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operation of the planned programs, with the bulk of the funding going to the Sheriff's Office and Probation Department, was \$3.55 million from state funding. The estimated county costs were \$3.62 million, which left a projected \$66,400 shortfall in state funding.

The state did not set up a mechanism for the counties to submit uniform reports on the results of their various approaches to these changes. This has led to a great deal of uncertainty, as counties are left largely to themselves to interpret the success or failure of their programs. The American Civil Liberties Union (ACLU) has reviewed 53 counties' programs in the *Public Safety Realignment; California at a Crossroads* monograph. The review focuses on a lack of "...state monitoring, data collection, outcome measurements...to help counties successfully implement realignment." The ACLU lists what it sees as the "best of the best" practices by counties in response to realignment. Butte County was praised among only four counties for the use of "...evidence-based risk assessments...." Butte County was among the 12 counties singled out for implementing programs to reduce recidivism, and was the sole county cited for utilizing graduated sanctions when inmates enrolled in their alternative custody programs violate the rules of their participation.

In light of the lack of state-established uniform reporting requirements in the AB109 legislation, the Butte County Sheriff's Office took the initiative and obtained the assistance of California State University, Chico (CSUC). A CSUC research group made an agreement with the Butte County Sheriff's Office to quantify those areas of the program that were successful or needed change or replacement. The agreement called for the group to identify county prisoner needs, establish a recidivism measure and evaluate the Alternative Custody Supervision program, a specific program enhanced in response to AB109. This research is ongoing and has proved to be a valuable tool for the sheriff in judging the successes or failures of the newly established alternative custody programs.

Despite attempts by the Butte County Sheriff's Office to inform the public regarding AB109 and its ramifications, there continues to be misconceptions and confusion. California is in the early stages of addressing the challenges of retaining some longer-term felony offenders in county jails. Jails were built and run on the premise that those inmates housed there would be short-term inmates, generally serving sentences of one year or less. With longer-term inmates, county jails are seeing a need for more funding and space for more programs. There is an increased potential for long-term inmates to become restive and more difficult to supervise. Jail managers also anticipate the need for more sophisticated medical, mental and dental care for longer-term inmates.

FINDINGS

- F1 AB109 realignment legislation has aggravated an already serious overcrowding problem. This has emphasized the need for additional jail space.
- F2 The Butte County Sheriff's Office has approached realignment in an innovative manner.
- F3 Inadequate local information and community conversation have resulted in a misunderstanding of AB109 by the public.
- F4 The Day Reporting Center program has been implemented in a manner that has been cost effective for county taxpayers.
- F5 There are inmates in the County Jail that could qualify for Alternative Custody Supervision if they had an acceptable place to live.
- F6 Medical needs of inmates in alternative custody programs are not taken care of by jail medical services or other government programs.
- F7 The CSUC research group is a valuable resource for the Butte County Sheriff's Office and this is a productive partnership.

RECOMMENDATIONS

- R1 Butte County needs to obtain funding to expand the critically overcrowded Butte County Jail, as recommended by the March 2013 Jail Needs Assessment.
- R2 The Sheriff's Office should designate a public information officer to keep the citizens of Butte County better informed.
- R3 Butte County should explore ways to provide temporary housing options for indigent inmates who would otherwise qualify for alternative sentencing programs.
- R4 Butte County needs to explore ways to provide basic medical care to those alternative custody inmates who do not qualify for state or federal health care assistance.
- R5 Proposed changes in alternative custody programs by the CSUC study group should be prioritized by the Butte County Sheriff's Office.

REQUEST FOR RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests responses as follows:

- Butte County Sheriff's Office:
 - A response to Findings F1 through F7 and Recommendations R1 through R5

- Butte County Board of Supervisors:
 - A response to Finding F1 and Recommendations R1 through R5

- Butte County Department of Employment and Social Services:
 - A response to Findings F5 and F6 and Recommendations R3 and R4

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

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2012-2013 BUTTE COUNTY GRAND JURY REPORT

BUTTE COUNTY EVIDENCE STORAGE/MORGUE

SUMMARY

Included in the many functions of the Butte County Sheriff's Office is the responsibility for the storage of evidence that is held for pending criminal prosecution. The sheriff serves as the county coroner and has the responsibility for investigating all sudden or unexpected deaths. Evidence is stored in a building referred to as the Evidence Storage Facility. The 2012-13 Grand Jury felt that the storage of evidence was an important responsibility and worthy of inspection. The Sheriff's Office, General Services and all the personnel interviewed were helpful and accommodating to the Grand Jury. Although the building's storage shelves were at capacity, everything was clearly marked, neatly filed, coded and easily retrievable. All evidence was carefully cataloged via a computer inventory system.

GLOSSARY

- AB109 – Assembly Bill 109, 2011 Public Safety Realignment Act
- ATV – All Terrain Vehicle
- DNA – Deoxyribonucleic Acid

BACKGROUND

The Evidence Storage Facility is located off County Center Drive, adjacent to the Butte County Sheriff's Office. It consists of an evidence storage building and an outside yard enclosed with a chain link fence. Vehicles and evidence too large to store indoors are in the yard. The building is a commercial type of metal building. It is old and has been modified several times to accommodate the influx of evidence coming into storage. The climate control equipment is adequate but needs to be upgraded to maintain the evidence in a useable state for the long term.

Butte County does not have a morgue. The sheriff, as the county coroner, must outsource the necessary functions, including autopsies and storage of bodies.

APPROACH

The 2012-13 Grand Jury performed the following activities:

- Toured the Evidence Storage Facility
- Toured the old county hospital building
- Interviewed Butte County Sheriff's Office staff and management
- Interviewed General Services management
- Interviewed Evidence Storage Facility staff
- Interviewed Butte County Coroner personnel
- Reviewed documents provided by General Services
- Reviewed documents provided by the Butte County Sheriff's Office

DISCUSSION

Grand Jury members met at the Butte County Evidence Storage Facility in February 2013 for a tour. One sergeant and two deputies who manage the evidence storage complex guided the tour and answered Grand Jury questions. The Evidence Storage Facility is over 21 years old and was designed to accommodate the needs at the time of construction. To store the amount of evidence now coming into the facility requires utilizing every possible space from the floor to the ceiling. The original design of the current building did not include a staff restroom. Utilizing available components, a minimally adequate temporary restroom was constructed but is in the process of being upgraded.

