas and minutes
- reviewing past San Luis Obispo County Grand Jury reports regarding the Jail
- analyzing reports generated from the Jail’s programs database and other information provided by Jail administration

- researching issues and trends related to in-custody programs and their impact on an inmate’s risk of reoffending

## **BACKGROUND**

In April 2011, AB 109 became California law. The law transferred responsibility from the State to the counties for offenders convicted of lower-level felonies, defined as non-serious, non-violent, and non-sexual. These offenders are referred to as realigned offenders.

AB 109 gives counties annual funding to house, treat, and supervise realigned offenders. It also requires counties to have a realigned offender housing, treatment, and supervision plan.

The San Luis Obispo County Community Corrections Partnership (CCP) executive committee<sup>3</sup> submitted its initial plan to the BoS in 2011. The BoS has received plan updates on approximately an annual basis ever since.

This report summarizes progress and problems noted in the updates, and provides additional information based on the Grand Jury’s interviews, research, and observations.

## **NARRATIVE**

### ***JAIL OVERVIEW***

#### ***Capacity/Headcount***

The Jail’s rated capacity is 639.<sup>4</sup> On a day in early 2018, the inmate headcount was 520. There were 81 women and 439 men. See Table I in this report’s Appendix. The Grand Jury knows the numbers fluctuate. When the BSCC visited in 2017, the headcount was 627.

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<sup>3</sup> The CCP was established by California Senate Bill 678. AB 109 authorized creation of a CCP executive committee to address housing, treatment, and supervision needs for the offender population realigned as a result of AB 109.

<sup>4</sup> “Rated capacity” means the maximum inmate headcount at which a jail can operate safely, as determined by the BSCC.

### ***Program Rooms within the Jail***

There is one dedicated program room for inmates in what correctional staff refers to as the “west jail” (built in 1993). Correctional deputies have no line of sight into this room. In addition, the room is unlockable and therefore not secure. There is a video camera in the room, but the number of monitors on which the video feed can be viewed is limited. For these reasons, only low-risk inmates can attend programs in this room. The small law library in what correctional staff refers to as the “main jail” (built in 1971) is also used for programming, as are exercise yards.

There are two dedicated program rooms in what correctional staff refers to as the “Kansas jail” (built in 2017). One room is for female inmates only; the other room can be used by either male or female inmates. In addition, there are two small interview rooms inside the female dormitories in the Kansas jail which can be used for one-on-one services or small group work.

### ***Classification and Housing***

Classification deputies evaluate inmates based on a list of criteria. Their decisions dictate housing, privileges, and access to programs. Besides classification level, housing is based on age, sex, legal status (e.g., pre-trial or sentenced), special problems or needs, and behavior.<sup>5</sup> Contrary to this policy, however, all housing units contain a mix of pre-trial (unsentenced) and sentenced inmates.

### ***Administrative Segregation***

Since AB 109, the Jail has seen an increase in inmates placed in administrative segregation. In early 2018, 59 inmates (11 percent of headcount) were in this classification, most unsentenced. See Table 2 in the Appendix. Administrative segregation inmates generally do not qualify for programming due to the reason(s) they were assigned to this classification.<sup>6</sup>

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<sup>5</sup> Sheriff’s Office Custody Manual Policy 516.

<sup>6</sup> Administrative segregation means the physical separation of an inmate who is prone to escape or assault staff or other inmates, or one who is mentally deficient, in need of medical isolation or infirmary status. Source: Sheriff’s Office Custody Manual Policy 510.

### ***Protective Custody***

The Jail has also seen an increase in protective custody<sup>7</sup> inmates since AB 109. In early 2018, 132 inmates (25 percent of headcount) were in this classification. See Table 3 in the Appendix. The Grand Jury was told protective custody inmates pose a programming problem for correctional staff. These inmates require extra security and more deputies to address their safety, staff safety, and facility security since physical separation from other inmates is required. Programming offered in a space outside a protective custody inmate's housing unit cannot include inmates in other classifications.

