



Superior Court of the State of California  
County of Mariposa

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December 26, 2019

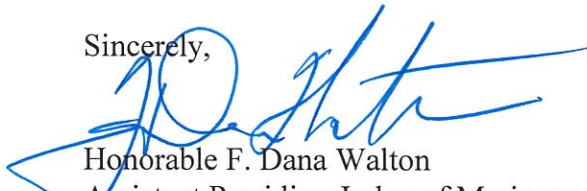
Re: Mariposa County 2019-2020 Grand Jury Interim Report

The current Mariposa County Grand Jury has completed their report and reference to your department has been made. Pursuant to Penal Code §933.05(b)(4)(f), this report is being released to your department two (2) working days prior to its public release. Please be advised you are not to disclose any of the contents prior to the public release of the report.

Please submit your response to the report within ninety (90) days to the Honorable F Dana Walton, Assistant Presiding Judge of the Superior Court. Copies of responses will be placed in the final report and said report will be filed with the Mariposa County Clerk.

To assist you with your response, I have enclosed a photocopy of Penal Code §933.05 setting forth the suggested form.

Sincerely,



Honorable F. Dana Walton  
Assistant Presiding Judge of Mariposa Superior Court

**PENAL CODE - PEN****PART 2. OF CRIMINAL PROCEDURE [681 - 1620] ( Part 2 enacted 1872. )****TITLE 4. GRAND JURY PROCEEDINGS [888 - 939.91] ( Title 4 repealed and added by Stats. 1959, Ch. 501. )****CHAPTER 3. Powers and Duties of Grand Jury [914 - 939.91] ( Chapter 3 added by Stats. 1959, Ch. 501. )****ARTICLE 2. Investigation of County, City, and District Affairs [925 - 933.6] ( Heading of Article 2 amended by Stats. 1973, Ch. 1036. )**

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

**933.05.** (1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

*(Amended by Stats. 1997, Ch. 443, Sec. 5. Effective January 1, 1998.)*

## 2019/2020 Mariposa County Civil Grand Jury

### Law Enforcement Committee Report

Codie Hart, Chairperson

Committee Members: Art Lehr, Eileen Collins and Debbie Sutherland

#### SUMMARY

The 2019/2020 Mariposa County Civil Grand Jury Law Enforcement Committee was charged with the oversight, investigation and review of law enforcement in Mariposa County.

To this end, elements of the committee in conjunction with other Grand Jurors spoke with the County Sheriff, other members of the Sheriff's Office, members of the Probation Department, and State Corrections officials in Mariposa County. In addition, the Committee and other Grand Jurors toured the Mariposa County Adult Detention Facility, the Mt. Bullion Conservation Camp and the Mariposa County Juvenile Holding Facility. Table 1 shows the dates of the Grand Jury's tours.

**Table 1: Grand Jury Facility Tours**

Facility	Tour Date
Mariposa County Adult Detention Facility	10/8/2019
California State Department of Corrections and Rehabilitation Mt. Bullion Fire Camp	11/5/2019
Mariposa County Juvenile Holding Facility	11/12/2019

In general, the Committee's efforts showed the law enforcement community in Mariposa County to be in very good shape, the Committee's efforts, however, revealed room for improvement with respect to some of the facilities in use by law enforcement, and some issues regarding personnel staffing.

In addition to oversight and investigation of the Mariposa County law enforcement community, and at the time of this report, the 2019/2020 Mariposa County Civil Grand Jury received one complaint from a Mariposa County citizen regarding the Sheriff's Office (2019-C02). Members of the Law Enforcement Committee and other Grand Jurors made preliminary inquiries into the circumstances relating to the complaint and concluded that the matter was being handled appropriately by relevant agencies; thus, the Grand Jury took no further action on the matter.

## **GLOSSARY**

MCCGJ – Mariposa County Civil Grand Jury

CAL FIRE – California Department of Forestry and Fire Protection

CDCR – California Department of Corrections and Rehabilitation

CBSCC – California Board of State and Community Corrections

Mariposa Adult Detention Facility – Is a Type II Facility operated in accordance with applicable federal and state law. A Type II Facility means a local detention facility used for the detention of persons pending arraignment, during trial and upon a sentence of commitment.<sup>1</sup> The jail is a division of the Mariposa County Sheriff's office. The complex houses male and female adult detainees as well as inmates who have been sentenced for California misdemeanor and felony crimes and has a capacity of about 60 inmates.<sup>2</sup>

Mariposa County Juvenile Holding Facility (Juvenile Hall) – A special purpose 96-hour detention facility for youth who have committed offenses prior to their eighteenth birthday. The facility is part of the probation department and operates under the authority and regulations of the Welfare and Institutions Code, Penal Code and the California Code of Regulations. The Chief Probation Officer is the local authority of the special purpose Juvenile Hall. The Superintendent, or designee, is responsible for the day-to-day operation of the facility and its employees.<sup>3</sup>