The atmospheric control system that is required to protect DNA evidence and other items that require climate control is inadequate, outdated and has experienced outages. The current climate control system is a mechanical cooling system with a propane generator backup. The Grand Jury was told that, at times, portable fans have been used temporarily to assist with keeping the temperature in the building at acceptable levels.

The outside area, where vehicles and other large items are stored, is poorly secured and leaves items vulnerable to deterioration. Hazardous waste is stored in a large container in the yard. Some items of evidence must be maintained for years, even beyond the adjudication of the criminal case. In major crime cases evidence may be reviewed years later during the appeal process.

Interviews conducted with Sheriff's Office personnel revealed they are aware of the need for a new Evidence Storage Facility. In 2003, a bid of approximately \$2 million was obtained for a new building. In 2008, a new Evidence Storage Facility was again in the spending plan but postponed due to costs incurred fighting Butte County wildfires. Alternatives to building a new facility have been investigated. It has been found that available existing buildings would be prohibitively expensive to bring up to code and retrofit with the requisite climate controls, security access controls, alarms and electrical components.

The Sheriff's Office is attempting to get a new Evidence Storage Facility's design and construction costs added to the county's capital expense list in order to proceed with the necessary steps toward acquiring a new building. Under the best of circumstances, from approval to completion of construction would take approximately five years. Funding from the implementation of AB109 may offer a partial solution.

When the Sheriff's Office obtained the vacant former Juvenile Hall, not all of the space was needed to accommodate the Jail's Day Reporting Center. The hallway adjacent to the Day Reporting Center is secure, with jail-type locks. The hallway is climate controlled and the individual cells, after removal of the plumbing and beds, made an ideal storage area when shelving was added. The transfer of some evidence to these annex areas in the former Juvenile Hall was well underway when members of the Grand Jury investigated the site. By utilizing this additional space, the crisis for evidence storage has been temporarily eased. However, the need remains for a new, state-of-the-art facility to be designed and built within a reasonable time.

As stated earlier, Butte County does not have a morgue and outsources the storage of bodies to local funeral homes. A pathologist is under contract to perform autopsies. If the pathologist is not available, bodies must be transported out of the county for autopsy. Butte County was unable to obtain adequate funding to build a morgue.

In 2003, an approximate \$2 million bid for a schematic design and site proposal was not funded due to other county priorities. Again in 2006, planning for a combined evidence storage/morgue facility was added to the County Capital Improvement Plan but not funded. The Grand Jury toured the old county hospital building, which is vacant, to see if it could be retrofitted and serve as the Butte County morgue. General Services estimated the cost to bring it up to code would be significantly more than the cost of a new morgue. This is especially true if the new morgue is combined with a new Evidence Storage Facility. A county-owned morgue could rent space to other counties and produce new revenue. Required autopsies could also be performed on site.

The Sheriff's Office, General Services and coroner personnel agree that a combined evidence storage/morgue would be beneficial to Butte County. If approved, the new facility should be located on county-owned property near the Butte County Jail. The Grand Jury was shown documentation from General Services that plans for a new evidence storage/morgue facility are being developed and are scheduled for completion in the spring of 2013. Actual construction of a new facility, once through the planning stages, is estimated to take three to five years. The Grand Jury hopes the project will be completed.

FINDINGS

- F1 The existing Evidence Storage Facility is outdated and needs to be replaced.
- F2 Past attempts, dating back to 2003, to upgrade the Evidence Storage Facility or build a county-owned morgue have failed due to lack of funding.
- F3 Combining evidence storage with a Butte County morgue would be cost effective.
- F4 Any new facility should be located geographically near the Sheriff's Office.
- F5 Evidence is a critical component of criminal cases.
- F6 Butte County Evidence Storage Facility management and staff are doing an exceptional job of protecting evidence within the current facility.

RECOMMENDATIONS

- R1 Continue with the proposed plan for a new modernized evidence storage/morgue facility.
- R2 Solicit help from all funding sources to secure adequate funding for this critically-needed project.

REQUEST FOR RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests responses as follows:

- Butte County Sheriff's Office:
 - A response to Findings F1 through F6 and Recommendations R1 and R2

- Butte County Board of Supervisors:
 - A response to Recommendations R1 and R2

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

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2012-2013 BUTTE COUNTY GRAND JURY REPORT

BUTTE COUNTY JAIL

SUMMARY

To comply with state law, the Grand Jury conducted an inspection into the operation and management of the Butte County Jail. It was the Grand Jury's goal to gather factual information and to release an accurate report to the public. The Butte County Sheriff's Office and staff demonstrated a willingness to work with the Grand Jury to achieve that goal.

Two main factors were considered in conducting this inspection. First was a look into the normal operation of the jail, including cleanliness, treatment of inmates and safety, as well as whether required services were being provided.

The second factor involved how well the Sheriff's Office is coping after one year of operation under AB109. In October 2011, California's realignment legislation (AB109) went into effect. AB109 will be mentioned in this report only as it pertains directly to the operation of the jail. It will be fully explained in a separate Grand Jury report.

GLOSSARY

- AB109 - Assembly Bill 109
- ACS - Alternative Custody Supervision
- BCJ - Butte County Jail
- BSCC - Board of State and Community Corrections
- CSUC - California State University, Chico
- DRC - Day Reporting Center
- SB1022 - Senate Bill 1022

BACKGROUND

The Butte County Jail is a Type II facility mandated by the California Constitution. A Type II facility houses misdemeanor and felony arrestees from all local agencies. It also

houses inmates who have been sentenced to either county incarceration or who are awaiting transportation to state prison. It is located in the Butte County Center Complex in Oroville.

The Butte County Jail was built in 1964 with a total of 197 beds. Dormitories were added in 1968, increasing the bed count to 293. In 1994, the West Facility was constructed and the kitchen remodel was completed at a cost of \$7.5 million. This new facility brought the total bed count to 614. Expansion of the inmate medical services unit and the intake/booking area was completed in 1999.