### ***General Population***

In early 2018, 258 inmates (50 percent of headcount) were classified as general population inmates. See Table 4 in the Appendix. The Grand Jury was told programming is challenging for these inmates as more are pending sentencing than are sentenced. Having unsentenced inmates involved in services “creates a constantly shifting group dynamic that can be therapeutically counterproductive.”<sup>8</sup>

### ***Men's Honor Farm***

Fifty inmates (11 percent of male headcount) were housed at the men's honor farm in early 2018. See Table 5 in the Appendix. Most of the programming space is located where the honor farm men live. However, because they typically work during the day, program access—aside from on-the-job training—is limited to what can be offered during evenings or weekends. (The Grand Jury learned Jail management is gradually moving more unsentenced men into honor farm housing. Unsentenced men will be able to relieve some sentenced men from Jail work detail, giving those relieved time off to attend weekday programming.)

### ***Women's Honor Farm***

Fourteen women (17 percent of female headcount) had honor farm status in early 2018. See Table 5 in the Appendix. Honor farm women have more visitation privileges, but little else. Vocational opportunities are limited to sewing and animal care. Unlike honor farm men, who are housed in

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<sup>7</sup> Protective custody refers to a level of custody either requested or required for an inmate's protection from others. Source: Sheriff's Office Custody Manual Policy 510.

<sup>8</sup> 2015 Status Report on Implementation of the 2011 Public Safety Realignment Plan, November 17, 2015, page 9. Submitted May 22, 2018

barracks with access to outside space on the Jail grounds, honor farm women are housed inside the Kansas jail.

This wasn't the case until the Kansas jail was built. For staffing reasons, after the Kansas jail opened the female barracks were emptied. (The Grand Jury was told only six honor farm women were in residence at the time.) The honor farm women now live behind bars in essentially the same space as their non-honor farm counterparts. More is expected from them (e.g., work detail) but little incentive is provided. Sentenced women who work in order to be able to leave their cells during the day miss out on programming which could be of benefit. However, the Grand Jury learned Jail administration recognizes this disparity and is working to provide honor farm women more opportunities.

### ***COUNTY JAIL PROGRAMMING – A PROGRESS AND PROBLEM TIMELINE***

To see what programming progress the Jail has made since AB 109, and what problems still persist, the Grand Jury studied public reports, including CCP Public Safety Realignment Plan (PSRP) reports, San Luis Obispo County budget reports, and past San Luis Obispo County Grand Jury reports. It also studied data Jail management provided and interviewed members of the CCP executive committee, Jail personnel, and program providers.

#### ***2011–2012***

During its inspection of the Jail, the 2011–2012 San Luis Obispo County Grand Jury noted the programs then in effect. The programs were generally standard programs like high school equivalency credential preparation and testing, adult education in reading and writing, instruction in English as a second language, alcoholics and narcotics anonymous, and ministry services. Two exceptions were the Alternatives to Violence Project (AVP) workshop<sup>9</sup> and a food safety certificate course, both available to honor farm men.

The 2011 PSRP report and its 2012 update commented on the need to augment Jail programs now that realigned offenders were serving time there.

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<sup>9</sup> An AVP workshop generally lasts 20 hours over a three-day period and requires a certain number of participants in order to run.

### ***2012–2013***

The 2012–2013 San Luis Obispo County Grand Jury reported AB 109 funding was used to hire a program manager. Programs were added, including:

- two cognitive behavioral therapy (CBT) classes—Planning for Change and Thinking for a Change, an evidence-based program
- reproductive health education and counseling
- a Department of Social Services (DSS) parenting program (the Grand Jury learned many of the parents DSS works with cycle in and out of jail)
- creative writing, drama, poetry, and yoga

The 2013 PSRP update took the form of a slide presentation to the BoS rather than a written report. During the presentation, the Sheriff described plans to focus Jail programs on education and employment, partnerships in the works with Allan Hancock and Cuesta colleges, and a reach-out to CMC to find out more about their programs. The Jail created a programs unit (JPU)—staffed with the program manager plus a correctional sergeant, probation officer, and drug and alcohol specialist—to develop and coordinate expanded inmate programs.

### ***2013–2014***

The 2014 PSRP update identified reducing recidivism as a strategic focus area. New strategies to rehabilitate offenders and reduce recidivism were cited as critical needs.

A new goal for programming was named. Programs would be offered based on a sentenced inmate's risk and needs. The JPU would function as the initial point of contact for realigned inmates, offer an assessment of their risk and needs, and identify programs targeted to reduce their likelihood of reoffending. (Inmates, however, would not be assigned to programs; requests for programming would be up to the inmate to initiate.)