Mount Bullion Conservation Camp #39 – A minimum-security facility staffed with correctional staff. The primary mission of the Conservation (Fire) Camp Program is to support state, local and federal government agencies as they respond to emergencies such as fires, floods, and other natural or manmade disasters. California Department of Corrections and Rehabilitation (CDCR), in cooperation with the California Department of Forestry and Fire Protection (CAL FIRE) and the Los Angeles County Fire Department (LAC FIRE), jointly operate 43 “fire camps”, located in 27 California counties.<sup>4</sup>

## **BACKGROUND**

The MCCGJ is authorized to inquire into and inspect the condition of jails and detention centers in Mariposa County. The authority for inquiring into the operations is contained in Penal Code Section 921, “The grand jury is entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records within the county.”

## **PROCESS**

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<sup>1</sup> [Bscs.ca.gov/wp-content/uploads/Adult-Title-24-Min-Standards-for-Local-Detention-Facilities-2013.pdf](https://www.bscs.ca.gov/wp-content/uploads/Adult-Title-24-Min-Standards-for-Local-Detention-Facilities-2013.pdf), accessed 11/24/2019.

<sup>2</sup> See [shouselaw.com/mariposa-county-jail](https://www.shouselaw.com/mariposa-county-jail), accessed 11/24/2019.

<sup>3</sup> See [mariposacounty.org/2265/Juvenile-Hall](https://www.mariposacounty.org/2265/Juvenile-Hall), accessed 11/24/2019.

<sup>4</sup> See [cdcr.ca.gov/facility-locator/conservation-camps](https://www.cdcr.ca.gov/facility-locator/conservation-camps), accessed 11/24/2019.

The 2019/2020 MCCGJ investigated the law enforcement community, calling associated witnesses, spoke to officials and reviewed associated documents, including published budget materials. The Grand Jury talked with a number of involved persons, and spent considerable time in research and investigation oversight.

## **Mariposa County Sheriff's Office**

The 2019/2020 MCCGJ Law Enforcement Committee and other Grand Jurors met with Mariposa County Sheriff Doug Binnewies on October 17, 2019. The Sheriff shared that the current Sheriff's Office philosophy is one of "total service" including "community health and safety" (Fire, EMS, Law Enforcement, as well as healthy families and mentoring). He said that the Office has 50 sworn Patrol Deputies and 21 Correctional Deputies (both of these programs cover the entire county and operate seven days a week, twenty-four hours a day), three Animal Control Officers, and 4 non-sworn Security Officers at the court. In addition, he said that the Office has 5 full time professional administrative support people. He said that the patrol deputies respond to about 200,000 calls a year, and animal control responds to another 3,000 calls each year. The Sheriff also mentioned that one of his deputies is assigned to Mariposa County High School full time to teach the Grizzly Law Enforcement program.

The Sheriff's Office budget covers the high cost business of keeping professional, high quality deputies equipped, trained and on the street and in the jail, as well as jail maintenance and upkeep, the administrative office and dispatch equipment and maintenance, security for the courthouse, the cost of equipping and training professional dispatch personnel, and the dispatch center and 911 depository (a twenty-four/seven operation), which handles the almost quarter million calls for service each year. Additionally, the Sheriff's Office budget is used for the upkeep and maintenance of the Animal Control Facility, including the training and equipping of high caliber Animal Control Officers. Moreover, the Office maintains the Coroner's Office, fiscal division, and sexual offender compliance program, among other state and county mandated programs.

The Sheriff said our jail is rated for 58 beds, and that professionally run county jails are not profit centers. He said that recent and ongoing legislation continues to make custody a challenge to manage.

**NOTE:** Please see **Oversight: Mariposa County Detention Facilities** section in this report.

The Sheriff took the opportunity to discuss with the MCCGJ the role of the Sheriff's Office in fire emergency response. He said that Mariposa County is in charge of its Fire Department, but Cal Fire has hands on management that has produced good results. The Sheriff stated that, in addition to the fast response of his Office to fire emergencies, volunteers are also responding more quickly, and numbers of volunteers are increasing. The partnership between Mariposa

County and Cal Fire has brought professionalism and stability and horse power from the state. As a consequence, emergency response is quicker, and more robust.

The Sheriff commented on the recent power outage related to PG&E's Public Safety Power Shutoff (PSPS). He told the MCCGJ that during power outages, the Sheriff's Office has access to additional deputies available to provide support to the affected areas 24/7. In the case of extreme events (e.g., Ferguson, Detwiler) the Sheriff's Office has mutual aid agreements and must respond to such events with additional resources. The Sheriff stressed that it is important for County residents to sign up for the free alert system from Nixle.

