



HUMBOLDT COUNTY SHERIFF'S OFFICE

GARY PHILP, SHERIFF

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DATE: JUNE 29, 2010

**TO: THE HONORABLE CHRISTOPHER WILSON
PRESIDING JUDGE OF THE SUPERIOR COURT**

FROM: GARY PHILP, SHERIFF

RE: RESPONSE TO THE 2009-2010 GRAND JURY REPORT

RECEIVED

JUN 30 2010

CAO

GRAND JURY REPORT 2010-JAILS-01

The Grand Jury determined the following facilities to be sub-standard or otherwise in need of remediation:

HOOPA AND GARBERVILLE SUBSTATIONS

FINDING NO. 1/HOOPA STATION:

The Hoopa Tribe owns the substation building and occupancy is shared by the Tribal Police and Sheriff's patrol deputies, in separate offices within the building. The building includes a small jail with three cells. The office area used by the deputies was orderly and adequate.

The Grand Jury found the jail to be unattended, unoccupied, unclean, and the lights not working. We learned that the fire alarm system has been out of order for years. Obviously the owner has not taken responsibility for upkeep, and building maintenance and repair are not among the duties of deputy sheriffs. We were told the deputies wouldn't miss it if it were unavailable. Previous Grand Juries have pointed out the deficiencies which resulted in the installation of new stainless steel toilets inside the cells, incongruous amid the filth and darkness.

The computer data link, which connects the Sheriff's portion of the building to the downtown Eureka county data center, is slow and undependable due to obsolete technology. The Tribal office has a higher speed data link, but the two departments must remain separate to protect sensitive records.

Transportation of prisoners from distant Hoopa to the main jail in Eureka remains a problem which previous Grand Juries have reported. At times when there is only one deputy on duty, it means leaving the beat unprotected during the round trip. There is also the issue of officer safety during those periods when only one deputy is on duty, should he need help. There is presently no arrangement to compensate an off-duty deputy for "on-call" availability to cover either a transportation or backup situation.

SHERIFF'S RESPONSE TO FINDING NO.1/HOOPA STATION:

Partially disagree. The Hoopa Station, not substation, is not shared by the Tribal Police. Hoopa Tribal Police are headquartered in a separate building; however, Tribal Officers and local area CHP Officers have only limited access to the holding cell area and EPAS alcohol breath-sampling device. Tribal Police do not have access, by legal rule, to CLETS, nor do they have access to our Records Management System (RMS) system; therefore, their computer link is a regular Internet link and not a secured data link that is required for our use and runs on a different system structure. Our computer data link to Eureka is being upgraded to a new wireless link; one computer is presently up and running with higher data speed that is comparable to that being used at our Main Station. Further upgrading to our other computer stations is forthcoming.

The three cells are temporary holding cells only and are attended by the arresting officers whenever a prisoner is temporarily placed in them.

FINDING NO. 2/GARBERVILLE STATION:

The Garberville substation is an old cinder-block building. Like some other county buildings, it suffers from inadequate maintenance. It was built as a tiny residence, converted to an office. Public access is poor. The roof leaks. Located at the end of a dead end street, vehicle access is limited. The holding cells within do not meet currently accepted standards and are not used anymore. Because of the distance from Eureka, transportation of prisoners and getting backup help to officers in need is problematic. An opportunity currently exists that may be attractive to the Sheriff's Department. The nearby Redway Volunteer Fire Department owns conveniently located property, and is in the planning stage for constructing a building to serve the needs of public safety. The Fire Department has offered to include the Sheriff's Department in the design of a modern building to possibly be shared by both agencies.

SHERIFF'S RESPONSE TO FINDING NO. 2; GARBERVILLE STATION:

Partially disagree. The Garberville station, not substation, was not built as a tiny residence--it was built as a Sheriff's station. The leaking roof was repaired. The current holding cells are in legal compliance and are at times used to temporarily house prisoners prior to transport to our main jail in Eureka. No formal offer or negotiations regarding the possibility of sharing a building in the future with the Redway Volunteer Fire Department have taken place.