The PSRP update noted providing programs was a complex undertaking and, depending on the type of charge, criminal history, housing location, length of stay, and other considerations, an inmate's ability to participate in programs had been a challenge. However, the Jail had made changes to program delivery to reduce these barriers to program access. One change was bringing

additional programs into housing units. Shifting programs to specific units was credited with higher and more consistent program participation.

Programs were added, including:

- workshops on employment for inmates with disabilities
- supported employment workshops for inmates with mental illness
- training on nonviolent communication
- workshops on music practice and theory
- sewing and crocheting classes taught by correctional staff
- help for inmates wanting to remove anti-social or gang-related tattoos

However, the PSRP update estimated only 21 percent of released realigned offenders had received programming during their custody. Reasons included resource capacity, inmate interest in participating, and inmate housing assignments. Citing the increase in assaults, violence, and gang politics within the Jail due to AB 109's shifting of more criminally sophisticated offenders to local custody, the report noted these issues often drove housing decisions and hampered inmate access to programs.

### ***2014–2015***

The 2015 PSRP update listed new programs, including a welding apprenticeship program for honor farm inmates. See Table 6 in the Appendix. The JPU continued to focus on completing risk and needs assessments on sentenced inmates. Inmates identified as high- or medium-risk to reoffend (but with an eligible housing classification) were given a plan showing programs targeting their risk factors. The JPU also began collecting program attendance data, with the goal of measuring and reporting on program completion rates, intermediate outcomes (e.g., earning a high school equivalency credential), long-term outcomes (e.g., recidivism reduction), and cost-effectiveness.

The update noted the Jail saw a significant increase in inmates placed in administrative segregation and protective custody, where program access is unavailable or limited, despite an overall headcount reduction as a result of Proposition 47.<sup>10</sup> In addition:

- expanding Jail programs and services to reach inmates in higher security housing areas was still an unmet need
- having both sentenced and unsentenced inmates in housing areas where programs were offered created “a constantly shifting group dynamic” seen as “therapeutically counterproductive”
- programs offered in housing units required those not participating to be locked in their cells, leading to resentment and tension in the unit
- services which could be delivered on an individual basis were preferred, but to do so would be “extremely costly and time consuming.” (The update did not quantify the cost and time required to provide individual services. The Grand Jury understands no estimate as to cost and time has yet been done.)

The 2014–2015 San Luis Obispo County Grand Jury reported that “with present staffing and insufficient classroom space, the Jail is not able to support more education and rehabilitation programs at this time.” Overcrowding, largely as a result of AB 109, had “dramatically reduced the opportunity for meaningful rehabilitation programming.”

### ***2015–2016***

There was no 2016 PSRP update, and the 2015–2016 San Luis Obispo County Grand Jury did not issue a report on the Jail. However, the Sheriff’s budget noted new inmate vocational programs had been established, including animal care, sewing, and sign-making. His budget included \$65,000 in AB 109 funds to purchase embroidery and engraving equipment for an inmate graphic arts program. These vocational opportunities were for honor farm inmates, a small percentage of the overall inmate population.

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<sup>10</sup> Proposition 47, passed by California voters in 2014, recategorized some nonviolent felonies as misdemeanors, reducing the number of offenders receiving jail sentences.

### ***2016–2017***

The 2017 PSRP report provided more of a six-year review than an update, although some data reflected activity during calendar year 2016 and other data covered part of fiscal year 2016–2017. The San Luis Obispo County 2016–2017 budget contained some information. The 2016–2017 San Luis Obispo County Grand Jury inspected the Jail and noted several issues.

New employment, vocational, recovery, and leisure/recreational programs were added. See Table 7 in the Appendix. A second program manager was hired, supported by \$155,288 in annual AB 109 funding, to provide construction training to honor farm inmates. The Kansas jail added two dedicated program rooms, affording inmates more programming access.

The PSRP report noted, however, effective evaluation of programs and services was still lacking. An integrated database was needed; more investment in information technology would be required. Reaching all inmates with the highest needs was still a challenge due to classification and housing issues which limited these services.

The 2016–2017 San Luis Obispo County Grand Jury reported there was inadequate physical space to conduct programming for male inmates, restricting both the amount of programming offered and inmate participation. Many programs were being taught in the communal area of a housing unit which, it was observed, lacked proper facilities and posed an elevated risk for providers. Various reports received from program staff and providers stated some correctional staff resisted facilitating programming.