When asked about challenges faced by the Sheriff's Office, the Sheriff noted that the costs associated with additional staff and salaries continues to be a challenge, notwithstanding Measure M, which provided substantial resources to the Office. In particular, he suggested that salary increases are necessary to keep law enforcement professionals from moving to nearby counties for employment. He also indicated that his Office has long been in dialog with the County for Law Enforcement salary structure. The Sheriff also mentioned a need for more deputies, to allow for proactive patrols and saturation to help stop street crime. Finally, the Sheriff told the Grand Jury that his Office is in the design phase for a new Sheriff's Office facility.

### **Findings:**

1. The size and scope of the Sheriffs' Office mission is daunting. The Office is required to patrol and secure an area of almost 1,450 square miles seven days a week and twenty four hours a day. With distance of 30 to 40 miles between communities, and only 50 patrol deputies, safe coverage of the County can be difficult to maintain.
2. Providing competitive salary and compensation packages is of paramount importance in order to prevent Mariposa County Law Enforcement Professionals from seeking employment in nearby counties which are able to offer better packages.

### **Recommendations:**

1. This Grand Jury recommends that the Sheriff's Office be given additional budget to accommodate the hiring of two more full time patrol deputies, in order to provide for the safety and security of Mariposa County.
2. This Grand Jury recommends that the County adhere strictly to any commitments already made to the Sheriff's Office regarding salary, while entertaining a moderate increase to the Sheriff's payroll budget lines in order to keep salaries, at a minimum, in the median range for law enforcement in California.

### **REQUESTED RESPONSE**

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests a response from the following governing body within 90 days:

Mariposa County Board of Supervisors;

Findings 1 and 2, and Recommendations 1 and 2

## **INVITED RESPONSE**

From the following within 90 days:

Sheriff's Office;

Findings 1 and 2, and Recommendations 1 and 2

### **Oversight: Mariposa County Detention Facility:**

The Grand Jury is required by law to “inquire into the condition and management of the public jail, prison and detention facilities in the county”, and is allowed access to do so by Section 921 of the California Penal Code. Public Jail, Detention and Prison Facilities in Mariposa County include the Mariposa County Adult Detention Facility, the Mariposa County Juvenile Detention Facility, and the California State Department of Corrections and Rehabilitation Mt. Bullion Fire Camp #39.

On October 8, 2019 at 4:00 PM the Mariposa County Grand Jury 2019/20 Law Enforcement Committee<sup>5</sup> and other Grand Jurors met at the Adult Detention Facility for an inspection tour.

Lieutenant Sean Land gave the Grand Jury a tour through the Facility which started at 4:00pm and ended at approximately 6:25 pm. The current Adult Detention Facility was completed and populated in 1995. Although the Facility is aging, given the current available resources the Sheriff's Office appears to be doing a very good job in maintaining and operating the Facility.

A “Smart Deposit” kiosk is located in the Facility lobby where visitors can add funds to an inmate's account. This process, instituted in 2011, has prevented the need for deputies to actually handle money intended for this purpose. Prior to this process, it was necessary for deputies to take the cash, provide a receipt and place the funds on deposit. The Facility has a capacity for 58 inmates as rated by the California Board of State and Community Corrections (CBSCC). There are 58 beds, and sufficient toilets, showers and eating facilities for that number. The Facility does have portable beds for overflow – and has in the past housed more than 60 inmates, but is not currently rated for more than 58. Rarely does the Facility go over the capacity rating. Mariposa County has an MOU with Merced County whereby the two counties can trade inmates, which does happen for any number of reasons including overflow.

On October 8, 2019 there were 42 inmates in custody. There is approximately a 2.7 to 1 ratio of total deputies to (potential) inmates. Between four and five deputies are scheduled in the Facility and to be on duty at any one time, as was evident when we toured the Facility.

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<sup>5</sup> Committee Chair recused because of recent employment at the jail.

There are 6 cell blocks. Inmates are grouped and housed by gender, based upon level of offense, aggressiveness and incarceration status. Care is taken to insure that inmates are getting along within their group setting. When problems arise deputies are quick to resolve the issue in a number of ways, including by relocating offending individuals to a more conducive environment within the jail.

There are a total of 21 deputies assigned to the Facility. This number includes one Lieutenant, three Sergeants, and 16 floor deputies. Twelve deputies are male and nine are female. All cell blocks have one-way glass so that an unobstructed view of inmates can be easily monitored by deputies who are either on the floor or within the raised control room where one can see visually into the cell blocks as well as view the monitors for the various mounted cameras located throughout the Facility.