FINDING NO. 5: PROPOSED RESIDENTIAL JUVENILE DRUG TREATMENT FACILITY:

The Grand Jury learned from law enforcement agencies and from the Juvenile Probation Department of the need for a Residential Drug Treatment Facility located within the county. In years gone by, the Humboldt County juvenile justice system had access to a local licensed residential juvenile drug treatment facility. Those privately owned facilities have since closed. Now, juveniles with the most serious drug and violence problems must be sent to facilities in other counties. This places a burden on the juvenile, his/her family and the probation officers who must travel monthly to visit. If we had outpatient substance abuse treatment available, that would at least provide for treatment of lower-level needs. Nevertheless, in some cases, public safety requires residential placement with 24-hour staffing.

SHERIFF'S RESPONSE TO FINDING NO. 5

Agree.

GRAND JURY REPORT 2010-JAILS-01; RECOMMENDATION NO. 1- HOOPA

That the Sheriff's Dept immediately discontinue deputies use of the holding cells, and take steps to vacate the Hoopa substation ASAP in favor of an adequate office in Willow Creek, with public access and a high speed secure data link. Holding cells, if any, must meet current state mandates.

SHERIFF'S RESPONSE TO RECOMMENDATION NO. 1 - HOOPA:

While the Sheriff's Office would very much like to move to a better facility, this recommendation will not be implemented at this time, as it is not reasonable simply due to the fact that neither the County of Humboldt nor the Sheriff's Office in particular has any funding available to either lease another adequate office space, let alone construct a new facility. In fact, we have looked for other adequate office space in the area and have not found any space that would be suitable, even if we had the funding to lease/purchase.

County building/facilities are managed through the Public Works Department, Building Maintenance Division, and not directly by the Sheriff's Office. Confusing the issue is the fact that the Hoopa Station is located within a building owned by the Hoopa Valley Tribe, and shared with the Tribal Court. The Tribe and the County of Humboldt have agreements regarding the shared upkeep and maintenance of the County occupied portions of the facility. This has made rectifying maintenance issues, such as the fire alarm system, very difficult, and getting adequate janitorial services has been almost impossible to achieve.

Our computer data link to Eureka is being upgraded to a new wireless link; one computer is presently up and running with higher data speed that is comparable to that being used at our Main Station. Further upgrading to our other computer stations is forthcoming.

The holding cells do remain an issue. They are, at times, still used to very temporarily house a prisoner pending EPAS testing and transport to Eureka at which time they are attended by the arresting officers. Because of the multi-agency usage, keeping the cells and common area properly cleaned is challenging. Staff does replace the lights in the holding cells; however, they burn out rapidly leading us to believe there may be an issue with the buildings electrical system. Technically the holding cells do meet current standards.

GRAND JURY REPORT 2010 JAILS-01 - RECOMMENDATION NO. 2 - GARBERVILLE:

That the Sheriff's Department plan to vacate the Garberville office ASAP, and explore the opportunity to participate in the planned Redway Fire public safety building. Holding cells, if any, must meet current state standards.

SHERIFF'S RESPONSE TO RECOMMENDATION NO. 2 - GARBERVILLE:

This recommendation requires further analysis. First and foremost is the fact that no formal discussions have taken place with the Redway Volunteer Fire Department and the County of Humboldt regarding a future public safety building. Those decisions would need to ultimately be made by the Board of Supervisors as they will require County commitments to any such collaboration. Additionally, since no discussion or negotiations have taken place, there is no timetable for such a structure. As with the Hoopa Station, at this time, it is not reasonable for us to vacate simply due to the fact that neither the County of Humboldt nor the Sheriff's Office in particular has any funding available to either lease another adequate office space, let alone construct a new facility.

At the present time our temporary holding cells do meet state standards.

GRAND JURY REPORT 2001-JAILS-01; RECOMMENDATION NO. 5 - RESIDENTIAL DRUG TREATMENT:

That interested parties within Humboldt County, including the Sheriff's Department, gather to study and determine a way to establish and fund a juvenile residential drug treatment center, either as a licensed private agency or an extension of an existing county department. And, that the Board of Supervisors encourage and track this study and, if a feasible plan evolves, resolve to make it a priority.