APPROACH

The 2012-13 Grand Jury performed the following activities:

- Toured the Butte County Jail (BCJ)
- Toured the Day Reporting Center (DRC)
- Interviewed BCJ correctional deputies
- Interviewed BCJ inmates, both male and female
- Interviewed BCJ management
- Interviewed Butte County Probation Department personnel
- Interviewed California State University, Chico (CSUC) professors
- Reviewed Alternative Custody Supervision (ACS) report by CSUC professors
- Reviewed documents provided by the Sheriff's Office
- Reviewed Board of State and Community Corrections (BSCC) biennial inspection of the County Jail

DISCUSSION

Throughout the tour of the jail, many positive areas were apparent, beginning with the booking process, where safety for both the inmate and staff is top priority. The tour advanced through the medical facility and the exercise and housing areas. Grand Jury members observed how inmates are segregated based on degree of offense. The Grand Jury felt the jail was run effectively. The staff demonstrated competency and high morale in what is a difficult job.

AB109 mandates the release of specified categories of inmates to county probation instead of state parole and retention of defined categories of inmates to be incarcerated in the County Jail instead of State Prison.

The Butte County Sheriff's Office estimates an additional 240 felony offenders annually will be serving their sentences in Butte County rather than in state prisons. With inmate populations hovering near 600, alternative forms of incarceration are the key to managing the new population of prisoners generated by AB109 realignment. Butte County currently contracts with the federal government to house up to 100 federal prisoners. As of February 5, 2013, there were 77 federal prisoners in the jail.

Under the leadership of the Butte County Sheriff's Office, plans were developed to supervise over 1,000 inmates. Six hundred offenders will be housed in the Butte County Jail. Low-risk offenders who are eligible will serve their sentences in alternative custody programs. The Sheriff's Office stated that safety to the public was the number one consideration in forming these plans. It was emphasized that any inmate released under Alternative Custody Supervision (ACS) will be closely monitored 24/7. Inmates are monitored with ankle bracelets, live in predetermined safe housing, report daily to a common facility (Day Reporting Center) and are randomly visited at home by correctional deputies.

Following are Alternative Custody Supervision programs put into effect by the Sheriff's Office:

- Sheriff's Work Alternative Program: A program which currently allows for the supervision of over 300 low-risk inmates to live at home, maintain jobs, and do public service work.
- Pre-Trial Release Program: The Sheriff's Office, in agreement with the courts, permits low-risk offenders to live at home on their own recognizance while they go through the adjudication process.
- Sheriff's Parole Program: The Butte County Board of Parole Commissioners accepts applications from sentenced inmates who are seeking release from the jail and acceptance into a supervised program of alternative custody.

Overcrowding continues to be a serious problem in the Butte County Jail. It has become critical due to the retention of inmates who previously would have been sentenced to state prison. Staff indicated most inmates are incarcerated for alcohol and drug-related crimes.

The Sheriff's Office believes that this overcrowding necessitates a larger jail. As of February 5, 2013, the jail population was 608, nearing total capacity of the 614 bed count. It should be noted that this population of inmates is considered unqualified to be released into the public under any Alternative Custody Supervision programs. Even now, on rare occasions, the lack of beds results in new arrivals having to wait overnight in the intake holding area for a bed.

Jail expansion will not be easy. As with all proposed county projects, finding adequate funding is difficult. To obtain funding and expand the jail is estimated to take three to five years. Plans are being considered to obtain additional space by possibly

contracting with other counties to house inmates until a jail expansion can be completed. A needs assessment for a new jail has been completed.

SB1022 provides money for expansion and the construction of new jails. Butte County can apply for a \$40 million grant from this money. The county would be required to come up with a 10% match (\$4 million) to qualify. If more funding is required, voter-approved bonds could be an option. If this is done, Butte County, under SB1022, would not be able to continue contracting out bed space with the federal government or other agencies. An alternative would be for Butte County to float a bond approved by the taxpayers to build or expand the jail and have the capability to lease out extra bed space to help offset the operational costs. The Butte County Jail will have to be enlarged to accommodate the growing number of prisoners.

Interviews were conducted with jail supervisors, management, line staff and inmates, both male and female. Some concerns surfaced that could adversely affect the safe operation of the jail. In the view of the correctional deputies, two economical modifications could be made to improve jail safety:

1. When there is a disturbance in the housing pods, officers now have to open a door to use deterrents such as pepper spray. This puts them in potentially dangerous situations. Staff indicated they would like to see ports installed in the pod tower control center through which deterrents could be dropped. This is currently being researched.
2. In the protective custody housing areas designated T3 and T4, the security camera only shows the hallway, not the cell interiors. Renovation of this area is needed to address both security and privacy issues.

Some concerns were expressed by correctional deputies:

1. In their opinion, the job has become more demanding since the passage of AB109. A more violent type of inmate now populates the jail for longer periods of time.
2. Staff believes training is adequate but also that their safety is being compromised due to jail overcrowding.
3. There are currently only seven female correctional deputies. When any are absent, adequate coverage of female inmates is difficult.

Interviewees stated that while medical emergencies are handled in a timely manner, medical and mental health appointments take too long to schedule. Basic dental care is available once a week with only one dentist. A doctor and nursing staff is on site. Critical emergency care is provided at the local hospital. There is a mental health room with a licensed therapist on staff. A remote therapy room allows inmates to communicate with

a licensed psychiatrist via Skype. Correctional deputies noted that the jail is not set up to effectively treat the mentally ill.

Female housing is located in the oldest part of the jail with multiple inmates per cell; however, it meets minimum Title 15 jail standards. One inmate interviewed felt that the female section was operated well. Disturbances are handled in a timely manner by the staff. The inmate said that two gang members are in her section, but cause no problems.