While being booked into the Facility inmates are placed in one of five specialized detention cells. The Facility is equipped with two holding cells, two sobering cells (which have padded floors) and a Safety Cell, which is completely padded, and devoid of obvious fixtures. The holding and sobering cells are equipped with a place to sit and a toilet behind a short wall which provides a bit of privacy. A floor drain provides the ability to hose off each of these cells. An odor of bleach could be detected. All rooms were clean and odor free except for the bleach. A window in the door of each room gives a direct view to a monitor in the common area that provides orientation to rules and procedures.

A visiting nurse made a recommendation regarding the storage of inmate's street clothes. They were being stored in plastic bags. She was concerned about lice being transferred from one bag to the next. The storage of inmate's clothes has been changed to plastic bins with locking lids. Those bins will be relocated to a room closer to the booking area in the near future eliminating the need to walk the inmate to the back of the Facility to get dressed or undressed.

The last Grand Jury made a recommendation on how the deputies were storing their street clothes and fire arms. The lockers are small so clothes are hung up separately with shoes below. There is a plan to expand the area to provide large lockers that will provide the necessary area to store all clothes, shoes and fire arms within the same locker space. Male and female deputies do have separate changing areas and lockers.

At present there is both analog and digital camera equipment in use at the Facility. There is a fairly new equipment room. An upgrade to the camera system is in progress, and when completed the entire Facility will be digitally monitored with the ability to store one year of combined recordings from all cameras. This is important in that it could be months before an inmate's court appearance happens. Recordings of the inmate's conversations can be relevant to the case. It was noted that custodial deputies, unlike street deputies, are not equipped with body cameras. For the time being, body cameras are deemed by the Sheriff's Office as unnecessary given the very extensive coverage of mounted cameras throughout the facility.



There are telephones located in each of the cell blocks, and an outside vendor provides calling services for the inmates. Inmates may not receive incoming calls, but are allowed to call out. All telephone conversations by inmates in the Facility are recorded. Inmates may also receive voice mail messages, and each cell block is equipped with video calling capability. These sessions are also recorded.

One of the main problems that deputies deal with is the level of competency of inmates. It is estimated that 40% are fully mentally competent and 60% are on some type of psychotic or psychotropic medication. Many inmates are addicted to drugs and/or alcohol. There have been many suicide attempts. One was successful in 2015 and there is presently a wrongful death suit being brought by the family of the deceased. The two inch space between the side of the bed and the wall gave the inmate a place to tie a sheet in which to hang himself. Immediately after that instance, metal plates were installed within the 2" space to mitigate that issue. Other attempts have not been successful. There have been no deaths other than the one suicide and no escapes from the jail.

Medical coverage 24/7 is an issue. The medical budget appears to make medical staffing difficult. Over time, various solutions have been attempted to rectify the problem. The jail has had a part time RN assigned to it, and later an RN plus an LVN. Both Physician Assistants and Medical Doctors have been to the jail in order to carry on on-site sick call functions. Recently, the issue has been addressed somewhat with an agreement with John C. Fremont to have a Charge Nurse assigned to the Facility, in addition to a tele-medicine program. In the event of the need the Charge Nurse will drive over to the Facility, which is a short distance away to evaluate an inmate and determine if medical intervention is necessary. This solution has taken the burden off the deputies especially during late hours when normal medical assistance is not available. Mental health issues remain a major problem.

Three fire inspections have been made this past year. Each aspect of the fire inspection was successfully performed except for the actual evacuation of the inmates. There is a fire door located inside some cell blocks, and at the back end of the exercise areas that leads into a secure area where inmates can be loaded into waiting vehicles safely. In the event of an emergency evacuation the Facility has several transport vehicles for transport, and an agreement with Merced County for the loan of an inmate bus. They have an MOU with Cal Fire, located across the road and they too have a bus that can be used to transport inmates.

In the case of recent past fires, sheltering in place was the chosen option. The building is concrete block construction with the roof being the only portion that may burn, though the foam product used on the roof is fire resistant. In past fires, an issue was that the cooling is provided by swamp coolers, which suck in smoke, causing the filters to clog and reducing the efficacy of the cooling system. A solution would be to install air conditioning instead of utilizing the swamp coolers, though this would be a very expensive undertaking.

The Facility just received a new device that scans up to three pieces of paper at a time for traces of drugs. It has been successful in finding drug contraband. Contraband is a continual problem.

Inmates have one hour per week visiting privileges. The visitor enters a small room equipped with three seated stations equipped with windows and phones for speaking with the inmate. The jail records all of these visit conversations. There is a fourth seated station for digitally recorded visits to be used by visitors that are unable to visit at the appointed time. Opposite this room is the area where the inmate enters and sits on their side of the window.

