

Law Enforcement

Issue: Public safety depends upon law enforcement services and jail capacity

Constraint: The County Sheriff's Office staff and equipment has not kept pace with the growing demand for law enforcement services in urbanizing areas of the County. The County jail facility has ^{NOT} expanded to serve the increase in inmates. The County's 1996 General Plan lacks staffing standards and mitigation fees.

Opportunities: The General Plan Update can restore staffing standards, and include mitigation fees so that law enforcement services can keep pace with population growth. The General Plan can call for the development of a Capital Improvement Plan to fund the jail expansion.

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Subject: County slammed for jail inaction

County slammed for jail inaction

Published: March 7, 2007

By CAT SIEH

The Union Democrat

The Calaveras County Grand Jury last week slammed the Board of Supervisors for continuing inaction on replacing the county's overcrowded jail and for failing to follow a previous grand jury's recommendations that new land development be put on hold until the jail problem is solved.

"In essence, the board has rejected the recommendation to curtail further development," said the 2006-07 jury in its interim report released March 1.

The report, a response to recommendations made by the 2005-06 grand jurors, pressed supervisors to present funding requirements to voters by November. "Delays in a remedy can only make the costs more grievous."

For more than a decade, the San Andreas jail has been targeted as a choke point for local law enforcement. The problem persists, although county leaders have long agreed a new jail is the only fix. The jail regularly releases inmates early.

This year will be different, county government and law enforcement officials say. As Gov. Arnold Schwarzenegger faces federal pressure to reduce overcrowding in the state prison system, local jails may also get the attention they desperately need.

Since 1963, when the Calaveras jail was built to house 47 inmates, the county's population has nearly quadrupled. The jail can now legally house only 65 inmates, resulting in a seemingly endless game of musical chairs.

Last year, the jail released 797 inmates early, according to Sheriff's Lt. Jim Macedo. Of those inmates, 441 never made it into the jail, and were booked, cited and released before serving a day's time. Of 325 inmates who were released early after serving partial sentences, 15 percent were re-arrested at least once.

As far back as 1998, county grand juries have labeled jail expansion a key county priority. A year later, the next jury found that the jail and its plans for a future expansion were "still a high priority for the department."

Last year's grand jury report found that the jail's remote location and convoluted layout require increased officer participation to keep inmates and staff safe.

The 2005-06 report also pointed to the lack of an enclosed port for transporting inmates in and out of the jail, exposing officers and the public to increased risk. Restrained prisoners currently pass through a wide-open area adjacent to the Government Center.

"The jail represents the weakest link in the law enforcement infrastructure in Calaveras County," the report reads. "At this time, the jail has basically become a 'felony only' facility, eliminating any 'shock and fright' aspect for deterring early misdemeanor crimes."

Also addressed was the jail's inability to separate inmates with gang affiliations and those with communicable diseases. The 2005-06 jury recommended taking a bond measure to voters to pay for the jail, and asked that further development within the county be curtailed until the jail was addressed.

Responding to the jury, county supervisors last year promised to explore all possible funding methods, including facilities fees for new development, state and federal funding, and a possible bond measure.

But this year's jury was unsatisfied, saying the response was unacceptable. Cost estimates for the proposed jail expansion range from \$40 million to \$60 million.

Despite continued funding delays, Sheriff Dennis Downum has not lost hope.

"Right now, the discussion in Sacramento is the discussion we've been trying to get kick-started for 10 years," he said. "Certainly our governor and our legislature is starting to understand that you can't fix the state prison system without fixing the county system."

Gov. Arnold Schwarzenegger last month proposed an \$11 billion prison and jail building program. Critics say it will take months or years to effect the state's system.

The administration must answer to a federal judge in June to show progress in reducing overcrowding.

Downum, who last month addressed a State Senate committee on the need for state funding to build local jails, said the climate at the state level allows local issues to come to the forefront.

"Until the problem hits home, you don't recognize it as a problem," he said. "Now that the state prison system is bursting at the seams, then it suddenly becomes a priority. If the funding becomes available, I think we have an excellent chance of getting it."

County Supervisor Merita Callaway is equally optimistic.

"We really think we have a good chance of getting funding for a new jail," she said, referring to the governor's plan. "This is the first time in years that there has been money available."