### ***2017–2018***

The San Luis Obispo County 2017–2018 budget noted additional program rooms for inmates would become available once new construction at the Jail was finished. The Grand Jury's investigation revealed:

- There are now approximately 30 programs at the Jail for which data is captured in the JPU database. See Table 8 in the Appendix. Some programs are offered throughout the year. Other programs, like computer coding and sociology, are offered off and on. Some programs offered in prior years went by the wayside, and some new programs were added.

- Current programs include several which are evidence-based, e.g., Grief and Loss, Helping Women Recover and, as mentioned earlier, AVP and Thinking for a Change.
- While the number of programs has increased, many have limited (e.g., honor farm only) access.
- Correctional staff members view access to programs as a privilege, like commissary access or visitations. Inmates being disciplined have their program access suspended, even those targeting criminal thinking like Thinking for a Change, which requires completion of all 24 modules for the chance of success in reducing an inmate's risk of reoffending.
- A change to an inmate's housing unit assignment, even for reasons unrelated to discipline or behavior, cancels the inmate's participation in a program series being delivered in the unit from which the inmate was moved.
- No programming is available to inmates in west jail units 100 and 600, and is very limited for inmates in west jail unit 200 and in the main jail decks and dormitory. See Table 1 in the Appendix. In early 2018, there were about 230 men in these units, over half the male population.
- Some program decisions are made based not on the best use of available funds or any clear link between the program and an inmate's risk of reoffending, but rather on what a well-intentioned provider with a mission wants to do inside the Jail.
- Programs run by paid providers are not put out to bid. (The Grand Jury understands a contract to deliver a particular program does not technically need to be put out to bid if the contract's dollar value is under the amount for which competitive bidding is required.)
- Providers now give an overview of their programs during group training for new correctional deputies to help gain buy-in and support for facilitating program access. (But only one hour is allotted, so each provider's briefing lasts just five minutes.)
- The JPU had planned to provide a four-hour class on Jail programs this year to all correctional deputies as part of their 24 hours of required annual training, but the plans were not approved by Jail administration due to higher training priorities.
- The correctional sergeant assigned to the JPU gives each new correctional deputy an orientation to Jail programs and what is expected from the deputy in terms of facilitating program access.

- The job description for all levels of Sheriff’s Correctional Deputy includes encouraging inmate participation in rehabilitative programs as a typical duty, but deputies are not evaluated on how well they do this as part of their regular performance reviews.
- Construction scheduled for completion in June 2018 will add more program rooms for inmates. Classrooms will be secure and lockable, unlike the current dedicated classroom in the west jail.
- Classification and housing issues which have continually hampered inmate program participation will not be solved by adding more classrooms. Nor will inmate transport issues be solved, which is what drove most programs into housing units. Movement of inmates takes time, pulls correctional staff from other duties, creates safety and security risks, and requires inmate searches both entering and exiting the classrooms.
- On a day in early 2018, 226 inmates (43 percent of the population) were offered access to one or more programs: 100 percent of the women, 96 percent of the men on the honor farm, 30 percent of the men in the main jail, and 22 percent of the men in the west jail.
- That same day, 294 inmates (57 percent of the population) had no program access.
- Of the 226 inmates offered program access that day, only 34 actually participated.

## ***COMMON THREADS, RECURRING THEMES, ADDITIONAL OBSERVATIONS***

### ***Program Access***

- Housing decisions hamper inmate access to programs.
- Expanding programs and services to reach inmates in higher security housing persists as an unmet need. Delivering services on an individual basis is judged too costly, even though the CCP is sitting on about three million dollars in AB 109 reserves.<sup>11</sup>
- Programming emphasizes job training, which is mainly available to the relatively small population of honor farm men. The AB 109 funds used to hire a program manager at the honor farm have supported construction training for only a few men.<sup>12</sup>
- There are no programs specifically targeted to young adult (age 18–25) inmates who could benefit from interventions to change behavior while their brains are still developing.

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<sup>11</sup> Source: CCP presentation to the BoS July 25, 2017.