A multi-purpose room is available for inmates. There are several shelves of books to be checked out as well as a large screen TV mounted on the wall and three boxed in monitors that are virtually unbreakable. Inmates can access a law library. The Facility is working on replacing an antiquated method for a GED program for the inmates.

Inmates in Cell Blocks A and B (minimum to medium security) have access to an exercise area half a day every day with rotations between morning and afternoon times for each cell block. The remaining four blocks (C, D, E and F) have access to one hour each of the seven days of the week. State law requires a minimum of three hours per week.

The appearance of the interior of the Facility is amazingly clean including walls, floors and ceilings. There are no unpleasant odors. The exterior of the Facility appears neat, clean and very secure. The entire Facility appears to be well run. The Grand Jury was told that inmates having served time in other facilities have stated how much better it is overall in this Facility, including the food. Their biggest complaint is that they're always being watched.

Meals for inmates are prepared at the jail site by an outside contractor, and are planned by dieticians and nutritionists on the contractor's staff. Meals are certified to meet or exceed the minimum requirements under state law. This vendor also has an emergency plan for preparing and distributing meals and potable water in the case of natural disasters. This plan has proven effective in past fire events.

The small size of the Facility has been an obstacle to providing additional services for the inmates. A program manager would be helpful; however, it is difficult to build effective inmate programs when there may only be one or two inmates that would be taking advantage of the program at a time.

When receiving a transgender inmate deputies must accommodate that person's identification. An issue arose whereby there was an individual who identified as a female but was still retained male genitalia. Female deputies are unable by law to search such an individual, however a solution was found. When this situation arose a female officer searched the top half of the individual identifying as a female and a male officer searched the bottom half. This solution seemed to be acceptable to all involved.

A question arose within the inspection team about the mental well-being of deputies assigned to such a facility. Research showed that a professional Employee Assistance Plan is available to these deputies (and indeed, to all County employees), which allows these deputies an outlet for non-judgmental counseling at all levels.

The Adult Detention Facility appears to be well maintained in general and well run and very secure. The deputies encountered by the inspection team were extremely professional, and appeared to be well trained and well turned out.

The MCCGJ would like to extend our thanks to Lieutenant Land for his kind consideration, and for a very detailed and informative tour.

### **Findings:**

Four areas of potential concern were noted by the 2019/20 Grand Jury Law Enforcement Committee inspection team:

1. After reviewing the medical offerings and medical oversight at the jail, and after reviewing the Jail budget for this service, it is noted that the current system, while nominally adequate and within the current budget, leaves much to be desired with respect to medical service at the jail, and leaves a potential liability gap for the County.
2. While current staffing at the jail is adequate, it appears to be just adequate. As the jail is a seven day a week, twenty four hour a day Facility, which has real requirements in the way of minimum staffing, an effective staff of 20 deputies (the Lieutenant cannot be counted, as the duties of that office frequently require that person to be physically absent from the Facility) is the absolute minimum possible. It appears that the ongoing training (sometimes off-site) of the staff, coupled with allowances for deputies who may be on vacation or out ill may leave the jail critically short of staffing.
3. The current jail HVAC system is problematic and does not appear to serve its function well.
4. The Adult Detention Facility is almost twenty five years old. As near as the Grand Jury can tell, research shows that there has never been a physical systems (plumbing, electrical and HVAC venting) audit or inspection done at the Facility. Given the high mineral content of Mariposa County water, and the age of the systems involved, it is past time for such a comprehensive inspection. However, that said, the inspection and repairs or retrofits likely to occur are well outside the jail's (and even the Sheriff's Office's) currently budgeted dollars. An audit (and the associated repairs) of a set of systems a quarter of a century old that have been the entire time in CONTINUOUS USE will require the County's help in order to mitigate what is a (we think) legitimate concern of a catastrophic infrastructure system failure at the jail – a Facility that, again, is in operation seven days a week, twenty four hours a day.

### **Recommendations:**

1. The Grand Jury has made a cursory study of the medical/health care situation, and has determined that by increasing the jail's medical budget by a relatively small amount, medical programs are available which would materially help the Sheriff's Office in providing comprehensive medical services, and narrow or close the potential liability gap. We recommend that appropriate staff do the required research in this regard, and that the County consider devoting the necessary funds to avoid potential future litigation.
2. It is our recommendation that the County consider allowing the Sheriff, at his discretion, to add an additional deputy assigned to the Facility.
3. Although expensive, it appears to this Grand Jury that the County may need to allow the Sheriff long term budgeting latitude to address the swamp coolers currently in use at the jail. While these units appear adequate for now, it should be noted that any major fire event in the vicinity may compromise these units, and may leave them completely non-functional. In addition, the nature of swamp coolers may make it difficult to satisfactorily regulate temperature in the cell blocks in the warm months, creating some potential liability for the county with regard to living conditions in the jail. Although expensive, air conditioning units at the jail would mitigate all of these issues.
4. This Grand Jury recommends that funds be found from outside the Sheriff's budget, perhaps from a contingency fund, to conduct an inspection of the a physical systems (plumbing, electrical and HVAC venting) and the associated repairs and/or retrofits.