A team of California State University, Chico political science professors released the results of a study in September 2012 that suggest the Butte County Sheriff's Alternative Custody Supervision program shows promising trends. The professors presented an overview on how the study was conducted, as well as some conclusions:

- The Butte County Sheriff's Office developed and implemented the program to manage the influx of county prisoners generated by California's AB109.
- Butte County is at the top of the list of the 58 counties in California on their implementation of Alternative Custody Supervision programs.
- Each county had the opportunity to create its own programs. Butte County's implementation of AB109 is looked at as a model statewide.
- Balance between public safety, managing jail resources and offender treatment has been the main focus of the Butte County Sheriff's Office.
- Inmates as well as officers and deputies were interviewed. Many inmates interviewed expressed a desire for services and assistance during substance abuse recovery.
- Although tracking is still continuing, it is felt that the Alternative Custody Supervision program will result in a lower recidivism rate - the rate at which released offenders are sent back to jail for repeat crimes.
- The Sheriff's Office was complimented in this report as demonstrating leadership, having a positive attitude and a determination to make AB109 work.

On June 21, 2012, the Board of State and Community Corrections conducted a biennial inspection of the Butte County Jail. The board inspects for compliance with the minimum standards for local detention facilities. BSCC found no issues of non-compliance during its review of documentation that included housing areas, safety check logs, inmate records, classification records and incident reports. One area that was found in non-compliance was the inmate grievance procedure. This issue has been resolved.

FINDINGS

- F1 The Butte County Jail is operating well. Professionalism by correctional deputies and staff was demonstrated throughout the tour and interviews. Inmates were treated with respect and the jail was clean and orderly.
- F2 Jail overcrowding is evident now and destined to become worse in the near future if additional space is not found. The Sheriff's Office is actively searching for solutions.
- F3 Alternative Custody Supervision programs are an effective way to minimize overcrowding and reflect a collaborative effort of the Sheriff's Office, Probation Department and the courts.
- F4 Modification in the pod tower control center would improve safety for correctional deputies. In the event of a disturbance in the housing pods, as it stands now, a door has to be opened to use deterrents such as pepper spray. This exposes the deputy to potential danger.
- F5 In the protective custody housing sections T3 and T4, the camera only shows the hallway. A camera is needed over the door so officers can monitor what's going on in the cells.
- F6 The wait for medical and dental appointments is sometimes excessive. Before AB109, most sentences were short term, and the County Jail was more involved with medical emergencies. Now there is a greater need to focus on long-term medical care.
- F7 Butte County Jail is not set up to effectively treat mental health disorders.
- F8 There are some concerns among the correctional deputies due to the stress of managing security issues in an overcrowded jail.
- F9 Having only seven female deputies is insufficient for a 24/7 operation.

RECOMMENDATIONS

- R1 The Butte County Sheriff's Office, in cooperation with other county agencies, is encouraged to actively search for interim housing to accommodate inmates until jail expansion is completed.
- R2 The Butte County Sheriff's Office should continue its search for adequate funding to enlarge the jail.

- R3 Develop a tracking system to evaluate the effectiveness of the ACS programs.
- R4 Install ports in the pod tower control room to have direct access to the interior of the pods to introduce deterrents.
- R5 Install a security camera over the doors of T3 and T4 so officers can monitor activity in the cells.
- R6 Due to increased incarceration time, expand medical and dental care to cover the longer-term needs of inmates.
- R7 Look for evidence-based methods of dealing with mental health disorders and formulate a plan for implementation at the County Jail.
- R8 Conduct an anonymous survey of the correctional deputies for any possible concerns. Formulate a plan to address any issues and provide feedback to the deputies.
- R9 Recruit additional female correctional deputies.

REQUEST FOR RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests responses as follows:

- Butte County Sheriff's Office:
 - A response to Findings F1 through F9, and Recommendations R1 through R9
- Butte County Board of Supervisors:
 - A response to Findings F2 and F4 through F9, and recommendations R1, R2, R4 through R6 and R9

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

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2012–2013 BUTTE COUNTY GRAND JURY REPORT

BUTTE COUNTY JUVENILE HALL

SUMMARY

Under California Penal Code sections 919(a) and 919(b), the Butte County Grand Jury is required to annually inspect the operations and management of the Butte County Juvenile Hall (BCJH).

Overall, the facility is clean, well maintained and provides for the basic needs and security of the juvenile detainees. The administration, staff counselors and other employees are dedicated to these tasks and should be commended for their efforts. Programs are in place to provide education, community involvement, individual and family counseling, behavior management and positive guidance for making better choices. The goal is to reduce recidivism. Some issues with safety, security and physical upgrades are addressed in this report.

Reports from the Butte County Juvenile Justice Delinquency Prevention Commission (BCJJDPC) were reviewed for applicable information. Some of its investigative work on Juvenile Hall parallels the efforts and conclusions of the Grand Jury.

GLOSSARY

- BCJH - Butte County Juvenile Hall
- BCJJDPC - Butte County Juvenile Justice Delinquency Prevention Commission

BACKGROUND

Juvenile Hall is administered by the Butte County Probation Department, which provides a variety of services for juvenile offenders in Butte County. Approximately 550 juveniles get referred to the Probation Department each year for law and probation violations. The purpose of the Juvenile Hall is to detain youth offenders, if applicable, and provide them with rehabilitative, educational, nutritional, medical and mental health services while they are incarcerated. Juveniles are detained for a variety of penal code violations. Their length of stay in Juvenile Hall varies from a few hours to months or years.

Under the California Welfare and Institutions Code, sections 225-236, each county is required to have a juvenile justice commission to annually inspect and monitor the correctional, rehabilitative and preventive services for juvenile offenders. A delinquency

prevention commission is optional. The Butte County Juvenile Justice Delinquency Prevention Commission combines both these functions into one commission.

