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COUNTY OF TRINITY  
BY: STACI HOLLIDAY

# 2024 Trinity County Civil Grand Jury

Deaths at the Trinity County Correctional Facility

Reviewed 12/3/24  
[Signature]

*Content warning: Suicide is mentioned in this report, and may be triggering to some people. The National Suicide Hotline can be reached 24/7 by dialing 988 from any phone in the US.*

## Summary

California civil grand juries, per California Penal Code (PC) Section 919, are tasked with inquiring into the condition and management of public prisons and local detention facilities in their respective counties. The 2024 Trinity County Civil Grand Jury's visit to the Trinity County Correctional Facility came in the months following the jail's second and third death since its opening. Within an eleven month period beginning in February 2023, three inmates in the custody of the Trinity County Correctional Facility died. The 2024 Trinity County Civil Grand Jury focused on the second and third deaths, and believes these deaths could have been prevented. This report makes recommendations that hopefully will have a positive impact.

## Background

The Trinity County Correctional Facility in Weaverville, California and the Trinity River Conservation Camp #3 in Lewiston, California are the two detention facilities in Trinity County. In 2024, the Trinity County Civil Grand Jury performed site visits of both facilities. These site visits allow for first person observations.

Based on news reports and information obtained via the Grand Jury complaint submission process, the 2024 Trinity County Civil Grand Jury agreed to open an investigation into the Trinity County Correctional Facility. This report reflects what was learned during the investigation along with a collection of recommendations.

Before any civil grand jury report is published the final content is agreed to by a supermajority of the jurors, the report undergoes legal review, and must be approved by the presiding judge.

## Methodology

The 2024 Trinity County Civil Grand Jury:

- Interviewed Trinity County Sheriff's Department staff and other Trinity County employees
- Reviewed online reports from:
  - Harvard Business Review
  - Mayo Clinic
  - KRCR TV
  - Trinity Journal
- Reviewed the Trinity County Sheriff's Department Custody Policy Manual
- Reviewed the Trinity County Sheriff's Department Custody Division Training Manual
- Reviewed Board of State and Community Corrections (BSCC) Manual

- Researched information on the Trinity County online site, [www.trinitycounty.org](http://www.trinitycounty.org)
- Researched information from:
  - World Health Organization (WHO)
  - National Institute of Health (NIH)
- State of California Department of Justice online site, [oag.ca.gov](http://oag.ca.gov)

## Discussion

Days after the 2024 Trinity County Civil Grand Jury began its 1-year term, the Trinity Journal published an article on January 18, 2024 titled "Sheriff Confirms Two More Deaths in New Jail". The article described the deaths of two inmates, John Swain and Joshua Garbutt. Per the article, Mr. Swain died on January 8, 2024 as a result of "asphyxiation due to self-strangulation." At the time the article was written, there was no known cause of death for Mr. Garbutt, who died on January 14, 2024.

## Death and Light Fixtures

Almost a year before the death of Mr. Swain, Aron Lewandowski was found unresponsive in his cell on February 26, 2023. After being transferred from the Trinity County Correctional Facility to Mercy Medical Center in Redding, California, Mr. Lewandowski would later be pronounced dead. The Trinity Journal reported the death in an article on March 22, 2023 titled "Suspect in February Stabbing Dies of Apparent Suicide", but gave no details regarding the method.

During the course of the 2024 Trinity County Civil Grand Jury's investigation, it was learned via Trinity County Sheriff's Department incident reports 23-00207 and 24-00038 that both Mr. Lewandowski and Mr. Swain committed suicide in similar manners. Both individuals were able to hang themselves by passing a bedsheet through the gap between the cell's light fixture and the ceiling. Mr. Lewandowski was housed in cell A104 and Mr. Swain was housed in cell A204.

Upon discovery of the unresponsive Mr. Lewandowski and Mr. Swain during an hourly head check, correctional officers promptly entered the cells, lowered each to the floor, and began chest compressions. Medical calls went out. Responding agencies included Trinity Life Support, Weaverville Volunteer Fire Department, and CalFire.