## **REQUESTED RESPONSE**

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests a response from the following governing body within 90 days:

Mariposa County Board of Supervisors;

Findings 1, 2, 3 and 4, and Recommendations 1, 2, 3 and 4

## **INVITED RESPONSE**

From the following within 90 days:

Sheriff's Office;

Findings 1, 2, 3 and 4, and Recommendations 1, 2, 3 and 4

## **Oversight: Mt. Bullion Conservation Camp #39 (State Facility):**

The Grand Jury is required by law to "inquire into the condition and management of the public jail, prison and detention facilities in the county", and is allowed access to do so by Section 921

of the California Penal Code. Public Jail, Detention and Prison Facilities in Mariposa County include the Mariposa County Adult Detention Facility, the county Juvenile Detention Facility, and the California State Department of Corrections and Rehabilitation Mt. Bullion Fire Camp.

On November 5, 2019 at 9:45 am the Mariposa County Grand Jury 2019/20 Law Enforcement Committee and other Grand Jurors met at the Mt. Bullion Conservation Camp #39, located at 5730 Mount Bullion Access Road, Mariposa, CA for an inspection tour.

California Department of Corrections and Rehabilitation (CDCR) Lieutenant C. Aaron Dean and Cal Fire Captain David Irion gave the Grand Jury a tour through the Facility which started at 9:45 am and ended at approximately 12:38 pm.

The Fire Camp was completed 1957, and was originally a California Youth Authority Facility. The Camp became an Adult Conservation Camp in about 2002/2003. Although the Facility is certainly not new, it appears to be in very good condition and well maintained, given its age. The Camp covers 18 to 20 acres, and is maintained by Cal Fire, though inmate services (i.e. food, medical, clothing, etc.) are provided by CDCR. Serious medical issues are dealt with at Sierra Conservation Center State Prison at Jamestown.

The Facility has a capacity of just over 100 inmates as rated by the California Board of State and Community Corrections (CBSCC). There are sufficient beds, toilets, showers and eating facilities for that number. The Facility does have facilities to accommodate overflow and has done so in times of fire emergencies in the County. On November 5, 2019 there were about 75 inmates in custody. The facility requires some 25 inmates to operate the Camp (clerical, mechanical, cooking and other administrative staff). This left, on the date of our visit, 50 or so assigned to four separate firefighting crews. When at capacity, the Camp can field five crews, although recently the Camp has fielded only four crews. Dean and Irion explained that recent State legislation like Proposition 57 and Assembly Bill 109 have reduced the number of inmates that qualify for Camp service due to early inmate releases. Dean explained that when inmates enter the prison system at intake prisons like Deuel Vocational Institution or Wasco State Prison, inmates are screened for suitability for the Fire Camp Program. If they are suitable for the Program, then they are sent to prison training facilities like Sierra Conservation Center at Jamestown. Assuming the inmate succeeds in the rigorous training program and maintains a non-violent status, they are then sent to a Camp like Mt. Bullion.

Irion explained that, while Cal Fire maintains the Mt. Bullion Camp, some Camps in the state are maintained by CDCR as well.

There are two dormitory blocks for the inmates, one to accommodate inmate administrative staff, and one to accommodate the inmate fire crews. Care is taken to insure that inmates are getting along within their group setting. When problems arise officers are quick to resolve the issue in a number of ways, including, sometimes, by relocating offending individuals back to a state prison.

There are a total of 9 CDCR Officers assigned to the Camp. This number includes one Lieutenant, one Sergeant, and 7 officers. The Camp also has Cal Fire personnel.

Dean and Irion said that at one time, there were many trade savvy inmates rotating through the Camp, though they said that seems less often now. They said that the Fire Camp Program can and has produced fully trained firefighters who leave their incarceration and are hired by Cal Fire and other agencies.

Dean said that inmates are happy to come to the Camp Program because they no longer have to deal with inmate politics, they receive payment for their work, and they eat better, have more freedom of movement and activity, and can learn marketable skills.

Irion said that there are many Fire Camp Facilities in California, including two female camps and two youth (CYA) camps. He said that all of the Camps work all over the state as needed, and even some very limited service in Nevada.

Dean and Irion said that a Strike Team travels in a two transport vehicles and is comprised of two crews, each of 10 to 15 inmates.