<sup>12</sup> In late 2017, according to the Sheriff’s Office, the construction program had two graduates and nine enrolled.  
Submitted May 22, 2018

### ***Unsentenced Inmates/Uncertain Length of Stay***

- When unsentenced inmates—whose length of stay is uncertain—participate in programs with sentenced inmates, as happens with programs delivered inside housing units, the effect can be therapeutically counterproductive due to the “constantly shifting group dynamic.”
- Programs like Non-Violent Communication, AVP, and Thinking for a Change, which use intervention to change behavior, are designed for a cohort to move through and complete the program together to have the best chance of success. Unsentenced participants jeopardize program success since they may not remain in the Jail’s custody long enough to allow the whole cohort to finish.

### ***Conducive Programming Space/Jail Layout***

- Inadequate physical space to conduct programming and the overall layout of the Jail have restricted the amount of programming offered, as well as inmate participation.
- A significant change mentioned was bringing programs into the communal areas of housing units. Shifting programs into housing areas was credited with higher and more consistent program participation. However, these areas lack proper facilities and create tension in the units, elevating risk.

### ***Staffing Requirements***

- The Grand Jury knows facilitating inmate access to programs takes staff to do the job: clearing program providers for entry; ensuring program materials do not pose a safety or security risk; escorting inmates to and from classes held outside housing units; searching inmates entering and exiting areas outside housing units to be sure no contraband or unsafe objects are brought in or out...the list goes on.
- One correctional deputy can escort no more than five inmates at a time; otherwise two or more deputies are required.
- Staffing the Jail to at least minimum standards to ensure there are sufficient personnel available to respond to safety or security issues which might arise at any time means facilitating inmate access to programming necessarily takes a back seat. The Grand Jury has learned correctional deputies are required to work overtime in order to meet minimum standards.

### *You Can Lead a Horse to Water...*

- Lack of inmate interest in participating is cited as a reason for disappointing outcomes.
- On a recent day in early 2018, 226 inmates were offered access to one or more programs. Only 34 chose to participate.
- Some classes need a certain threshold of inmates willing to participate in order to run and/or receive funding. The Grand Jury learned it can sometimes be difficult to reach these thresholds.
- Attrition plagues long-term programs (e.g., Thinking for a Change, a 24-module program) which need completion of all sessions to have the best chance of success.
- Unlike at CMC, no shortened sentence incentives are provided to encourage inmate interest.
- Inmate internships served outside the Jail at local businesses haven't always worked as hoped. Some inmates violated rules while out or brought contraband back in.

### *Environment/Culture*

- Various reports from Jail administration and providers state resistance from some correctional staff when it comes to facilitating programming.
- Mandatory overtime—due to the number of staff retiring, a high rate of turnover among new recruits, and the time it takes to hire and train replacements—is taking a toll on staff morale.

### *Determining What Works*

- Establishing cause and effect between programs and reduction in offender re-offense is hampered by lack of data needed to measure and report on program performance.
- The CCP executive committee acknowledges program availability and capacity need review to ensure the top risk factors affecting criminal behavior are being addressed.

### ***Program Focus***

- The CCP executive committee has recognized the development of new strategies focused on rehabilitating offenders and reducing recidivism is a critical need.<sup>13</sup> AB 109 funding provides the means to identify and invest in these strategies.
- Recognition of the need to provide additional inmate programs, counseling, and education focused on reducing recidivism has been noted in the Sheriff's budget each fiscal year since at least 2011–2012.
- The realigned population, on whom much of the programming was focused, has dropped. As of July 2017, it was 17 percent of the Jail population, down from 29 percent in July 2014.

## **CONCLUSIONS**

The State threw down a gauntlet when it transferred responsibility for rehabilitating lower-level felons from State prisons to county jails. And when Proposition 47 bled county jails of lower-risk offenders, county jails lost their easier-to-manage, easier-to-program inmates.

Rome wasn't built in a day, but the Jail has had seven years to deal with this challenge. AB 109 provided the Jail with a funding stream to build programs known to work which can be offered across classification and housing unit boundaries. The Jail should use this funding stream, the program rooms which opened last year, and the program rooms opening this year to really "move the dial" from a warehouse environment to a programming environment focused on reducing recidivism.

## **FINDINGS**

F1. Classification and housing issues which limit program access have been listed as challenges since AB 109 was passed.