APPROACH

The 2012-13 Grand Jury performed the following activities:

- Reviewed responses to 2011-12 Grand Jury recommendations
- Toured the BCJH
- Interviewed managers and employees of the BCJH, Table Mountain School and the Boys and Girls Club.
- Interviewed BCJH juvenile detainees
- Inspected BCJH records and documents concerning:
 - Security equipment upgrade project
 - Boys and Girls Club activities
 - Procedures for use of force, mechanical restraints, pepper spray
 - Incident reports of disturbances
 - Historical statistics regarding disturbances and outcomes
- Interviewed a representative of the BCJJDPC
- Inspected BCJJDPC documents concerning:
 - the latest Juvenile Hall inspection (2011)
 - BCJH use of pepper spray (2007-2010)
 - Juvenile delinquency diversion program

DISCUSSION

The Butte County Juvenile Hall opened in November 2003, with a capacity of 120 juveniles, arranged in six pods of 20 beds each. Each pod has individual or double-bunk cells, a meeting area with tables and chairs for recreation and meals, a classroom and a security office. With a Board of Corrections capacity rating of 60 beds, BCJH currently uses only three pods for housing juveniles, two for males and one co-ed. Placement in a particular pod is based on risk level. Interaction among the juveniles is closely monitored by staff. Two of the remaining pods are used for storage, training and a soon-to-be welding class for juveniles. One pod houses a Boys and Girls Club. The total yearly budget is \$5.2 million, with \$3.9 million of that for staffing. A nurse is present 12 hours a day, seven days a week. Processing into the facility takes about an hour or slightly longer.

There are approximately 8-12 female and 30-40 male juveniles at any one time being housed in Juvenile Hall. The average age is 16, with an average stay of 16-18 days. Approximately 10-12% are on some form of medication, with about 4% on psychotropic drugs. There are 20-30 juveniles on an electronic monitoring program, serving their time outside the facility.

A commissary is available for the juveniles to spend points earned by good behavior. Each pod has one night during the workweek for visitors, plus one hour on the weekend. Only parents or guardians are allowed, and all visits take place in a visiting room. Once a month, extended family is allowed to visit. Northern Valley Catholic Social Service provides some programs for the juveniles and special events are included during holiday breaks.

A tour of the facility gave the Grand Jury a look at the processing center, activity room, kitchen, laundry room, housing pods, gymnasium, exercise yard, Boys and Girls Club, security command center and an outside area used for barbeques and gardening. The facility is clean and well maintained. The staff demonstrated respect and commitment to the care and safety of the juveniles.

Juvenile Hall has a food service supervisor and helpers who prepare the three hot meals a day for the juveniles. A software program called Nutri-Kids is used to provide the guidelines for the meals to ensure the state-mandated daily allowances for nutrition are met. The program is used in consultation with the medical staff for special diets. Twice a year, the Butte County Environmental Health Department inspects the kitchen area and reviews the menu data. A contracted nutritionist reviews the menu plan annually. Grand Jury members ate lunch one day in the pods with the juveniles and found the food acceptable.

The Table Mountain School in Juvenile Hall is staffed by the Butte County Office of Education with a principal and teachers. Within each pod is a classroom used for school. Juveniles are evaluated and programs developed to meet the youths' academic needs.

Physical activity for the juveniles is provided daily by use of the gymnasium and an outside exercise yard. The gymnasium is used for supervised indoor games like basketball and volleyball and includes a climbing wall. The outside yard is used for sports, exercise, relief from spending long hours in the pods and for fresh air.

In 2007, BCJH partnered with the Boys and Girls Club organization to establish a Boys and Girls Club inside the facility. It is one of only three existing in California juvenile halls and one of 15 nationwide. It is available to the juveniles Monday through Friday after school, if they have earned the privilege. Just like Boys and Girls Clubs in the community, there is a director, counselors, classes and activities. Classes are provided

to help the juvenile with life skills such as money management, healthy habits, future employment and cooking. Activities revolve around games, social involvement, art, exercise and movies. A counselor is assigned to provide individual attention when needed. The Boys and Girls Club inside Juvenile Hall interfaces with the Boys and Girls Clubs in Chico, Oroville and Paradise to provide for follow-up interaction once the juvenile is released.

The staff counselors stated that their main responsibility is the safety and security of the staff and juveniles. They do receive formal initial job training, plus 24 additional hours per year. The main desirable trait is the ability to work with minors and really listen to them. The morale of the staff is good and supervisors have an open-door policy. Each pod has two counselors per shift, with roving backup and a senior staff member to help when needed. There are 5-10 disturbances each month. Some require staff assistance calls, usually in the male pods. Minor daily disturbances also occur. Staff members are good at recognizing trouble situations and preventing them from escalating. Drugs inside Juvenile Hall are not a problem, but there are gang members in every pod. There is a Strengthening Families program between parents and probation officers.

Some safety concerns expressed by staff counselors are that:

- Pepper spray training is not given immediately to new counselors. Depending on staffing schedules, there are times when no counselor in the pod has this capability.
- There are more gang members and longer-term detainees in Juvenile Hall now, and only three pods available for housing. Extra staff would be helpful in preventing and dealing with disturbances.
- There is no video surveillance in the classrooms.

A few common themes were evident when interviewing the juveniles. Family dysfunction and peer pressure are often the root causes of their problems. Drugs, gang activity and probation violations for repeat offenders are the main reasons for juveniles to be detained. Recidivism is an issue. Management estimates that 30-35% of the detainees have returned two or more times, some as many as 10 times.

Juveniles feel safe in the facility and the staff is always available for consultation. The rules of the facility are adequately explained upon arrival at Juvenile Hall. Sometimes the standards of conduct expected of juveniles vary between experienced and newer staff members, plus the level of enforcement may vary day to day by an individual counselor. Minors who are approaching 18 years of age and are about to be released can participate in the county's One Stop program, which helps them prepare for and find

a job. Assistance is also available to attend Butte College and receive financial aid. The food is good and medical care is generally acceptable, although a few juveniles think that minor injuries are minimized by the staff and nurse. Some expressed the need for more counseling interaction to improve trust. Visitation rules are adequate, but some parents or guardians can't visit the one night available during the workweek because of their work schedules.

Security at Juvenile Hall, both physical and electronic, was a major focus of the Grand Jury investigation. A tour of the facility and interviews provided the Grand Jury with pertinent information.

