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Criminal Justice Committee Report

Amador County Jail Inspection

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OVERFLOWING

AUTHORITY

California Penal Code (PC) 919 mandates that the Grand Jury shall inquire into the condition and management of all public prisons and detention facilities within the county.

SUMMARY

The Amador County Jail (ACJ) is still in very dire need of expansion and updating. A project was proposed which would add two housing pods, each consisting of 20 beds, and an outdoor exercise area. The proposal was approved by the Amador County Board of Supervisors on November 2, 2015. The project was scheduled to be occupied in November 2019 using Senate Bill 863 funding, adding an additional 40 beds.

The Capital Facilities Fee (CFF) can only be used for development and construction of the Jail and cannot be used for operations and maintenance costs. Due to pending legal issues, no current construction completion date of the expansion is available.

Capital Facilities Fees (CFF) are impact fees established to mitigate the impacts of new development as outlined in 66000 of the California Government Code. These fees may be used for the purchase, construction, expansion, rehabilitation, or acquisition of public facilities.

GLOSSARY

ACJ Amador County Jail

PC Penal Code

CORE Correctional Officer Required Education

STC Standards Training for Corrections

PREA Prison Rape Elimination Act

BSCC Board of State Community Corrections Agency

CFF Capital Facilities Fees

BACKGROUND

The ACJ is a Type Two Facility, a local detention facility for adult inmates either awaiting arraignment, during a trial, or upon sentencing of commitment. No minors or juveniles are held at this facility.

METHODOLOGY

A briefing and tour, by the Grand Jury, were conducted by the Amador County Sheriff and staff on January 25, 2018. The following written literature was reviewed: Inmate Information Handbook; Non-Emergency Health Care Requests and Services; Inmate Grievances; and the medical receiving-screening sheet.

BUDGET

The current budget is \$4,785,379, of which \$3,264,994 is allocated for Staff, \$612,192 is allocated for Services and Supplies, and \$644,950 is allocated for Inmate Health Services.

STAFF

There are 30 positions in the ACJ Staff: One Captain, one Lieutenant, six Sergeants, fourteen Level 2 Correctional Officers, six Level 1 Correctional Officers, and two Correctional Assistants. The following positions are currently vacant: One Correctional Sergeant, four Correctional Officers, and two Correctional Assistants. Candidates for the Correctional Officer positions are in the background phase and interviews are scheduled. A female Officer is always on duty to attend to incarcerated females.

Jail Needs Assessments found that the current authorized staffing for the Amador Jail is inadequate. Even if every vacancy were filled with a fully trained staff member, the facility would not have enough staff to provide adequate staffing.

TRAINING

Standard training consists of a Correctional Officer Required Education (CORE) course (178 hours), Introduction to Basics for Penal Officers (PC 832) course (40 hours), Standards Training for Corrections (STC) course (24 hours), a cultural diversity course (8 hours), and a mental health first aid course (8 hours).

Specialized training is also available in: Anxiety Disorders, Post-Traumatic Stress Disorder, Poly-Trauma, Inmate Hearings and Progressive Discipline, CAL-GANG (National Alliance of Gang Investigators Association), and Prison Rape Elimination Act (PREA).

INMATES

The Board of State Community Corrections Agency (BSCC) has rated the jail capacity at 76 inmates: 65 males and 11 females. The current jail facility can house up to 105 inmates with the current modifications to the facility, but this still exceeds the BSCC rated capacity and Title 24 Regulations.

At the time of our tour, there were 75 inmates in the facility. Of this total, 49 are not sentenced: 41 males and 8 females; 26 are sentenced: 21 males and 5 females; and 1 inmate is housed at another jail.

A Sheriff's Parole is available after a monthly review. 6 inmates were paroled in 2015, 5 inmates in 2016, and 5 inmates in 2017.

Incoming inmates are interviewed by staff and may be refused incarceration until cleared by Sutter Amador Hospital, or by a competent mental health therapist. A nurse is available 5 days a week, while being on call 24/7. A mental health therapist visits the jail one day a week, with a Crisis Worker on call 24/7. Gynecological and pregnancy services are available. The ACJ staff ensure that all inmates are taken to health care appointments if needed. No inmate is denied necessary medical treatment.

Education classes are available from Alcoholic Anonymous, Narcotics Anonymous, Positive Parenting Life Skills Education Studies, Bible Study, Behavioral Health Studies, and High School and GED (General Education Development) Prep.