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<sup>13</sup> From October 1, 2016 to October 1, 2017, the number of offenders booked into the Jail was 7,351. Thirty-one percent were repeat offenders, with between 2 and 20 different bookings each. The top 10 repeat offenders averaged about 16 bookings each. Source: Sheriff's Office.

- F2. Moving programming into housing units hasn't worked very well. The mix of unsentenced and sentenced inmates within each housing unit, even though contrary to policy, is acknowledged as a reason.
- F3. Hampered by lack of data, attempts to measure program effectiveness have so far come up short. The Sheriff's Office, San Luis Obispo County Probation Department, and San Luis Obispo County Health Agency have been working for years on an integrated database project, but the project is still unfinished.
- F4. AB 109 funding bought some embroidery and engraving equipment and pays for two program managers, but does not appear to have been used for Jail programs. (The Grand Jury couldn't be certain about this because the funding sources used, and the amounts providers are paid, lack transparency.)
- F5. For programs various funding sources do pay for, there is no competitive bidding.
- F6. \$155,288 in annual AB 109 funding is being used to pay for a program manager position which oversees construction training for only a few honor farm inmate participants. (The Grand Jury understands the incumbent recently resigned; San Luis Obispo County's current "hiring chill" may impact hiring a replacement.)
- F7. While the job description for all levels of Sheriff's Correctional Deputy includes encouraging inmate participation in rehabilitative programs as a typical duty, the performance of this duty is not assessed in a correctional deputy's performance evaluations.
- F8. Programs specifically targeting young adult (age 18–25) inmates have not been a focus.

## **RECOMMENDATIONS**

- R1. Jail administration should intensify efforts to make the investment and access the funding to provide behavior change programming across classification and housing boundaries,

e.g., one-on-one services (or “virtual participation” using distance learning technology) where needed. The three million dollars in AB 109 reserves currently available is an obvious source. The Sheriff should develop a plan during fiscal year 2018-2019 to address this recommendation and request funds for this purpose from the Community Corrections Partnership as part of his budget for fiscal year 2019-2020.

- R2. Jail administration should re-examine how to offer programs inside housing units which can be more effective, e.g., sentenced-only housing units, as some who spoke with the Grand Jury have suggested. Sheriff’s Office Custody Manual Policy 516 should be updated to reflect legal status (pre-trial vs. sentenced) is not used as a criterion for housing assignments if these two inmate statuses continue to be mixed.
- R3. The Community Corrections Partnership should set an aggressive deadline (e.g., December 31, 2018) for completing the integrated database project described in its Public Safety Realignment Plan reports, so program effectiveness can finally be measured.
- R4. Jail administration should provide more programs with a proven track record, using available AB 109, inmate welfare, and grant funding where programs cost money. During fiscal year 2018-2019, the Sheriff should provide additional evidenced-based programming and re-evaluate programs with no clear link to reducing recidivism.
- R5. Programs funded by the Sheriff’s Office should be awarded based on competitive bids. This should begin immediately.
- R6. The construction program manager position at the honor farm, funded by AB 109, should be leveraged to provide vocational education opportunities to a broader group of male and female inmates than is currently the case (if or when a replacement is hired to fill the position).
- R7. Correctional deputies should have a measure regarding encouraging inmate program participation as a component of their regular performance reviews.

- R8. Rehabilitative programming should be developed and delivered which specifically targets young adult inmates, by replicating or adapting, for example, the evidence-based programs and interventions employed by the San Luis Obispo County Probation Department at the nearby San Luis Obispo County Juvenile Hall. Planning should occur during fiscal year 2018-2019, and programming specifically targeting this population should be put in place by July 1, 2019.

## **COMMENDATIONS**

The Grand Jury commends Jail Administration, Jail Programs Staff, and Jail Correctional Staff for trying to provide inmate access to programming in the face of significant safety, staffing, transport, and program space challenges. Correctional deputies who are actively involved with inmate programs are particularly commended.

## **REQUIRED RESPONSES**

The San Luis Obispo County Sheriff is required to respond to Findings 1–8 and Recommendations 1–2 and 4–8.

As Chair of the San Luis Obispo County Community Corrections Partnership executive committee, the San Luis Obispo County Chief Probation Officer is required to respond to Recommendations 1 and 3.

The San Luis Obispo County Board of Supervisors is invited to respond to the suggested use of AB 109 reserves noted in Recommendation 1.