Physical security is a priority of the staff, with an emphasis on constant awareness of activity. Each staff counselor receives training on the appropriate use of force, including pepper spray, based on state law and Juvenile Hall guidelines. The last escape from the facility was from the old Juvenile Hall in 1997. Random cell checks for drugs or contraband are performed daily, with pod and facility checks conducted periodically. Drug-sniffing dogs have been used occasionally to check the inside of the facility and have found nothing.

The exercise yard is a concern to the Grand Jury. There is a visual check of the yard before use by the juveniles. It is surrounded by a 15-20 foot chain-link fence, which can be accessed from the staff parking lot. There is only one security camera, which is mounted outside the access door between the yard and the building to record the in and out traffic. Periodically, pieces of metal left over from the construction of the building are exposed on the surface of the exercise yard. Some metal detection work has been done to attempt to reduce the problem.

Electronic surveillance of Juvenile Hall is concentrated in the Central Control room, where monitors display the views of remote cameras throughout the facility. Outdated equipment, plus some areas not covered by cameras, leaves the facility with limited coverage and vulnerability to outages. The central computer does not have a backup. The audio system uses an older analog amplifier with no replacement parts available. The workstations are not user-friendly due to antiquated hardware and software. The video storage capability provides approximately 20 days of storage on only 16 of the more than 50 cameras.

More cameras inside and outside, plus security equipment upgrades, are being pursued by Juvenile Hall administrators. The same design consultant and installation company that upgraded the Butte County Jail security system has looked at the technical needs of Juvenile Hall. The design has been completed and the installation expense is awaiting approval by the Butte County Board of Supervisors, expected by the spring of 2013. Installation would follow shortly thereafter. If approved and completed, the

upgrades will include increasing the number of cameras to 150. The cost of the upgrade is projected to be about \$550,000. Some staff counselors were unaware of the details of the security system upgrade.

Since the retirement of the BCJH superintendent at the end of 2012, the Butte County Probation Department has realigned under the Chief Probation Officer, with three deputy chiefs – Adult, Juvenile and Juvenile Hall. These positions are on a two-year rotating basis.

FINDINGS

- F1 Juvenile Hall is clean, efficiently operated and focused on the needs of the juvenile detainees.
- F2 Staff members work hard to ensure the welfare and safety of the juveniles, plus try to establish mentoring relationships. These relationships provide positive role models and identify opportunities for the juveniles to improve their lives and succeed in the community.
- F3 Programs like the Boys and Girls Club and the Table Mountain School provide valuable services and reinforce positive behavior.
- F4 Counselor safety would be improved with earlier pepper spray training and more staff to deal with disturbances.
- F5 Due to increased numbers of gang-affiliated juveniles in custody, with limited options for separation, the potential for violence is increased.
- F6 A significant number of juveniles return multiple times to Juvenile Hall.
- F7 Visitation during the workweek is hard for some parents and guardians due to their work schedules.
- F8 The safety and security of the exercise yard is an issue. Access to the perimeter fence around the exercise yard is unsecured. Passing contraband over or through the fence is possible, although a visual check before use minimizes the risk. The lack of security cameras for the entire yard limits electronic monitoring capability.
- F9 Juvenile Hall needs a combination of more inside/outside security cameras to cover unmonitored areas and a security system upgrade for outdated and obsolete equipment.

F10 Knowledge of the proposed security system upgrade was varied among the staff counselors.

RECOMMENDATIONS

- R1 Add pepper spray training earlier in the formal training program given to new counselors.
- R2 Increase the staff to provide more safety, security and one-on-one juvenile counseling.
- R3 Explore opening a fourth pod for separating increased gang population and longer-term serious offenders.
- R4 Continue to improve and expand programs that deal with family counseling and parental interaction.
- R5 Look at adjusting visiting hours to provide more weekend opportunities for parents and guardians.
- R6 Limit public access to the exercise yard fence.
- R7 Make use of the jail drug dog to randomly search the exercise yard.
- R8 Make sure the Security System Upgrade Project includes some cameras with day/night recording capability to be deployed in the classrooms and around the exercise yard.
- R9 Proceed with acquiring funding and installation approval of the Security System Upgrade Project.
- R10 Better communicate details and updates about the security system upgrade to the staff.

REQUEST FOR RESPONSES

Pursuant to California Penal Code sections 933 and 933.05, the Grand Jury requests responses as follows:

- Butte County Chief Probation Officer:
 - A response to Findings F1 through F10 and Recommendations R1 through R10

- Butte County Sheriff:
 - A response to Recommendation R7

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

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

2012-2013 BUTTE COUNTY GRAND JURY REPORT

THE CITIES OF BUTTE COUNTY

SUMMARY

The challenging economy of 2012-13 had significant consequences for the cities of Butte County. The Grand Jury reviewed the five incorporated cities: Biggs, Chico, Gridley, Oroville and Paradise. The latest recession reduced tax revenues. In response, the federal government reduced revenue sharing and grants to cities and states while increasing city and state responsibilities. California reduced revenue sharing and grants to cities while increasing local responsibilities with underfunded mandates. Cities struggled to balance budgets with more responsibilities and less revenue.

The Grand Jury conducted initial interviews with the city management of Chico, Oroville and Paradise which included interim managers and former managers. The financial situation as initially reported was mostly positive. Later interviews indicated that 2012-13 will likely end with deficits which would be covered with reserve funds. City management gave the impression that it was acceptable to cover deficits with reserve funds. City management also contended that financial issues were under control. The Grand Jury questioned how long reserves would last if they continue to be depleted. The Grand Jury found some cities did not provide a clear and up-to-date picture of their city's financial condition.

The Grand Jury conducted subsequent interviews, as city managements changed. In the fiscal year 2012-13, the Gridley City Manager was the only City Manager left from 2011-12. All other Butte County cities have new or interim managers. As the cities began the budgeting process for 2013-14, city councils and management staffs, many with a new perspective, realized that structures that were adequate in the past are no longer sufficient. City councils need to make hard decisions about staffing, programs offered and a more efficient way to conduct city operations.

In this report, the 2012-13 Grand Jury reviewed the embezzlement of funds in Gridley, which was discovered in 2009. The Grand Jury observed that limited staffs require crossover in duties which can result in internal controls being breached.