Callaway said the board has tried in the past to find state or federal funding for the project, to no avail.

Both Downum and Callaway said Calaveras voters will likely have to bear some of the burden, whether state funding comes through or not, keeping a possible tax as low as possible.

"If we divvy it up at \$200 or \$300 a year for the next 20-plus years, do you think people are going to pay for that? No," Callaway said. "If we went out to the voters for a (state-funding) match, maybe the voters of Calaveras would support that."

In the meantime, Downum said, jail conditions aren't getting any better.

"Our daily population runs around 76," he said. "It's getting worse all the time."

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August 4, 2006

Stephanie Moreno, Director
Community Development Agency
Calaveras County

SUBJECT: Application #2005-190


Dear Director Moreno,

A review of this project application has been completed and at current staffing levels the Calaveras Sheriff's Department would be unable to provide adequate law enforcement services without the developer providing additional funds for increased staffing.

The staffing level ratio of 1 field patrol deputy for each 1000 population which was removed from the County General Plan several years ago would provide a formula for mitigation.

Without addressing law enforcement mitigation I would recommend that this project not be approved.

Sincerely


Dennis Downum
Sheriff

**CALAVERAS COUNTY JAIL
AS PART OF
LAW ENFORCEMENT INFRASTRUCTURE**

REASON FOR INVESTIGATION

Penal code section 919 requires the Grand Jury inquire annually into the condition and management of public prisons located within the county.

SCOPE OF INVESTIGATION

The mandated jail investigation was enlarged to encompass the Calaveras County law enforcement infrastructure; including Sheriff's Department, Chief Probation Officer, District Attorney, and Angels Camp Police Department.

PROCEDURES

The Grand Jury made a visual investigation tour of the Calaveras County jail, located in the Government Center on Mountain Ranch Road in San Andreas, to observe conditions, staffing, and inmate control procedures. Two interviews were conducted with the County Sheriff and Undersheriff. Interviews were also held with the Angels Camp Police Chief, County District Attorney, and the County Chief Probation Officer. The Calaveras County Adult Detention Facility Needs Assessment Report (Revision #2), and the 2004-2005 Calaveras County Grand Jury Final Report were reviewed.

RESULTS OF INVESTIGATION

FINDING 1

Since the jail facility's construction in 1963, the population within Calaveras County has nearly quadrupled. The jail was originally constructed for an inmate population of 47 to serve a county residency of 11,000. With its increase in size, the jail will now house up to 65 inmates, while the population it serves has swelled to over 43,000. The county adult detention facility in San Andreas is the only county jail within the county, serving the Angels Camp Police Department as well as the Sheriff's Department.

FINDING 2

The 2004-2005 Grand Jury, the Needs Assessment Consultant, and the Sheriff's Department have judged the current jail facility not expandable as well as inadequate. The current jail is a labyrinth of corridors, passages, exits, entries, and holding areas that are in some cases remote from central control. Current jail architecture standard strives to have all holding cells be circumferential to a common observation and control station. The remote and convoluted current facility requires increased officer participation for the safety of officers as well as inmates. Several sections of the facility are not visible from the control station, and there is no way to route remote monitors through the walls to central control. In the

case of a fire, entrance and exit from some areas of the facility could become untenable.

FINDING 3

Currently there exists no "sally port" or enclosure outside the jail for moving inmates to or from the jail. This situation exposes officers as well as the public to increased risk while transporting inmates. Prisoners, although restrained during transport, pass through a wide-open area adjacent to the entire Government Center. This issue has been addressed by previous grand juries.

FINDING 4

The jail is well run and meets state and local requirements for care and feeding of inmates. The kitchen is adequate, clean, and well maintained. There are exercise areas as well as a library. However, because of general layout of the facility, officer and inmate safety require additional officer support to assure compliance. This tends to take officers from the field in order to maintain safe control within the jail.

FINDING 5

With its maximum inmate population set at 65 by the state, the jail represents the weakest link in the law enforcement infrastructure in Calaveras County. Due to the size of the jail, it is common for inmates to be released far short of their sentences. As more offenders are taken into custody, inmates must be released to maintain the 65 maximum population mandate. At this time, the jail has basically become a "felony only" facility eliminating any "shock and fright" aspect for deterring early misdemeanor crimes. Incarceration, punishment, and deterrent aspects of a jail are greatly diminished when the potential criminals know they will be released short of their sentences.