The responses must be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by July 22, 2018, 2018. Please provide a paper copy and an electronic version of all responses to the 2017–2018 San Luis Obispo County Grand Jury.

Presiding Judge	Grand Jury
Presiding Judge Ginger E. Garrett Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

## APPENDIX

**TABLE 1:**

The number of unsentenced, sentenced, and total inmates by housing unit in early 2018:

<b>Location</b>	<b>Housing</b>	<b>Unsentenced</b>	<b>Sentenced</b>	<b>Other</b>	<b>Total</b>
Intake Release Center		6	0	0	6
Main Jail	A Deck	7	2	0	9
Main Jail	B Deck	10	10	0	20
Main Jail	I Deck	15	6	0	21
Main Jail	L Deck	12	8	0	20
Main Jail	O Deck	14	5	0	19
Main Jail	R Deck	12	6	0	18
Medical Isolation		2	2	0	4
Main Jail	Dormitory	34	23	0	57
Kansas Jail (female)	Safety Cell	1	0	0	1
Kansas Jail (female)	100 Unit	2	2	1	5
Women's Honor Farm	200 Unit	4	10	0	14
Kansas Jail (female)	300 Unit	12	9	0	21
Kansas Jail (female)	400 Unit	9	9	1	19
Kansas Jail (female)	500 Unit	8	13	0	21
West Jail	100 Unit	16	1	1	18
West Jail	200 Unit	16	9	2	27
West Jail	300 Unit	13	17	0	30
West Jail	400 Unit	16	10	0	26
West Jail	500 Unit	13	10	0	23
West Jail	600 Unit	16	3	1	20
West Jail	700 Unit	19	16	0	35
West Jail	800 Unit	20	14	2	36
Men's Honor Farm	100 Unit	0	19	0	19
Men's Honor Farm	200 Unit	1	30	0	31
<b>TOTAL</b>		<b>278</b>	<b>234</b>	<b>8</b>	<b>520</b>

**TABLE 2:**

The number of unsentenced, sentenced, and total administrative segregation inmates by housing unit in early 2018:

<b>Location</b>	<b>Housing</b>	<b>Unsentenced</b>	<b>Sentenced</b>	<b>Other</b>	<b>Total</b>
Main Jail	A Deck	2	1	0	3
Main Jail	L Deck	2	0	0	2
Main Jail	R Deck	6	0	0	6
Kansas Jail (female)	Safety Cell	1	0	0	1
Kansas Jail (female)	100 Unit	2	2	1	5
Kansas Jail (female)	400 Unit	2	3	0	5
West Jail	100 Unit	13	0	1	14
West Jail	200 Unit	3	0	2	5
West Jail	400 Unit	2	0	0	2
West Jail	600 Unit	13	2	1	16
<b>TOTAL</b>		<b>46</b>	<b>8</b>	<b>5</b>	<b>59</b>

**TABLE 3:**

The number of unsentenced, sentenced, and total protective custody inmates by housing unit in early 2018:

<b>Location</b>	<b>Housing</b>	<b>Unsentenced</b>	<b>Sentenced</b>	<b>Other</b>	<b>Total</b>
Main Jail	A Deck	2	1	0	3
Kansas Jail (female)	400 Unit	7	5	1	13
West Jail	100 Unit	2	1	0	3
West Jail	300 Unit	13	17	0	30
West Jail	400 Unit	14	10	0	24
West Jail	500 Unit	13	10	0	23
West Jail	600 Unit	1	0	0	1
West Jail	800 Unit	20	14	2	36
<b>TOTAL</b>		<b>72</b>	<b>58</b>	<b>3</b>	<b>133</b>

**TABLE 4:**

The number of unsentenced, sentenced, and total general population (excluding honor farm) inmates by housing unit in early 2018:

<b>Location</b>	<b>Housing</b>	<b>Unsentenced</b>	<b>Sentenced</b>	<b>Other</b>	<b>Total</b>
Main Jail	A Deck	3	0	0	3
Main Jail	B Deck	10	10	0	20
Main Jail	I Deck	15	6	0	21
Main Jail	L Deck	10	8	0	18
Main Jail	O Deck	14	5	0	19
Main Jail	R Deck	6	6	0	12
Main Jail	Dormitory	34	23	0	57
Kansas Jail (female)	300 Unit	12	9	0	21
Kansas Jail (female)	400 Unit	0	1	0	1
Kansas Jail (female)	500 Unit	8	13	0	21
West Jail	100 Unit	1	0	0	1
West Jail	200 Unit	13	9	0	22
West Jail	600 Unit	2	1	0	3
West Jail	700 Unit	19	16	0	35
Medical Isolation		2	2	0	4
<b>TOTAL</b>		<b>149</b>	<b>109</b>	<b>0</b>	<b>258</b>