GLOSSARY

- BART – Bay Area Rapid Transit

- CAL FIRE – California Department of Forestry and Fire Safety
- CalPERS – California Public Employees’ Retirement System
- CHIP – Community Housing Improvement Program
- DWR – Department of Water Resources
- FERC – Federal Energy Regulatory Commission
- MW – Megawatt, a million watts
- PG&E – Pacific Gas & Electric
- NCPA – Northern California Power Agency
- RDA – Redevelopment Agency
- SBF – Supplemental Benefit Fund

BACKGROUND

Butte County has numerous distinct communities such as Bangor, Durham and Magalia. The County only has five incorporated cities: Biggs, Chico, Gridley, Oroville and Paradise. Oroville is the county seat while Chico is the largest city. Services for the non-incorporated communities are provided by Butte County. The cities have their own elected governments, property, revenue sources and employees that provide services within their city limits. All five cities use the elected city council/city manager form of government. The city council hires a city manager to be the city’s chief operating officer. In California, state and local governments use the fiscal year, July 1 - June 30.

In this fiscal year 2012-13, with the exception of Gridley, the cities have been in the process of replacing their city managers. The vacancies were caused by a combination of retirements and a manager moving on to another job. The city councils have hired interim managers while selecting permanent city managers.

Each city is unique and faces its own challenges, yet all face fiscal issues of various degrees. Among the sources of revenue for the cities are property taxes, sales taxes, vehicle taxes, fee income and occupancy taxes. Gridley and Biggs each own and operate municipal utilities whose profits help, along with taxes, to fund their government. By State law, all cities must end the fiscal year with a balanced operating budget. Many of the cities have found it necessary to draw on their reserve funds to balance their operating budgets. Obtaining an open-market loan is also an option to

balance budgets.

The 2011-12 operating budget for each of the five cities was:

- Biggs - \$3.9 million
- Chico - \$43.3 million
- Gridley - \$19.8 million
- Oroville - \$20.4 million
- Paradise - \$17.4 million

Causes of the operating budget deficits include the following:

- The state of the economy, since 2008, has hit every jurisdiction with reduced property, sales and other retail taxes. Although city revenue is down, the demand for services is not.
- The State of California fiscal challenges have impacted the cities. Local tax income and obligations of the State are distributed to the local governments by the State. The State, sometimes without warning, “temporarily” delays payments, changes the rules by legislation or executive order, or revises the formulas for allocation of funds.
- The State of California dissolved all Redevelopment Agencies (RDAs); therefore, the cities who had an RDA are no longer receiving an incremental share of property taxes. The funds were used to develop, expand and diversify their business sector and housing. This included infrastructure improvements and the subsidizing of city administrative costs. In Butte County, Chico, Gridley, and Paradise were affected in various degrees by the cancellation of RDA funds.
- Since the recession, the California Public Employees' Retirement System (CalPERS) has experienced significant shortfalls in its projected income from investments and other sources. This resulted in unfunded pension liabilities for cities and other participants. The cities are obligated to CalPERS for the amount of their unfunded liability. In addition, according to the guidelines of the National Accounting Standards Board, the amount of unfunded pension liabilities must be reflected as a liability on city 2013-14 balance sheets.
- CalPERS payroll contributions consist of an employer portion and an employee portion. In the past, many of the cities, in negotiating with their employee bargaining units, had agreed to pay all or part of the employees' portion of retirement contributions. In recent years, this practice is being reversed.

- The implementation of prison realignment (AB109) does not have a direct impact on city budgets. However, several cities have had an increase in police calls. The cities feel this is anecdotal evidence of an indirect impact on them. *(See the report on AB109 elsewhere in this Grand Jury Report.)*

Just as the causes of the fiscal challenges vary, the solutions adopted by each city have varied. The immediate short-term solution is to use their reserve funds. Every city uses reserve funds to cover temporary cash-flow deficits, but many have used the reserves to balance the budget at the end of the fiscal year. The ideal solution is to repay or possibly increase the reserves in the following fiscal year. After multi-year fiscal challenges, some cities are adopting long-term solutions, often involving austerity budgets.

Employee compensation is usually the largest element of a city's budget. Most cities have been negotiating with their employee bargaining units to freeze or reduce wages and/or increase employee contributions for individual pension and health insurance benefits. In some cases, cities are establishing multi-tier benefit packages. Another way to cut expenses is to reduce the size of the workforce. A city can start with a hiring freeze, which reduces the work force by attrition, or use direct layoffs to reach the fiscal goal. This may balance a budget in the short-term, but it may not solve the basic structural problems. With new management, some cities are taking the opportunity to restructure their city government by consolidating high-cost management positions, eliminating redundancy and reducing the total work force. Using outside contractors or selling city-owned property are other options.

Providing for public safety is a city's responsibility. Biggs contracts with Gridley to provide police protection. Biggs and Gridley have contracted with CAL FIRE to provide fire protection. In 2012-13, Paradise also contracted with CAL FIRE.

Many city governments believe there is a limit to how many expenditure cuts are possible without harming the city as a whole. To avoid the expenditure cuts, many cities are looking to increase revenue. A recovering economy should increase the tax base, but real growth may need to come from expanding retail, industrial and commercial sectors. Major infrastructure improvements are often financed with state and/or federal grants or bond measures. These funding sources are currently difficult to obtain.

APPROACH

For this report, the members of the Grand Jury have made multiple visits to each city. Our interviews included City Managers, Interim City Managers, one Temporary Interim City Manager, one retired City Manager, Finance Directors and an Electric

Superintendent. In addition to the interviews, the Grand Jury attended city council meetings and reviewed city websites, documentation and budgets.

DISCUSSION

The following analysis of the Butte County cities is not meant to be a comprehensive report of all issues facing each city. Instead, we have limited the scope of individual reports to the most significant challenges that are affecting their well being and financial condition.

Our analysis of Butte County cities follows:

City of Biggs

Established in 1871, the city of Biggs, with a current population of about 1,700 and total area of 0.6 square miles, is the smallest city in the county.