SHERIFF'S RESPONSE TO RECOMMENDATION NO. 5 RESIDENTIAL DRUG TREATMENT:

The recommendation requires further analysis. The Sheriff's Office is more than willing to participate in such a study and is willing to meet and begin to assist in any study as soon as possible. I am unclear, however, who the lead agency in developing this study is to be.

Respectfully submitted,


GARY PHILP, Sheriff
Humboldt County

GP:crm

Cc: Undersheriff Downey
Linda Modell, Business Manager



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INTEROFFICE MEMORANDUM

TO: BOARD OF SUPERVISORS
FROM: PHILLIP SMITH-HANES, COUNTY ADMINISTRATIVE OFFICER *PH*
SUBJECT: RESPONSE TO 2009-10 GRAND JURY REPORT 2010-JAILS-01
DATE: 7/06/2010

The Grand Jury requested that the Board respond to Recommendations 1-5 in report 2010-Jails-01. This report addresses the Grand Jury's requirement to inquire into the conditions and management of the public prisons within the county, per Penal Code 919(b). The Grand Jury conducted site visits for Sheriff's Department facilities, city police departments, conservation camps, juvenile detention facilities and the Coroner's Office. As a result of these site visits the Grand Jury is only requesting the Sheriff's Department and your Board respond. I am proposing that your Board respond to Recommendations 1-5 of the Grand Jury report as detailed below.

Recommendation 1:

Hoopa: That the Sheriff's Dept immediately discontinue deputies' use of the holding cells, and take steps to vacate the Hoopa substation ASAP in favor of an adequate office in Willow Creek, with public access and a high-speed secure data link. Holding cells, if any, must meet current standards.

Proposed Board of Supervisors Responses to R.1:

The Board of Supervisors is not currently able to implement this recommendation because there are insufficient funds to purchase/lease office space in Willow Creek.

Facility improvements for the Sheriff's Department in the Hoopa/Willow Creek area are a priority for the Board of Supervisors. Unfortunately adequate funds are not available to take immediate action. The County Administrative Office and the Public Works Department will be presenting a report to the Board of Supervisors regarding facilities. This report will offer recommendations to the Board of Supervisors on facility improvements, consolidation options and possibly courses of action to be taken to address facility/infrastructure issues in County facilities.

The holding cells in Hoopa do meet current standards.

Recommendation 2:

Garberville: That the Sheriff's Dept. plan to vacate the Garberville office ASAP, and explore the opportunity to participate in the planned Redway Fire public safety building. Holding cells, if any, must meet current standards.

Proposed Board of Supervisors Response to R.2:

The Board of Supervisors is willing to further explore this recommendation.

Consolidation of facilities for the Sheriff's Department and other County departments in the Garberville area is a priority for the Board of Supervisors. Unfortunately adequate funds are not available to take immediate action. The County Administrative Office and the Public Works Department will be presenting a report to the Board of Supervisors regarding facilities. This report will offer recommendations to the Board of Supervisors on facility improvements, consolidation options, and possibly courses of action to be taken to address facility/infrastructure issues in County facilities.

To date, there have been no conversations with the Redway Volunteer Fire department to include the County in its planned public safety building. The County is willing to explore this option.

In addition, the temporary holding cells at the Garberville Substation do meet state standards.

Recommendation 3:

Juvenile Hall: That the Juvenile Hall Probation Dept submit a detailed analysis that defines present and expected future housing needs, and that the Board of Supervisors resolve to make a priority of this expansion or new construction.

Proposed Board of Supervisors Responses to R.3:

The Board of Supervisors, through the Probation Department, has implemented this recommendation.

In 2008, the Humboldt County Probation Department contracted with the Criminal Justice Research Foundation to conduct a Juvenile Hall Needs Assessment Update Report in preparation for submitting a Senate Bill (SB) 81 construction grant application to the Corrections Standards Authority for the replacement of the juvenile hall with a new facility. Contained in this report is present and expected future housing needs. Unfortunately, the County was not selected for a state construction grant award.