Dean says though there have been a few escapes, or "walkaways" over the years (only two since 2011), the vast majority of escapees are recaptured quickly. An attempted escape results in the involved inmate(s) being immediately returned to prison without possibility of returning to a Camp.

Dean said that although most shifts only have two officers on duty, and some only one, there is very little inmate on inmate violence, and what there is, is generally minor. He said the average length of stay is a little over a year. Dean mentioned that there is a hierarchy of sorts on the inmate fire crews; the most trusted inmate occupying a position called "Swamper", which serves as an aide to the crew's Cal Fire Captain, the "Drag" is the senior inmate in the transport portion of the truck, and has overall responsibility there. There are also specialty tasks, such as those that work on the saws or other equipment. When the crews are on a fire, they work 24 hours on, and 24 hours off.

Irion said that when there are no fires to fight, the crews work on projects provided by the state (usually timber breaks) or on projects for the County or some non-profits such as churches.

During the tour of the Camp, the Grand Jury saw the administrative area, the hobby shop, the three television rooms, a recreation room, both dormitories, and the dining facility, as well as much of the Camp grounds. The Grand Jury also learned of an additional educational program that can provide an inmate with a Drinking Water Operator Certificate.

The inmates the Grand Jury encountered were polite and respectful, and appeared to be fully occupied.

The Mt. Bullion Conservation Camp #39 appears to be well maintained in general, and well run and relatively secure. The officers encountered by the inspection team were extremely professional, and appeared to be well trained and well turned out.

The MCCGJ would like to offer our thanks to Lieutenant Dean and Captain Irion for their kind consideration, and for a very detailed and informative tour.

### **Findings:**

1. For its age, the Fire Camp looks well maintained, clean and in good working order. It is likely that the Camp could benefit by a mechanical audit of the mechanical systems (power, plumbing and HVAC).
2. While it seems that custodial staffing is very light with only nine total custodial officers assigned to the Camp, it appears to be working.

### **Recommendations:**

While the inspection of this state facility by the Grand Jury is required by statute, the facility is a state, not a county, facility, and the operation of the facility is given over to two state agencies: California Department of Corrections and Rehabilitation, and Cal Fire, neither of which takes any money from Mariposa County for their operations. This takes the Facility itself outside of the jurisdiction of the Mariposa Grand Jury. For this reason, the 2019/2020 Mariposa County Grand Jury makes no recommendations in this case.

### **Oversight: Mariposa County Juvenile Holding Facility:**

The Grand Jury is required by law to “inquire into the condition and management of the public jail, prison and detention facilities in the county”, and is allowed access to do so by Section 921 of the California Penal Code. Public Jail, Detention and Prison Facilities in Mariposa County include the Mariposa County Adult Detention Facility, the county Juvenile Detention Facility, and the California State Department of Corrections and Rehabilitation Mt. Bullion Fire Camp.

The Mariposa County Juvenile Hall is a special purpose short term detention facility for youth who have committed criminal or status offenses. The detention facility is part of the Probation Department and operates under the authority and regulations of the Welfare and Institutions Code, Penal Code and the California Code of Regulations. The Chief Probation Officer is the local authority of the Special Purpose Juvenile Hall. The Superintendent is responsible for the day-to-day operation of the facility and its employees.

On November 12, 2019 at 4:00pm the Law Enforcement Committee and other members of the 2019/2020 Mariposa County Grand Jury met Probation Officer Connie Pearce at the Juvenile Hall for an inspection tour.

The facility is, as might be expected, quite small consisting of a secure area in the Probation Department building. This secure space has a small day room of sorts equipped with a small table and a television set. Off of the day room are two two-person holding cells equipped for sleeping and with sink and toilet facilities. There is also a small kitchen area with a refrigerator and a microwave oven, and a shower room. The area is quite clean, but is showing age in the paint and flooring. The Juvenile holding area was created within the building sometime in the early part of the 1990s.

Pearce said that the facility had no full time custodial officers, though there are three extra help, on call officers. Pearce said that in the case of a juvenile arrest, the offender is usually brought to the facility by the Sheriff's Office. The offender then is evaluated with the use of a risk assessment tool, and the score of this assessment is usually used to determine the disposition of the offender. Pearce said that in most cases, the offender is released and turned over to a responsible family member, sometimes pending adjudication of the arrest offense. She said that fairly often, the matters are mild enough that no report is forwarded to the District Attorney's Office, and so is resolved by the Probation Department. She said that it is rare to book an individual into the facility, and in fact there were only eleven bookings in 2018, and only twenty this year to date.

Pearce said that the assessment tool uses a variety of factors to determine disposition, including the offense itself, and mitigation or aggravation factors, and, importantly, the youth's law enforcement contact history.

