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CONTRA COSTA COUNTY OFFICE OF THE SHERIFF  
DAVID O. LIVINGSTON  
SHERIFF - CORONER

June 30, 2014

The Honorable Barry P. Goode, Presiding Judge  
2013 - 2014 Contra Costa Grand Jury  
Superior Court, State of California  
County of Contra Costa Courthouse  
725 Court Street  
Martinez, CA 94553-0091

Dear Judge Goode:

Penal Code Section 933.0 requires the Office of the Sheriff to comment on Findings and Recommendations of the Grand Jury Reports; attached hereto you will find our response to Grand Jury Report Number 1408.

The Office of the Sheriff is committed to providing the highest quality of law enforcement available. I welcome the comments and support this independent study of government business by the Grand Jury.

Should there be any remaining issues not addressed by my response, please feel free to contact me personally.

Sincerely,



DAVID O. LIVINGSTON  
Sheriff - Coroner

DOL:mw

Attachment

cc:  Stephen D. Conlin, Foreperson, Contra Costa Civil Gran Jury  
David Twa, County Administrator

Following is the Office of the Sheriff's response to Grand Jury Report No. 1408 dated June 6, 2014, "*Contra Costa County Detention Facilities*".

**FINDINGS**

**Finding No. 1**

Facilities are well managed and maintained by courteous professional staff.

**Response:** Partially Disagree. While the Sheriff's Office concurs that its staff members are professional and courteous, and that they manage the facilities well; the maintenance of the facilities is lacking – through no fault of staff. The amount of deferred maintenance to the facilities, and the significant impact, or potential impact that maintenance has on the safety and security of the facilities should not be overlooked. The management of the facilities and the well-being of inmates and staff would be significantly improved by addressing these maintenance issues.

**Finding No. 3**

Programs aimed at rehabilitative efforts are not available for a substantial number of inmates in the Martinez Detention Facility

**Response:** Agree

**Finding No. 4**

The Sheriff's Office was not successful in securing award of state funding to build additional cells and program space at the West County Detention Facility to aid in providing programs.

**Response:** Agree

(Findings No. 5 – 8 refer to juvenile facilities)

**Finding No. 9**

Absent more funding for maintenance and repair needs, adult facilities should make use of inmate labor as appropriate.

**Response:** Agree

## **RECOMMENDATIONS**

### **Recommendation No. 1:**

The County, with the Sheriff's Office, should prepare a complete application, identifying matching funds, for the next round of State grant funding to build additional cells and program space at the West County Detention Facility to aid in providing programs and rehabilitative services to inmates who could be transferred from Martinez.

### **Response:**

The recommendation has not yet been implemented, but will be implemented in the future as the next round of State grant application begins – likely in the Fall of 2014. The Sheriff's Office continues to work with consultants in preparing a thorough, appropriate and complete application and has dedicated command staff to facilitate the process. The Sheriff's Office will seek approval from the Board of Supervisors for the required commitment to matching funds.



**CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT NO. 1408  
"CONTRA COSTA COUNTY DETENTION FACILITIES?"**

**BOARD OF SUPERVISORS' RESPONSE**

**FINDINGS** – California Penal Code Section 933.5(a) requires a response to the designated findings of the Grand Jury.

**1. The Contra Costa County adult and juvenile facilities are well managed and well maintained by staff who conduct themselves professionally and courteously.**

*Response: Agree.*

**2. Contra Costa County is committed to a policy of providing adult and juvenile prisoners with programs that address their psychological and educational needs to reduce the likelihood that they will reoffend when they are released.**

*Response: Agree*

**3. The County's rehabilitation-oriented philosophy cannot be fully implemented because rehabilitative programs are not available for a substantial number of adult prisoners housed at the Martinez facility.**

*Response: Agree.* The Martinez Detention Facility (MDF) is a high security facility constructed in the early 1970s with little provision for programming space. The most significant issue at MDF is the need to separate certain inmate populations for safety reasons. This makes it difficult for inmates to participate in rehabilitative programming together in the current facility.