Following the death of Mr. Lewandowski, correctional staff brought in representatives from a construction company to perform a site visit on May 3, 2023. The representatives examined the state of the light fixtures in the cells. Several fixtures were noted as having an open seam around the fixture with some having a large open seam, including in cell A204, which would later house Mr. Swain. It wasn't until January 26, 2024, 12 days after the death of Mr. Swain and 8 months after the initial assessment, that construction company employees returned to perform a work estimate. All lights were subsequently repaired by March 28, 2024, 10 months after the

initial assessment. Had the light fixture in cell A204 been repaired before January 8, 2024, Mr. Swain may have been prevented from hanging himself as described earlier.

As reported in the Trinity Journal on June 12, 2024, a wrongful death lawsuit in connection to Mr. Lewandowski's death has been filed against Trinity County. It is unknown at this time the fiscal impact this lawsuit will have on Trinity County.

## Death and Training

Mr. Garbutt arrived at the Trinity County Correctional Facility on January 11, 2024. On January 14, 2024 at approximately 2:22 am, Mr. Garbutt was found unresponsive in his cell during an hourly head check. Despite life saving measures performed by Trinity Life Support, CalFire, and Weaverville Volunteer Fire Department, Mr. Garbutt was pronounced dead.

Upon arrival at the jail, inmates complete a health services form during the intake process. On his form, Mr. Garbutt noted he was a heavy, daily Fentanyl user.

After being monitored in the intake area for a couple of hours, Mr. Garbutt was transferred into a jail dormitory later on the 11th. By the morning of January 12, 2024, Mr. Garbutt began to vomit. As time went on, Mr. Garbutt continued vomiting, stopped eating and drinking, and had diarrhea with increasing lethargy and body pain until his death on January 14, 2024.

Multiple telephone calls between the correctional officers and the medical provider were made beginning on January 11, 2024 when Mr. Garbutt was booked into the jail, and continued into the afternoon on January 13, 2024.

Newly hired correctional officers undergo on-the-job, in-house training, typically lasting 6 to 8 weeks. Head checks are part of the training. Head checks are an in-person, visual inspection of each cell, and are performed at least hourly 24 hours a day. Often it is done by looking through the cell door, but if necessary correctional officers will enter the cell. A log is kept of each check of each cell.

Training includes CPR and First Aid. However the CPR/First Aid class is held once a year. Depending on when a new correctional officer is hired, that person could wait close to a year before receiving CPR/First Aid training.

After a year with the Sheriff's Department, the new correctional officer is sent to Core for additional training. Core is the basic training for corrections staff working at a jail or probation department in California. CPR/First Aid is also part of Core.

Another part of the in-house training is the medication administration by correctional officers to the inmates. There is clear documentation for this process that includes the following:

- Differences between over-the-counter and prescribed medicines

- The inmate's right to refuse medicine
- Tracking refused medicines

Between medical pass and head check, correctional officers are the main point of contact with an ill inmate, and are potentially the only contact.

After Mr. Garbutt's death, sometime in the second half of 2024 the jail staff was introduced to the Clinical Opiate Withdrawal Scale (COWS). Per the National Institute of Health (NIH),

*"This tool can be used in both inpatient and outpatient settings to reproducibly rate common signs and symptoms of opiate withdrawal and monitor these symptoms over time. The summed score for the complete scale can be used to help clinicians determine the stage or severity of opiate withdrawal and assess the level of physical dependence on opioids."*

Including COWS into the policies and procedures for the correctional officers is a step in the right direction towards better health tracking. The lack of written guidelines for its use leaves room for improvement.

On a previous occasion while at the Trinity County Correctional Facility, Mr. Garbutt was transferred from the jail to the Trinity Hospital in Weaverville, California. Medical records dated July 13, 2023 noted the physician's final impression as "Acute Opioid Withdrawal." Mr. Garbutt was given Suboxone and monitored.