Inmate grievances are attempted to be resolved at the lowest level. If there is no resolution, then the inmate can file a Criminal Grand Jury Complaint, followed by a Superior Court Writ. Most of the grievances are medical in nature.

Assembly Bill 109 resulted in an 87% increase in felony admissions. Between 10-01-2011 and 9-30-2013, the State projected there would be 5 new parole violators with local terms in jail. There were actually 106 new parole violations during that time frame. As of 12-31-2017, there have been 199 new local felony admissions, 204 new parole violators with a local term, 91 flash incarcerations, 127 probation violations, and 43 mandatory supervision violations.

FINDINGS

- F1. The Amador County Jail, built in 1984 with a 20-year lifespan, is obsolete and overcrowded. It has an ageing infrastructure; a lack of programming space; and an inability to properly classify and segregate inmates.
- F2. An expansion and renovation of the facility was approved on November 2, 2015. There is no current completion date due to legal issues.

- F3. Because of California State Assembly Bill 109, the State prison system continues to work on reducing their population, and in turn, contributes to all of the State's county jail's overcrowding issues.
- F4. The current authorized staffing for the Amador County Jail is inadequate.

RECOMMENDATIONS

- R1. The expansion and renovation plan should proceed as soon as possible.
- R2. It is recommended that alternative funding be sought for the replacement of the current Jail Facility as the planned addition to the jail is seen as a short-term resolution.

It is recommended that funding be sought for additional staffing to rectify old deficiencies and to bring the current and new facility to adequate staffing levels in accordance with acceptable adult detention facility practices.

REQUEST FOR RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:

From the following individuals:

- Amador County Sheriff is required to respond no later than 60 days after the Grand Jury submits a Final Report.

From the following governing bodies:

- Amador County Board of Supervisors is required to respond no later than 90 days after the Grand Jury submits a Final Report.

Address response to:

- The Presiding Judge
Amador County Superior Court
500 Argonaut Lane
Jackson, CA 95642
- Amador County Grand Jury
PO Box 249
Jackson, CA 95642

Criminal Justice Committee Report

California Department of Corrections

Mule Creek State Prison

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BALANCING ACT: SAFETY VS SERVICE!

AUTHORITY

California Penal Code (PC) 919 mandates that the Grand Jury shall inquire into the condition and management of the public prison within the county.

SUMMARY

The 2017-2018 Grand Jury reviewed the operation of Mule Creek State Prison (MCSP). The Grand Jury was impressed with how well organized, clean, and well maintained the grounds were. The prison offers many educational and work-related programs to keep inmates engaged, and to prepare them for life outside once they are released.

During its investigation, the Grand Jury learned that it is a challenge for prisons such as MCSP to balance the need for security with the need to provide adequate medical care for the inmates. Information received by the Grand Jury indicated what could perhaps be called a “culture clash” between custody staff and medical staff. Custody staff are trained to see safety as the primary concern, whereas medical staff see the inmates as patients when they are tending to them. Yet there are mandatory procedures that both custody and medical staff are required to adhere to, which ensure the safety of staff and inmates alike. The Grand Jury found that not all mandatory procedures are being enforced adequately. In addition to this, there are also technical systems in place to ensure safety (the off-hook alarm system), which are not working properly and need to be fixed. Some of the Grand Jury’s findings and recommendations reflect this.

Every two years, the Office of the Inspector General (OIG) conducts a review and writes a report titled “Medical Inspection Results” for every state prison. In the latest report, published in May 2016, MCSP was rated as inadequate in 13 out of 14 quality indicators. The Grand Jury’s communication with the MCSP’s new Chief Executive Officer of Health Care Services indicated that the causes of these poor reviews were being aggressively addressed and that they expect to have better reviews from the OIG during the current cycle. Because of the timing of the OIG review currently being done, and recently completed upgrades to some of the medical facilities, the next OIG report might not reflect the totality of the improvements that have been made, but it should have better scores than the 2016 report. The Grand Jury felt that the administration was working hard to improve in this area.