Biggs' revenue sources include the following:

- Electrical Utility Fund - 52%
- Vehicle Licensing Fees – 16%
- Property Tax – 13%
- Sales Tax – 2%

Many city functions and services are contracted out, including police and fire protection, accounting, legal advice and planning. Biggs never established a Redevelopment Agency (RDA).

Biggs' new city manager began his employment in August 2012. There are 9 full-time regular positions on the city staff and five elected City Council members. Biggs has one employee bargaining unit which represents its public works employees. Although there is an unfunded pension liability of \$177,280, the city has adequate revenues and contingency funds to cover any pension-related claims.

In 2013, Biggs substantially completed work on a new General Plan for the city that calls for an expansion through the annexation of suburban and agricultural lands. Furthermore, the Community Housing Improvement Program (CHIP) is working on a development that includes 53 new residential units, which may be built at a rate of 10 units per year.

There are two major issues in Biggs:

1. The wastewater treatment facility needs to be upgraded at an estimated cost of \$8 million. The city is exploring the availability of state and federal funding mechanisms.
2. Many roads need maintenance and repair. Funds for street repair come from gasoline taxes.

City of Chico

The City of Chico was incorporated in 1872 and encompasses 33 square miles. Chico has an estimated population of 100,000 people in the greater urban area, of which approximately 87,000 live within the incorporated area. It is the most populous city in Butte County. Chico is managed by a City Council consisting of seven members, each elected to a four-year term. The mayor is a council member, selected by the City Council. The City Manager, employed by the City Council, is responsible for the day-to-day operations of the city. As of April 2013, city staff totaled 375, a reduction from 450 staff members on January 1, 2011. The city negotiates with nine public employee bargaining units. Primary issues are a reduction of expenses through staff reductions and negotiating changes in compensation and pension plan payments.

Chico is a regional center of commerce and derives most of its revenue from these sources:

- Sales Tax – 41%
- Property Tax – 26%
- License & Fees – 9%
- Gasoline Tax – 7 %
- Transient Occupancy Tax – 5%

Primary sales tax generators include Costco, Walmart and numerous automobile dealerships. Economic drivers and the largest employers are California State University, Chico and Enloe Medical Center.

The City of Chico has recently experienced significant turnover in management. During the last ten months, long-time employees have been replaced in the positions of City

Manager, Assistant City Manager, Finance Director and Police Chief. The current Chico City Manager is restructuring city staff from eleven city departments to five departments in an effort to reduce expenses and improve efficiencies.

Chico's revenue was impacted by the defeat of a November 2012 ballot measure regarding a cellular telephone tax, which eliminated \$1 million in estimated revenue. The dissolution of the Redevelopment Agency (RDA) by the State of California impacted Chico significantly. Chico had a substantial RDA and commensurate RDA staff. The Grand Jury analysis found that the City of Chico did not address revenue reductions in a timely manner.

According to CalPERS annual Actuarial Valuation, on June 30, 2011, Chico had an unfunded pension liability of over \$69 million, an increase of \$5.3 million from the prior year. There is also an unfunded liability for employee medical coverage of \$10.1 million.

The Grand Jury met with Chico management in September and December 2012 and was given a favorable financial report in both instances. In March 2013, the Grand Jury sent a follow-up questionnaire to all five Butte County city managements and received Chico's response on March 8. The financial report again was favorable with no deficits disclosed. On April 3, 2013, senior management informed the Grand Jury that Chico's general fund had a significant structural deficit.

After further research and analysis, the Grand Jury identified inconsistencies and omissions. For example:

- Stale data was given to the Grand Jury. CalPERS Actuarial Valuation Report dated October 2012, for the period ending June 30, 2011, was available at the time of the City Management Questionnaire. However, the Grand Jury was not provided with this information. Instead, Chico management cited data from June 30, 2010, which was \$5.3 million less than the latest available data. As of June 30, 2011, total unfunded pension liability was \$69 million.
- Critical budget details were omitted. To the question "During the current fiscal year (ending June 30, 2013), do your operation expenditures exceed your revenues?" the answer was "No." Upon further investigation, the Grand Jury found that the City transferred funds from their Capital Projects Fund and Private Development Fund to supplement their cash flow. As a result, the Capital Projects Fund 400, as of February 28, 2013, showed a negative balance of \$3.0 million. The Private Development Fund 862, as of March 31, 2013, showed a negative balance of \$9.0 million. The City of Chico used funds that do not have to be balanced by law, to balance their operating budget. At the time of this report, the Grand Jury was unable to determine

how these funds will be replenished.

- In April 2013, the Grand Jury discovered financial information that directly contradicted the favorable reports we received from senior management.

City of Gridley

The City of Gridley is located in southern Butte County. It has a population of over 6,500 and occupies just over two square miles. Gridley is governed by a City Council of five elected council members, including the mayor who is selected by the other council members. They serve a term of four years with no term limits. The City Administrator, employed by the City Council, is responsible for the day-to-day operations of the city. The city has approximately 49 employees.

The 2010-11 and the 2011-12 Butte County Grand Juries conducted investigations of the City of Gridley because of the receipt of complaints. Both prior juries did thorough investigations and most of the complaints were resolved.

Revenue sources for the 2012-13 City of Gridley budget include:

- Electrical Utility Fund - 30%
- Sewer Usage Tax - 6.4%
- Water Usage Tax - 5.5%
- Sales Tax - 3.7%
- Property Tax - 2.5%

In addition, the 2012-13 budget included a one-time reimbursement of \$3.8 million from the federal government for the Gridley Springs housing project. This represented 20% of that year's budget.

The RDA represented less than 1% of Gridley's prior operating budgets. Recently, Gridley has been successful in attracting new businesses, such as Clean Flame Log Factory, and expanding existing businesses, such as Mary's Gone Crackers.

The City of Gridley has a five member financial staff, which requires crossovers in duties. In 2010, the City discovered an embezzlement. The amount of embezzlement was 2.5% of the operating expenses for fiscal year 2009-10. The City recovered 96% of the lost amount from insurance. This case is still in the courts. Expenditure of funds must now pass through multiple crosschecks. There is now a regular review of accounts