

2017-2018 GRAND JURY REPORT

Riverside County Sheriff's Department Corrections Division Correctional Centers Inmate Services Issues

Background

The Riverside County Sheriff's Department (RCSD) has varied responsibilities of meeting and upholding state and federal laws, as well as local ordinances. Additionally, it is charged with providing a responsive, innovative and efficient public safety partnership with the community and its citizens. This relationship also applies to citizens detained or incarcerated under its supervision. Part of this responsibility includes a process for providing a safe and secure environment for humane care of detained or incarcerated citizens. This report will focus on five specific areas: grievances, wristbands, hygiene, video monitoring, and proactive procedures under the reality of implementing Assembly Bill 109 (AB 109), which became effective October 1, 2011.

METHODOLOGY

Tours:

Observations during RCSD Detention Center tours:

- Robert Presley Detention Center
- Cois M. Byrd Detention Center
- Larry D. Smith Correctional Facility
- Indio Jail
- Blythe Jail

Interviews:

- Various RCSD Managers, Lieutenants, Sergeants, Correctional Deputies

Documents Reviewed:

- RCSD Grievance/Writ Petition Policy 507.02
- RCSD Laundry/Clothing Exchange Policy 507.06
- RCSD Classification Policy 504.02 – Wristbands
- RCSD Inmate Orientation Manual
- Adjacent County Sheriff's Departments' Clothing/Laundry Exchange Policies-Orange, San Diego and San Bernardino Counties

- California Government Code §26202.6(a)(c) Video Monitoring
- Board of State and Community Corrections (BSCC) Manual
- Review of several completed grievance forms
- Public Safety Realignment AB 109
- Impact of Implementation of AB 109 Manual for Riverside County

FINDINGS

Responses to Grievances

1. The grievance procedure is a method designed to allow an inmate/detainee to document a complaint regarding a variety of issues within the detention facility or department. The grievance process can also address alleged employee misconduct, e.g., use of force; lack of (or improper) medical care, dental or mental health care; and failure to protect a person's human or Constitutional rights. The grievance process is an important tool to rectify and mitigate problems brought to the attention of detention staff. Grievance forms may be used as evidence in court.

The grievance forms are readily available and accessible to all inmates/detainees. They are collected and reviewed by a supervisor who assigns the complaints to a staff member who will attempt to resolve issues. Information obtained is entered into the computer system for tracking and accountability. All grievance forms require a written response from assigned staff. This response will state how the issue was resolved and the inmate/detainee is required to sign the form indicating whether he/she agrees with the finding or wants to pursue the issue further. The 2017-2018 Riverside County Grand Jury (Grand Jury) reviewed a randomly-selected number of grievance forms from several Riverside County detention facilities.

Several responses to the grievance forms completed by custody staff appeared to be more suited to a clinical issue rather than a custody issue. Most of the responses were more of a recommendation/solution to the complaint. These complaints pertained to the hunger strike of 2017. In many staff responses, there were no policy numbers written as the reference in making the determination for the response.

RECOMMENDATIONS

Riverside County Sheriff's Department (RCSD)

RECOMMENDATION
Responses to Grievances

1. a). All grievance responses should be written in a professional manner and be reviewed by a supervisor ensuring that the responses are professional. If the lieutenant finds a complaint is sustained, then it should be forwarded to the captain level for the appropriate disposition;
- b). Policies and procedures should be modified to reflect this process;
- c). All staff should receive appropriate annual training on properly and professionally responding to a grievance;
- d). Grievance responses should include the policy/procedure number(s) as the reference correlating to the response for either granting or denying the grievance.

FINDING
Wristband Enforcement

2. The RCSD Classification Policy 504.02, 1.0, Wristbands, as well as the Inmate Orientation Manual, stipulate that all inmates must continuously wear their particular wristbands which identify them and their custody level for safety and security purposes. The wristbands are to remain on the inmate/detainee's wrists until they leave the custody of the detention facility.

On several tours of the various detention centers, the Grand Jury repeatedly observed inmates not wearing their wristbands as required. Wearing of wristbands is mandatory and non-compliance violates the safety and security protocols for the inmate and the institution.