Unlike in 2023, it remains unclear why Mr. Garbutt was not transferred to a hospital in January 2024 despite repeated calls between correctional officers and the medical provider in regards Mr. Garbutt's deteriorating conditions. Had Mr. Garbutt been transferred to the hospital in time, his death may have been avoided.

As reported in the Trinity Journal on June 19, 2024, a wrongful death lawsuit in connection to Mr. Garbutt's death has been filed against Trinity County. It is unknown at this time the fiscal impact this lawsuit will have on Trinity County.

## Budgetary Concerns

The Board of Supervisors have a difficult job in managing the annual Trinity County budget. One of the areas they have targeted for cuts in the last 3 budgets is the Sheriff's Department. While this is a short term solution, there are long term ramifications. Those being that the county is now being sued for the wrongful death of 2 individuals.

The Sheriff has tried to be creative in managing those cuts. Wages for correctional officers are kept low. Starting pay for a new Trinity County Correctional Officer I is \$20 per hour. California fast food workers' starting rate is \$20 per hour. Despite having the same starting pay as in the fast food industry, correctional officers take on a greater risk of physical harm.

Because the beginning pay for entry level correctional officers is the same as fast food workers, the Sheriff's Department has difficulty in finding qualified applicants. While the positions remain open, existing correctional officers are needed to work overtime.

The below table details a trend of increased use of overtime and comp time hours by the jail staff for the past three fiscal years. The increase in jail hours corresponds to an increased percentage of Trinity County's total overtime and appears to be driving the county's increase in overtime hours. For context, a person working 40 hours a week, will work 2,080 hours per year.

<b>Fiscal Year</b>	<b>County Total Overtime Hours</b>	<b>Jail Total Overtime Hours</b>	<b>Jail's Percentage of County's Overtime</b>
2021/2022	20,638	4,735	23%
2022/2023	22,466	5,400	24%
2023/2024	22,371	8,303	37%

While the idea of working overtime is usually thought of as a little extra time, a little extra money, that is not the case when overtime becomes the norm. In addition, it is not a sustainable working model for any profession because it leads to burnout. The World Health Organization (WHO) classifies Burnout as a factor influencing health. In the International Classification of Diseases 11th Revision (ICD-11), which is developed and updated by WHO, Burnout is described as:

*“Burnout is a syndrome conceptualized as resulting from chronic workplace stress that has not been successfully managed. It is characterised by three dimensions: 1) feelings of energy depletion or exhaustion; 2) increased mental distance from one’s job, or feelings of negativism or cynicism related to one’s job; and 3) a sense of ineffectiveness and lack of accomplishment. Burn-out refers specifically to phenomena in the occupational context and should not be applied to describe experiences in other areas of life.”*

The first indicator of Burnout is having a heavy workload and working long hours. Burnout doesn't happen overnight, it develops gradually, emerging as a prolonged response to chronic job stress. Burnout can have far-reaching impacts on the workplace. The 2024 Trinity County Civil Grand Jury believes Burnout was a factor in the death of Mr. Garbutt.

## Jail Commander

The Jail Commander is responsible for planning, managing, and overseeing the daily functions, operations, and activities of both corrections and dispatch. The Jail Commander will respond to critical incidents at the jail. Among the many other responsibilities, the Jail Commander

participates in the selection of, training, and motivation of the deputies working in corrections and dispatch.

On February 6, 2023 the Jail Commander was placed on leave. The Medical Officer became the Acting Jail Commander while continuing as the Medical Officer. Since then, both positions have been performed by one person. Spanning all three deaths and continuing at the time this report was written, the Trinity County Correctional Facility has had no active and dedicated, full-time Jail Commander to oversee the jail.

## Findings

F1. Failure to fix identified suicide hazards contributed to the death of Mr. Swain while at the Trinity County Correctional Facility.