FINDING 6

The early release norm diminishes the punishment, incarceration, and deterrent aspect of jail time. Knowing little or no time will be served, more sophisticated offenders are choosing "incarceration" over fines, probation, and other sanctions.

FINDING 7

The increasing population within the county is resulting in more urban crime. Calaveras County is beginning to see epidemic increases in drug offenses and gang activity. The current jail facility has no ability to separate offenders according to gang affiliations, crime levels, or communicable diseases. The methamphetamine epidemic within the county is exacerbated by an inability to hold offenders for their full sentences. Early released offenders often go back to their previous criminal activity.

Aging, Inadequate jail puts county's citizens at risk

By Michael Walker, Undersheriff

Published in the Valley Springs News, October 20, 2006

The most pressing issue that faces the Calaveras County Sheriff's Department today is the need for a new jail. Our jail was opened in 1963 and served the county well for its first 20 years. The fact remains though that the facility is 42 years old and was built at a time when designs and building materials were different. The jail has a court-ordered capacity of only 65 inmates.

Building materials used in 1963 to build the jail contained 30 percent asbestos. The correctional and maintenance staff works on a daily basis to control and seal this material. As you can imagine inmates are hard on a facility and controlling this material is impossible. Removal of the material is not an option due to the facility having to be closed to do so. Once the facility is closed the California Department of Corrections and Rehabilitation would not allow it to reopen due to the facility being out of compliance with Title 24 of the California Code of Regulations. The California Department of Corrections and Rehabilitation has "grandfathered" the facility in regards to Title 24 but if we ever had to close the facility for a short time we would never be able to reopen. Materials in the jail make it unsuitable for any type of adult or juvenile holding facility after the construction of a new facility is completed.

The current facility is a linear design that requires a large staff to visually supervise inmates. Most of the modern designs today are based on a podular design allowing for one correctional officer to have visual supervision of the entire facility. The woeful conditions in the jail make it difficult to recruit and retain correctional officers. Security deficiencies are endemic (E.G. hallways and doorways that are too narrow to allow control of an unruly inmate, lack of visibility and blind corners throughout, inadequate security barriers and devices, the lack of a vehicular sally port, an inadequate number of pedestrian sally ports, the lack of an entry control package for visitors, to name a few.) Were it not for the benevolence of "grandfathering," the Calaveras County Jail would fall woefully short of meeting California Department of Corrections and Rehabilitation, Title 15, and Title 24 standards.

The county population in 1963 was approximately 12,000 and has grown close to 48,000 today. The county population growth rate is almost twice that of the state average (Calaveras County population growth experienced a 26.7 percent increase between 1990 and 2000 as compared to the state's growth of 13.6 percent during the same decade). With the growth of the population also comes the growth of crime. Due to the size of our jail we

have to release inmates on a regular basis in order to prevent violation of the court mandated cap. Last year 499 inmates were released early due to overcrowding. Misdemeanants and felons were released after only serving minimal time of their sentences. Over the last 10 years 219 years of time went un-served due to early release from jail, putting criminals back on the streets only to victimize citizens again. Twenty-four percent of those released early re-offended and were arrested again. Last year alone 45 years of time went un-served due to early release. The Calaveras County Jail now operates as a felony-only incarceration facility with felons being released daily under the court-ordered jail cap.

Criminals who go through the court system in Calaveras County will elect to have monetary fines transferred into jail time knowing that they will only serve a little or no jail time at all due to the occupancy cap of the jail. The jail uses several alternative housing programs including a Work Release Program and Electronic Monitoring. The lack of program space at the jail has resulted in the inability to run additional programs to reduce recidivism. Crowding has been chronic since 1992 even with a variety of alternatives in place. A Facility Needs Assessment in 2002 identified a need for a new 96-bed adult detention facility to meet projected space requirements through 2010. In August of 2005 we had our Facility needs Assessment update due to phenomenal growth the county has experienced. An assessment in 2005 identified that a new 180-bed facility would be needed to meet projected local incarceration space requirements through 2020. Title 24 of the California Code of regulations is the driving force as to what the state mandates in terms of the square footage of a facility based on the number of beds and program rooms required. Due to phenomenal growth in the county the current projection is for the need of a 240-bed facility to meet the county need through the year 2020. The unsafe conditions in the existing jail and the lack of program space exacerbate this need. Drug Court and Proposition 36 programs have stalled in Calaveras County due to offender's knowledge that there are no sanctions for failure to follow programs.