Overhead View of MCSP

GLOSSARY

CDCR- California Department of Corrections and Rehabilitation

MCSP – Mule Creek State Prison

PIA- Prison Industry Authority

MCIC- Mule Creek Infill Complex

SNY- Sensitive Needs Yard

CEO- Chief Executive Officer

ILTAG- Inmate Leisure Time Activity Group

OIG- Office of the Inspector General

PAD- Personal Alarm Device

BACKGROUND

Mule Creek State Prison (MCSP) is in the City of Ione and was opened in 1987. The prison houses approximately 3700 inmates and had 1724 total employees as of August 2017. Staff includes 881 peace officers, and 463 health care staff. Other staff include support, education, executive, food services, and PIA (Prison Industry Authority) employees. MCSP is a minimum through maximum level prison (level I thru IV). All the prison yards at MCSP are labeled as Sensitive Needs Yards (SNY). Sensitive needs inmates are those who might be at risk in a normal yard due to being gang drop outs, sex offenders, former law enforcement, high notoriety, etc.

In the spring of 2016, the new In-fill Complex (MCIC) was completed. This covers 60 acres and includes 6 housing units which added 1584 beds to Mule Creek's capacity. The In-Fill is a medium level (level II) correctional facility and was built to accommodate inmates with disabilities, intermediate medical needs, and/or mental health treatment needs.

The two top positions at MCSP are the Warden, and the Chief Executive Officer of Health Care Services. The Warden oversees the custody staff and the CEO of Health Care Services oversees the medical staff. The current Warden was appointed in October 2014. The current CEO of Health Care Services joined the staff of MCSP in May 2017.

Medical care in all California state prisons was taken over by a court appointed federal receivership in 2006 after the medical care being provided was deemed to not meet constitutional requirements. Most of the state's prisons, including MCSP, remain under that receivership. The California Department of Corrections and Rehabilitation (CDCR) and the California Prison Health Care Receivership Corporation continue to try to raise the level of medical care for inmates to proper constitutional standards.

METHODOLOGY

- Read previous Grand Jury reports regarding MCSP
- Online research to become familiar with basic facts about MCSP
- Obtained and read MCSP Medical Inspection Results Cycle 4 (May 2016) which is written by the Office of the Inspector General every 2 years.
- Reviewed Jail Inspection Handbook from BSCC.CA.GOV
- Requested, received, and reviewed documents from MCSP including the following:
 1. MCSP Information Booklet revised 2017
 2. Budget
 3. Incident Report for assault on staff in May 2017

4. Position Count
 5. April 2017 Security Audit
 6. Inmate Count
 7. Inmate Disciplinaries
 8. Correctional Clinical Case Management Services
 9. Possession of Controlled substance/Stimulant/Sedative
 10. Unauthorized Possession of Drug Paraphernalia
 11. Under the Influence of a Controlled Substance/Stimulant/Sedative
 12. Distribution of a Controlled Substance
 13. Positive UA
 14. MCSP ILTAG Schedule (Inmate Leisure Time Activity Group)
 15. Tender Loving Canines – Service Dog Program
 16. Ambulance usage records
- On August 30, 2017, Grand Jurors were given a site tour of MCSP
 - Interviewed one long term inmate of MCSP
 - Interviewed several employees of MCSP
 - Interviewed the CEO of Health Services of MCSP

DISCUSSION

Mule Creek State Prison Facilities Tour

On August 30, 2017, the Grand Jury undertook a site tour of MCSP. The Warden and the CEO of Health Care Services, along with other officers and administrators, provided a pre-tour briefing. The prison staff conducted a very thorough tour, focusing on the areas that the Grand Jury had requested to see. Overall, the grounds of the prison appeared well maintained and clean. Staff looked professional and organized. Inmates that were observed, looked neat and clean, and interactions between staff and inmates were civil. During the tour, the Grand Jury interviewed a fifteen-year inmate. The tour included, but was not limited to, the following areas:

- Receiving and Release

- Main Kitchen
- Two Housing Units (one in the In-Fill, and one in the original facility)
- Fire House
- PIA program areas for Food and Beverage Processing, Meat Processing, and Laundry
- Main Control of A, B, and C yard

Main Control is where one enters the secure part of the prison. Staff processes people through the entrances, and controls inmate movement. Items needed by staff (for example keys, weapons, personal alarms) are handed out using a chit system to keep track of who has each item.

- Classrooms
- Medical Facilities
- Exercise yard
- Karma dog program

Programs Available to Inmates

Creekside Adult School provides GED and college degree programs for inmates at MCSP. There are also several technical training programs that result in industry recognized certification for inmates who complete them.

Inmate Leisure Time Activity Groups (ILTAGS) are rehabilitative programs. These include: addiction recovery programs, peer support groups and victim impact programming. Currently there are 27 ILTAGS that meet in over 100 groups weekly. 130 volunteers arrive each day to help administer some of these programs.