F2. The correctional officers' lack of medical training and an inability to make medical decisions contributed to the death of Mr. Garbutt while at the Trinity County Correctional Facility.

F3. The incorporation of the Clinical Opiate Withdrawal Scale (COWS) for use by correctional officers is a step in the right direction towards improved inmate health tracking.

F4. The lack of written guidelines and processes covering the use of the Clinical Opiate Withdrawal Scale (COWS), who is responsible for reviewing the completed forms, and how long the forms are retained is an issue to be addressed.

F5. Low staffing levels and budgetary decisions have driven the use of overtime.

F6. Because the roles of Jail Commander and Medical Officer are two separate, full-time positions, they need to be filled by two separate individuals.

F7. Based on excessive overtime hours, there are not enough correctional officers at the jail.

F8. Retention of correctional officers is key towards managing a reduction in overtime hours.

## Recommendations

R1. The 2024 Trinity County Civil Grand Jury recommends that the Trinity County Sheriff's Department, in cooperation with the County Administrator's Office and the Board of Supervisors, develop a policy by June 1, 2025 that prioritizes the remediation of hazards at the Trinity County Correctional Facility when those issues are identified.

R2. The 2024 Trinity County Civil Grand Jury recommends that the Clinical Opiate Withdrawal Scale (COWS) be included in the correctional officer training manual by June 1, 2025.

R3. The 2024 Trinity County Civil Grand Jury recommends that the Trinity County Sheriff's Department develop a policy that when the Clinical Opiate Withdrawal Scale (COWS) is used, that vitals (blood pressure, temperature, heart rate, and pulse oxygenation) are also recorded. This new policy is to be completed and implemented by June 1, 2025.

R4. The 2024 Trinity County Civil Grand Jury recommends the Trinity County Sheriff's Department develop a written policy detailing when the Clinical Opiate Withdrawal Scale (COWS) is used, the frequency of the scale's use, the process of sharing the completed form with the appropriate parties (i.e. Medical Officer and contracted medical staff), and the retention period for completed scales. This new policy is to be completed and implemented before June 1, 2025.

R5. The 2024 Trinity County Civil Grand Jury recommends the Trinity County Sheriff's Department have an active, full-time, dedicated Jail Commander by June 1, 2025.

R6. The 2024 Trinity County Civil Grand Jury recommends the Trinity County Sheriff's Department have an active, full-time, dedicated, Medical Officer by June 1, 2025.

R7. The 2024 Trinity County Civil Grand Jury recommends the Trinity County Sheriff's Department develop a policy of using a certified medical professional (i.e. medical assistant, registered nurse, physician's assistant, medical doctor) to be directly involved in handing out medications during at least one medical pass per 24 hours. This policy is to be completed and implemented by June 1, 2025.

R8. The 2024 Trinity County Civil Grand Jury recommends the Trinity County Sheriff's Department develop a policy requiring new correctional officers, as a condition of employment, have a current Red Cross CPR and First Aid certificate or the equivalent. New hires may be reimbursed for the cost of the training, along with mileage. This policy is to be completed and implemented by June 1, 2025.

R9. The 2024 Trinity County Civil Grand Jury recommends the Trinity County Sheriff's Department look into the feasibility of using more annuitants (i.e. retired law enforcement) to fill open positions. The department is to report on the findings to the Board of Supervisors by June 1, 2025.

R10. The 2024 Trinity County Civil Grand Jury recommends the Trinity County Sheriff's Department, in accordance with California Labor Code, develop a hiring agreement that seeks to recoup some of the training costs associated with sending new correctional officers to Core when those officers leave the Trinity County Sheriff's Department within one year of completing their Trinity County financed Core training. The hiring agreement template is to be created by June 1, 2025.

# Request for Response

In accordance with California Penal Code (PC) Section 933 and Section 933.05, the 2024 Trinity County Civil Grand Jury requires a response from the Trinity County Sheriff and the Trinity County Board of Supervisors within 90 days of receipt of this report.