The justice system in Calaveras County has suffered from the inability of the system to enforce the punishments imposed by the courts. Crime in Calaveras County is on the verge of going unpunished and the criminal offenders know it. On any given Monday persons who have warrants for their arrest can be seen lined up in front of the jail to turn themselves in. One could think that these individuals have come to do their time and get the past behind them. The truth is they are there to turn themselves in because the jail is full of all felon inmates and by just showing up those with misdemeanor warrants have served their sentences and will go home that day time served.

In February of 2002 Calaveras County applied for a Local Detention Facility Construction Grant in response to a Board of Corrections request For Proposal issued Nov. 15, 2001. Calaveras County was extremely competitive in the process and during the Board of Corrections Grant Committee hearings

was told that we had demonstrated the strongest need but the committee had to score the grants submitted based on cost per bed. Since Calaveras County needed to build a complete facility and other counties were only requesting to add beds to their newer existing facilities Calaveras County could not compete in the cost per bed formula.

Small rural counties needing completely new facilities cannot compete in a process that is based on this type of formula requirement. Calaveras County at that time had committed to the RFP requirement of a 25 percent cash/in-kind match. Under the governor's current bond proposal we pray that any county match in a jail facility construction grant would not exceed the 25 percent cash/in-kind match.

The citizens of Calaveras County deserve to know that if they are victimized that the criminal justice system will punish those responsible. The citizens also need to know that they will be protected from the criminal element by the use of effective criminal incarceration.

The Sheriff's Department welcomes any group or citizen to tour the jail by making an appointment by calling 754-6499.

Calaveras County

GRAND JURY

2005 - 2006



FINAL REPORT

FINDING 8

Angels Camp Police Department, which must also use the county jail, has seen over a 300 percent increase in adult felony arrests from 2000 to 2004, and misdemeanor arrests are up 200 percent. Crime increases at the city level parallel those of county statistics. Per the County Probation Department Geographical statistics, the Valley Springs general area has the highest number of felony drug crimes with Angels Camp and San Andreas, second and third. According to the needs assessment statistics, adult crime is not only increasing with the population, but the ratio between population and offenders has gone from .054610 in 2000 to a projected ratio of .067033 in 2005.

FINDING 9

There are significant increases in police activity during the Calaveras Frog Jump Celebration and other special events that put a demand on crime enforcement infrastructure. These costs are born by county taxpayers. Ironically, taxpayers recently rejected an increase in the Transient Occupancy Tax, which could have reduced this burden of visitor-related stress to law enforcement infrastructure.

SUMMARY OF INVESTIGATION

As with any type of public infrastructure, a "bottleneck" or "choke point" will limit the ability of that agency to be effective. Within the law enforcement infrastructure, the choke point is the jail. With current population increases and projections based on development within the County, the law enforcement infrastructure is inadequate to meet the current or projected needs of the population. Increasing personnel within the Sheriff's Department can only partially deter crime increases. The impact on the law enforcement infrastructure caused by population growth has been woefully ignored. State funding from grants, revenue from bonds, or tax increases are necessary in order to meet the urgent need for a new jail. We find it difficult to agree with county approvals for increased development without a plan to upgrade the infrastructures to support that growth. Under the current financial climate within state government, the likelihood of a grant for a small voting block such as Calaveras County is, at best, weak. Further delays in securing a new jail only increase the eventual cost and time needed for construction.

RECOMMENDATION

Calaveras County Board of Supervisors should immediately plan to fund a new jail facility, including taking the unpopular possibility of a bond measure to the voters. Further plans for development within the County should be curtailed pending plans to bring the law enforcement infrastructure up to a level able to support additional population density growth.

RESPONSE REQUESTED

Board of Supervisors