Prison Industry Authority (PIA) is self-supporting through the sale of its products and services, and has the goal of producing trained offenders who have a basic education, a job skill, and good work habits. There are Food and Beverage Processing, Meat Processing, Laundry, Coffee Roasting and Fabric Product PIA programs at MCSP.

Medical Care

Each yard at MCSP has its own standalone Medical and Dental Clinic to handle routine medical issues. Each clinic is staffed from 7:30 am to 3:00 pm Monday through Friday, excluding holidays. Outside of those hours a doctor is on call. There is a Triage and Treatment Area (emergency room) in the central core area of the prison, along with a 10 bed Correctional Treatment Center. A comprehensive Mental Health department is also in place.

American Legion Ambulance is contracted to provide service to MCSP. American Legion also provides the rest of Amador County with ambulance service. American Legion was called to the prison 1100 times in the past year to transport inmates to off-site medical facilities. There has

been concern expressed in the community that so many ambulance runs to MCSP is resulting in other citizens not having an ambulance readily available at times. The Grand Jury believes that having doctors covering more hours on-site would reduce the number of ambulance trips required.

The OIG's Medical Inspection Results Cycle 4 (May 2016) rated MCSP as inadequate in 13 out of 14 quality indicators. The report states that during the time of their inspection MCSP had a severe shortage of physicians, high nursing staff vacancies, a lack of critical health care leadership, inadequate supervision of existing health care staff, and low staff morale.

Current staffing levels are greatly improved. As of November 2017, there were three physician vacancies. Nursing staff vacancies were also low. The Mental Health department is fully staffed. This is a large improvement compared to the vacancy rates reported in the 2016 OIG report.

The CEO of Health Care Services at MCSP was hired in May 2017. She is interested in improving the working relationship of the custody staff and the medical staff, to improve safety. She told the Grand Jury about various plans to reduce the frequency that inmates leave the prison to receive care. There are increased security risks anytime an inmate leaves the prison. It also uses resources in terms of vehicles and custody staff to accompany the inmate. The Grand Jury was told that increasing the use of Tele-Health and bringing in a mobile dialysis unit (rather than transporting inmates to an off-site facility each time they need dialysis) are being implemented. The CEO of Health Care Services is also investigating extending the hours that doctors are on-site. Overall, the Grand Jury was impressed with the new CEO and optimistic about her intent and ability to deal with the challenges of improving the health care system at MCSP.



Overhead View of Infill Facility MCSP

Safety

Staff at MCSP, who are working inside the secure area, have available to them Personal Alarm Devices (PADs). PADs are a device with a button to push in case help is needed. Activating the PAD sets off an alarm in main control, and custody staff will then be able to respond to the location where help is needed. PADs are meant to be carried upon one's person. It is mandatory that staff carry their PAD. The Grand Jury learned that not all staff, particularly medical staff, have been carrying their PADs, sometimes leaving them in desks or otherwise not upon their person.

There is another safety measure at MCSP that is called the off-hook phone system. If any phone is off the hook for more than a short amount of time, it sets off an alarm in main control. The system will show a descriptor that indicates the location of the off-hook phone. Custody staff will then respond to the location. This is another way to call for help. The Grand Jury learned that the off-hook phone system needs to be sorted out. New construction, both for the In-Fill, and for new buildings added in the original part of the prison, has resulted in a lot of new phones. The descriptors used for the new phones are not matching up with the old method of naming phones, resulting in custody staff having to spend an inordinate amount of time trying to figure out where the alarm is coming from before they can respond. In addition, there are a lot of false alarms. It was reported that these alarms can go off 20 to 30 times in a shift.

Staff working inside the secured area are also issued items such as: Keys, ammunition, weapons, handcuffs, tear gas, batons, personal alarms and radios. Each item requested is exchanged for a chit. The chit has the employees name listed. At the end of the shift, employees are required to return items that were checked out at the beginning of their shift in exchange for their chits. The Security Officer is suppose to inspect and count each item exchanged before putting items back in inventory.

The Grand Jury learned from several of our interviews that the items being checked out and checked in are not being correctly inventoried. In fact, some are not being inspected during inventory for several days. The staff is assuming that what was checked out is being turned back in.

The Grand Jury learned during the interviews that two sets of keys came up missing in 2017, within three months of our interview.

The Grand Jury also learned that some bullets were not accounted for during shift transfers. It was learned that bullets were not even being inventoried.