**TABLE 5:**

The number of unsentenced, sentenced, and total honor farm inmates by housing unit in early 2018:

<b>Location</b>	<b>Housing</b>	<b>Unsentenced</b>	<b>Sentenced</b>	<b>Other</b>	<b>Total</b>
Women's Honor Farm	200 Unit	4	10	0	14
Men's Honor Farm	100 Unit	0	19	0	19
Men's Honor Farm	200 Unit	1	30	0	31
<b>Total</b>		<b>5</b>	<b>59</b>	<b>0</b>	<b>64</b>

**TABLE 6:**

Jail programs added in fiscal year 2014–2015, as listed in the Public Safety Realignment Plan Report, November 2015:

<b>Program</b>	<b>Program Type</b>
Employment Training Programs	Education/Employment
Bakery/Deli Internship	Education/Employment
Carpentry as a Career	Education/Employment
Welding	Education/Employment
ACE (Adverse Childhood Experiences) Overcomers	Emotional/Personal/Marital/Family
Thinking for a Change	Attitudes/Orientation
Mentoring	Leisure/Recreation/Companionship
Mentally Ill Offender Mentoring Program	Leisure/Recreation/Companionship
Books Behind Bars	Leisure/Recreation

**TABLE 7:**

Examples of Jail programs as listed in the Public Safety Realignment Plan Report, July 2017:\*

<b>Program</b>	<b>Program Type</b>
Employment Readiness Training Program	Education/Employment
Work Experience Employment and Employability	Education/Employment
Bakery/Deli Internship	Education/Employment
High School Equivalency Preparation and Testing	Education/Employment
Construction and Maintenance	Education/Employment
Apparel Technique and Construction	Education/Employment
Graphic Arts	Education/Employment
Parenting	Emotional/Personal/Marital/Family
Forensic Reentry Services	Emotional/Personal/Marital/Family
Grief and Loss	Emotional/Personal/Marital/Family
Planning for Change	Attitudes/Orientation
Thinking for a Change	Attitudes/Orientation
Mentoring	Leisure/Recreation/Companionship
Mentally Ill Offender Mentoring Program	Leisure/Recreation/Companionship
Reading Club, Library Book Distribution	Leisure/Recreation
Yoga	Leisure/Recreation

\*excludes mental health and substance use order treatment services provided by mental health and substance use disorder staff within the Jail.

**TABLE 8:**

Current programs at the Jail:\*

<b>Program</b>	<b>Program Type</b>
Employment Preparation	Education/Employment
Graphic Arts + On-the-Job Training (OJT)	Education/Employment
Construction Maintenance + OJT	Education/Employment
Bicycle Repair	Education/Employment
Apparel Construction and Technique + OJT	Education/Employment
Food Handler's Card Certification	Education/Employment
Food Management Certification	Education/Employment
Vocational Internships outside the Jail	Education/Employment
Sociology	Education/Employment
Computer Programming	Education/Employment
High School Equivalency Preparation and Testing	Education/Employment
Helping Women Recover	Emotional/Personal/Marital/Family
Grief and Loss	Emotional/Personal/Marital/Family
Soul Collage	Emotional/Personal/Marital/Family
Parenting	Emotional/Personal/Marital/Family
Alternatives to Violence	Attitudes/Orientation
Non-Violent Communication	Attitudes/Orientation
Planning for Change	Attitudes/Orientation
Restorative Justice	Attitudes/Orientation
Thinking for a Change	Attitudes/Orientation
Tattoo Removal	Attitudes/Orientation
Mentoring	Leisure/Recreation/Companionship
Treadmill Distance Running Training	Leisure/Recreation
Music	Leisure/Recreation
Book Club/Book Exchange	Leisure/Recreation
Art	Leisure/Recreation
Yoga	Leisure/Recreation

\* excludes mental health and substance use order treatment services provided by mental health and substance use disorder staff within the Jail.