Pearce said that offenses commonly occur at school, on campus, and that the Mariposa County Unified School District and the Sheriff's Office are providing professionals to help to prevent those occurrences. She also said that mental health issues, childhood trauma, and unfavorable living conditions or home life play key roles in youth offenses. Pearce told the Grand Jury that there is no bail system for youth offenders involved in Juvenile Hall, and that Probation is empowered to either detain or release offenders. Even in the case of felony crimes, although the case must be submitted to the District Attorney, Probation can still have an impact on whether or not the case is criminally adjudicated.

She told the Grand Jury that it is rare to remand a youth to custody, but that if it must be done, the offender is only held a short time at the Mariposa County Facility, and that if a booking occurs, the extra help staff generally transports the youth to either Madera County or Tuolumne County Juvenile Hall. Pearce said that if a longer term detention is necessary, the offender is usually sent to Tuolumne County, as the make-up of that community is more like Mariposa County, which is to say more rural.

Pearce said that juvenile crime rates have declined in Mariposa County over the last decade or so. She said that in the past, Probation would have been involved in sixty or so cases, and that now they are providing case support for just five or six group homes in Mariposa County



Pearce said that many of the cases they get are from the schools or the two youth group homes in the county. She said that often mental health, drugs or both play a part in the offender's arrest. She said that the drugs most commonly seen are marijuana and abuse of prescription medication, although she mentioned that she is seeing more methamphetamine now.

Pearce also said that the Juvenile Hall is responsible for administrating Welfare and Institutions Code Section 601 issues, commonly called status offenses which consist of willful youth disobedience, run-aways, and other issues that would not be law enforcement issues in adults. Though youth cannot typically be detained for status offenses, they are still part of the caseload.

She said that she is the only full time youth Probation Officer in Mariposa County, and that she helped to institute the County Truancy Intervention Program in 2001. She is also the Juvenile Hall Superintendent, and she manages the three extra help detention officers.

Pearce told the Grand Jury that the facility is inspected every two years by the California Board of State and Community Corrections, and annually by the Mariposa County Health Department. She mentioned that she has come to an agreement with the Adult Detention Facility whereby some services are provided such as meals and laundry, since the Juvenile Facility seldom uses these services. Pearce said Probation also has a contract with John C. Fremont Hospital to provide for youth medical needs.

The facility is equipped with video cameras, but Pearce said that the cameras are not live monitored, but rather all images are retained on storage media in case of need.

### **Findings:**

1. Although the facility is clean and neat, it is showing its age with cracked flooring and faded wall paint.
2. Although the Juvenile Facility fits the definition of "detention facility within the County", it is noted that past Grand Juries have often not provided oversight inspections, probably because this facility is not called out by name on the resources available to the Grand Jury.
3. While three extra help detention officers may be adequate for the actual need of the facility staffing, the infrequency and often late night timing of need for these individuals can make staffing difficult at times.

### **Recommendations:**

1. It is the Grand Jury recommendation that the Juvenile Facility interior be repainted, and new flooring be acquired and installed. These relatively low cost improvements would make a big difference in the facility.
2. It is recommended that the Grand Jury add the Juvenile Facility by name to the list of institutions to be inspected.

3. It is difficult to know how to address the staffing at the Juvenile Facility. While the number of, and compensation for these positions are adequate for the facility, and in view of the fact that the required training for these individuals is not insubstantial in cost, it is difficult to recommend more personnel, though the infrequency of operations and the often inconvenient timing of the need can make available staff for operations difficult to maintain. It is here noted that while the Probation Department is making best possible use of available resources, the staffing situation is not ideal.

## REQUESTED RESPONSE

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests a response from the following governing body within 90 days:

Mariposa County Board of Supervisors;

Findings 1, 2 and 3, and Recommendations 1, 2 and 3

## INVITED RESPONSE

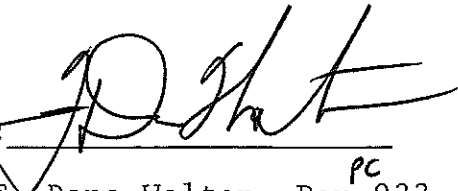
From the following within 90 days:

Probation Office;

Findings 1, 2 and 3, and Recommendations 1, 2 and 3

## Complaints/Investigations

Members of the Law Enforcement Committee and other Grand Jurors were involved in one complaint (#2019-C02, 8/20/2019) and subsequent investigation directly impacting law enforcement in Mariposa County. This investigation is confidential in nature, and research showed that the complaint was being more properly handled by appropriate agencies within the county, and that the investigations were ongoing. No further Grand Jury action was taken.

Reviewed: 

Honorable F. Dana Walton, Per 933 <sup>PC</sup>

12/20/19