Recommendation 4:

Residential Drug Treatment: That interested parties within Humboldt County, including the Sheriff's Dept., gather to study and determine a way to establish and fund a juvenile residential drug treatment center, either as a licensed private agency or an extension of an existing county department. And, that the Board of Supervisors encourage and track this study and, if feasible plan evolves, resolve to make it a priority.

Proposed Board of Supervisors Responses to R.4:

The Board of Supervisors is willing to work with interested parties in a feasibility study for a juvenile residential drug treatment center, and is currently doing so through departmental participation in the School Law Enforcement Network.

The School Law Enforcement Network is comprised of Law Enforcement Administrators, County Health and Human Services, School Administrators, and County Probation. A subgroup of the School Law Enforcement Network, Adolescent Residential Drug Treatment workgroup, has requested free technical assistance from State Alcohol and Drug Programs via their contract vendor OnTrack Program Resources for 1) assessment of the County's population needs, resources, and readiness to address the problems and gaps in service delivery; 2) development of a comprehensive strategic plan; and 3) mobilizing and/or building capacity to address needs. This technical assistance may be approved and available for the next workgroup meeting scheduled for July 29th at 1 pm at the Humboldt County Office of Education.

Recommendation 5:

Coroner: The facilities occupied by the Coroner are so deficient we feel it is urgent that the department move to adequately sized and equipped offices. This will also make available additional space for the adjoining Mental Health facility.

The Grand Jury believes that subjecting Coroner staff and the Mental Health residents and staff upstairs to the fumes associated with the storage of human remains, is objectionable. If the office cannot be quickly relocated, then immediate steps should be taken to improve the indoor and outdoor ventilation.

The Coroner requires an additional truck, equipped to specification.

The Coroner as well as local law enforcement agencies will benefit by having a local fully-qualified forensic pathologist. The County should fund his training and certification and equip a modern laboratory.

Proposed Board of Supervisors Responses to R.5:

The Board of Supervisors is not currently able to implement the recommendation to move the Coroner's Office as there are currently insufficient funds to purchase/lease additional

medical office space.

Facility improvements are a priority for the Board of Supervisors. Unfortunately adequate funds are not available to take immediate action. The County Administrative Office and the Public Works Department will be presenting a report to the Board of Supervisors regarding facilities. This report will offer recommendations to the Board of Supervisors on facility improvements, consolidation options, and possibly courses of action to be taken to address facility/infrastructure issues in County facilities.

The Coroner's Office is a specialized medical facility which would require great care and caution if this facility were to ever be moved. This facility cannot be easily, or cheaply, replicated. Again, facilities are a priority for the Board, however, a facility as unique as the Coroner's Office cannot be moved quickly without careful consideration.

The Board of Supervisors has implemented the recommendation to improve the indoor and outdoor ventilation for Coroner and Mental Health staff.

On October, 9, 2009 the Board authorized a project award to O&M Industries for the Mental Health Branch Heating, Ventilation and Air Conditioning (HVAC) system. The project scope was expanded to include ventilation upgrades to the Coroner's Office, as the Mental Health Branch and the Coroner's Office share the same building. The Board reasonably believes that upon completion of this project (July 2010) that this will improve air flow in the Coroner's Office and remedy the fumes that are sometimes experienced due to the storage of human remains.

The Board of Supervisors will work with Public Works Motor Pool to address the replacement of the Coroner's current vehicle with a vehicle that is equipped to specification, based upon the Motor Pool vehicle replacement schedule, and dependant upon available funding as an additional vehicle would require an increase in the Coroner's General Fund contribution.

The Board of Supervisors will work with the County Administrative Office to survey the need and cost of a pathologist, only after FY 2009-10 and FY 2010-11 funding cuts have been restored to departments and General Reserve funds have been replaced.

In summary, the Board does recognize and acknowledge the need for equipment and structural and facility upgrades in County departments and buildings. Recent economic conditions have left the Board with minimal options to fund equipment replacement and structural and facility upgrades. A report to the Board will be forthcoming from the County Administrative Office and the Public Works Department for the Board to further explore County facility options. The Board continues to appreciate the work of its departments and all that they accomplish even with equipment and facility deficiencies.