Contraband is defined as anything that is not allowed for an inmate to have inside the walls of the prison. This would include items such as: Cell phones, cigarettes, cigarette lighters, clothing or even food.

The Grand Jury learned that cell phones and other contraband are of high value to inmates. One way inmates can acquire cell phones and other prohibited items is by having associates, who are not incarcerated, arrange payments to unscrupulous staff members to smuggle in items. A cell phone is worth between \$150 to \$200 to an inmate. Similarly, cigarettes can be worth \$100.

MCSP already has rules about not bringing in contraband, but it appears these rules are not always followed.

The Grand Jury was told, in the interview process, that inmates like to ‘snitch’ on the employees. The Grand Jury learned that, on average, five employees are walked off the premises each year for bringing in some kind of contraband.

FINDINGS

- F1. Not all employees are checking out and carrying their mandated Personal Alarm Devices. Personnel place themselves and others in harm’s way by not properly using their mandated alarms.
- F2. The off-hook alarm system is not working correctly. Main Control can’t locate where the phone is that is going off quickly and with certainty. It is not uncommon for 25-30 alarms to go off during an 8-hour shift causing responding staff to run to check it out. Because the phones are not clearly describing locations, staff and inmates are placed in harm’s way.
- F3. When keys, ammunition, or other monitored items are issued, not all are being correctly inventoried before shift transfer. The Grand Jury found that two sets of keys have come up missing, in the last three months. This is a security risk and an additional financial cost to the institution.
- F4. Employees are not adhering to the “no cell phone” policy. Cellphones are not allowed within the secured area of the prison. An average of five employees a year are walked off the premises for bringing in some form of contraband. (cell phone, cigarettes, etc.).
- F5. Current physician hours are from Monday-Friday day shift (7:30 am-3 pm). Outside of those hours, a doctor is on call. Inmates are routinely transported to off - site medical facilities during and after regular doctor hours.
- F6. On a yearly average, there are 1100 ambulance runs to MCSP. While an ambulance is being used for the prison, other areas of Amador County have less protection.
- F7. The Office of Inspector General’s Report published in May 2016 found MCSP inadequate in 13 out of 14 quality indicators. The new CEO of Health Care Services indicated that she expected scores to improve somewhat in the next OIG report and then be greatly improved in subsequent reports.

RECOMMENDATIONS

- R1. Enforcing the Policy of CDCR (California Department of Corrections and Rehabilitation) on the use of mandated Personal Alarm Devices on a shift to shift basis until all staff is abiding by the current policy. (F1)
- R2. Repair the off-hook phone system. Have the descriptors match what Main Control has available to them, so that alarms can be responded to quickly and efficiently. Rectify the cause of excessive false alarms. (F2)
- R3. Enforce current policy on shift transfers of inventory property. (F3)
- R4. Increase security checks for employee contraband. (Cell phones, etc.). (F4)
- R5. On-site doctor hours need to be extended daily, and to include weekends and holidays. (F5)
- R6. The prison should investigate whether American Legion will increase its fleet to have two ambulances dedicated for the sole use of MCSP. This would provide the citizens of the county with quicker medical transports without having unnecessary delays. If on-site doctors' hours at MCSP were increased, it would also reduce the number of ambulance runs necessary. (F6)
- R7. The Civil Grand Jury of 2018/2019 should obtain and read the next OIG report to verify that there have been improvements in the deficiencies delineated in the 2016 report.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933(c), the grand jury requests responses as follows:

From the following individuals:

- Mule Creek State Prison Warden is required to respond no later than 90 days after the Grand Jury submits a final report, to Findings 1, 2, 3, and 4.
- Mule Creek State Prison CEO of Healthcare Services is required to respond no later than 90 days after the Grand Jury submits a final report, to Findings 5, 6, and 7.

Address response to:

- The Presiding Judge
Amador County Superior Court
500 Argonaut Lane
Jackson, CA 95642
- Amador County Grand Jury
PO Box 249
Jackson, CA 95642

APPENDIX

Mule Creek State Prison Budget Summary for 2016/2017

MCSP BUDGET	2017	2016	
Administration	\$6,479,052	\$6,649,987	
Custody	\$115,540,119	\$105,007,028	
Inmate Support	\$35,832,534	\$31,533,205	
Education	\$6,646,377	\$5,860,969	
Healthcare	\$101,340,727	\$84,087,916	
Community Resource Partnership	\$106,861	\$102,312	
Total Budget	\$256,299,293	\$233,541,467	

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