**4. The Sheriff's Office has applied to the State, unsuccessfully, for funds to build additional cells and program space at the West County facility that would help alleviate the problem of insufficient program space. The next opportunity to secure funding is likely to occur in 2015.**

*Response: Agree.* The fiscal year 2014/15 Enacted State budget includes an additional \$500 million for local jail construction. The Board of State and Community Corrections (BSCC) has been charged with allocating the funding through a competitive Request for Proposals (RFP) process. Details about the RFP process should be released in Fall 2014.

**5. The juvenile facilities face challenges in providing adequate rehabilitative services because of a shortage of staff.**

*Response: Partially Disagree.* The County Probation Department provides a variety of programming to male and female residents in juvenile facilities. Similar to adult facilities, there could always be increased programming if funding were not an obstacle.

**6. In 2015, a federal law will begin to be phased in that ultimately require a minimum 1:8 ratio of probation staff to juveniles, which compares favorably to the current ratio of 1:10.**

*Response:* Partially Disagree. The County Probation Department has been following the implementation of the Federal Prison Rape Elimination Act (PREA), which, among other things, would require an increased resident to staff ratio in County juvenile facilities. The State of California is continuing to work with the Federal government on implementation of PREA and it is not anticipated that any major staffing changes would be required until 2017, not 2015.

**7. Adequate mental health services at the Boy's Ranch are now available.**

*Response:* Agree.

**8. Routine maintenance and repair issues continue to be a constant source of annoyance to inmates/residents and to those responsible for operating both adult and juvenile detention facilities.**

*Response:* Partially Disagree. Routine maintenance is sometimes disruptive to the day-to-day operations of any facility. In the case of Detention facilities, routine maintenance is an absolutely essential component of providing safe conditions for inmates and staff.

**9. Absent the availability of more funding to address maintenance and repair needs, the best solution with regard to the adult facilities may be to make use of inmate labor, as appropriate.**

*Response:* Agree.

**RECOMMENDATIONS** - California Penal Code Section 933.05(b) requires a response to the designated recommendations of the Grand Jury.

**1. The County should consider preparing a complete application, including the identification of matching funds, when applying for a grant from the State during the next round of funding for the construction of additional detention facilities at West County, in order to provide rehabilitative services to inmates who could be transferred from Martinez.**

*Response:* The recommendation has not yet been implemented, but will be implemented in the future. The 2014/15 Enacted State budget includes an additional \$500 million for the construction of local criminal justice facilities. The State has tasked the Board of State and Community Corrections (BSCC) with developing a framework for allocating those funds to counties. Since the submission of the County's SB 1022 jail construction grant, the County Administrator's Office, the Sheriff's Office and the Department of Conservation and Development have been working to identify issues that will make the County's jail construction proposal stronger in anticipation of an RFP being released by the BSCC for consideration by the Board of Supervisors. Once the BSCC releases an RFP for the \$500 million local criminal justice facility construction funding, staff will have a better understanding of the specific requirements for the funding allocation.

**2. The County should analyze ways to provide additional staffing at the juvenile facilities to comply with upcoming federal mandates.**

*Response:* The recommendation has not yet been implemented, but will be implemented in the future. The County Probation Department has been following the implementation of the Federal Prison Rape Elimination Act (PREA), which, among other things, would require and increased resident to staff ration in County juvenile facilities. The State of California is continuing to work with the Federal government on implementation of PREA and it is not anticipated that any major staffing changes would be required until 2017.

**3. The County should consider continuing to make the provision for adequate mental health services at the Boys' Ranch a high priority.**

*Response:* The recommendation has been implemented. The Board of Supervisors remains committed to providing adequate mental health services at the Ranch.

**4. The County should consider continuing to engage appropriate unions in discussions with respect to using inmate labor to perform maintenance and repairs at county detention facilities.**

*Response:* The recommendation has been implemented. The County continues to support allowing inmates to perform voluntary labor in adult detention facilities and has engaged labor on this issue. The current arrangement with labor does provide only limited opportunities for inmate participation, which could be expanded in the future.