The issue was brought to the attention of facility deputies on duty. The deputies directed the inmates to put their wristbands back on. Deputies informed the Grand Jury that this issue is a constant problem. Although they try to stay diligent on this issue and do impose disciplinary actions, the situation still persists and is an ongoing problem. When inmates remove their wristbands, it is a significant safety risk for identification purposes. Staff did inform the Grand Jury that more tamper-resistant wristbands were ordered to solve this issue. However, the Grand Jury had the opportunity to observe the new wristbands, and were informed by several correctional deputies and supervisors, at the various detention centers that the new wristbands are also ineffective. Inmate/detainees are capable of rubbing the

steel fastener off, providing the inmate with a small bit of metal which could be used or made into a weapon.

Correctional staff advised that the old wristbands were a solid color that easily identified the inmate/detainee risk level, but the new wristbands are clear with the color contained only on the name tag. This makes it extremely difficult for staff to easily identify an inmate's/detainee's risk level from a distance. Staff must get close to the inmate to read the wristband to identify the risk level which poses a greater risk to the safety and security of the detention facility.

RECOMMENDATION
Wristband Enforcement

2. A more effective, easily identifiable security risk color-coded and tamper-proof wristband that can identify the inmate's/detainee's level of security risk, should be implemented. This would allow visual identification of the inmate/detainee security status and would enhance safety and security.

FINDING
Clothing and Laundry Exchange

3. The current system for clothing and laundry exchange follows the basic minimum requirements established through the Board of State and Community Corrections Standards (BSCC).

This basic minimum requirement as stipulated per the BSCC Manual, Article 14-Bedding and Linen, describes the following:

The standard issue of clean suitable bedding and linens, for each inmate entering a living area that is expected to remain overnight, shall include but not limited to: (a) one serviceable mattress... (b) one mattress cover or one sheet, (c) one towel, and (d) one blanket or more depending on climatic conditions...washable items such as sheets, mattress covers, and towels shall be exchanged for clean replacement at least once each week...

§507.06-Clothing exchange applies to inmate clothing. This section states in part:

...Unless work, climatic conditions, illness, or California Retail Food Code necessitates more frequent exchange, outer garments... shall be exchanged at least once per week. Undergarments and socks shall be exchanged twice each week.

The key words here in the above sections are: *but not limited to...*, *at least once each week...*, *climatic conditions*. Although the BSCC Manual states the bare basic requirements, it does not prohibit conducting exchanges more frequently.

The issues arise under the *climatic conditions* wording and common sense on basic hygiene cleanliness as it pertains to issuing only one towel and one jumpsuit each week and exchanging such towel and jumpsuit each week. Under *climatic conditions*, due to the ambient temperature in the detention facilities, using the same towel for the entire week for showering does not allow the towel to sufficiently dry out before the towel is reused. This creates a situation where the inmates are constantly using a damp towel for a week before they can exchange it for a clean dry towel.

Using a damp towel for a week to dry the body before it can be exchanged for another towel diminishes and compromises good hygiene because the damp towel is a breeding ground for bacteria and mildew spores.

The same principle applies to allowing only one jumpsuit to be worn before it is exchanged each week. Not exchanging a jumpsuit more frequently allows for bacteria and odors to accumulate and goes against the policies of the Sheriff to provide for a sanitary and hygienic living environment at all levels.

In comparing the clothing and laundry exchange policies of the counties adjacent to Riverside, Orange, San Diego and San Bernardino, all exchange their inmate towels and clothing twice a week for a better hygienic environment in their detention facilities.

RECOMMENDATION
Clothing and Laundry Exchange

3. a). Inmates should exchange towels at least twice per week;
- b). Inmates should exchange jumpsuits at least twice per week.

FINDING

Video Monitoring and Backup Storage

4. California Government Code §26202.6(a)(c) with respect to video recordings requires that they be available for review for one year after the date of the original recording.

Video recordings requested by the Grand Jury for events that occurred in April 2017 at the Presley Detention Center in Riverside were not provided because they had been reported lost due to a failure of the recording device. There was no backup recording system or plan in place, therefore, valuable evidence to either prove or disprove an allegation has been lost.

RECOMMENDATION

Video Monitoring and Backup Storage

4. The RCSD should provide preservation of audio/video recordings for a minimum of one year in accordance with the California Government Code §26202.6(a)(c). After one year, audio/video records may be destroyed after consultation with the agency attorney. The exception would be records that have become needed as evidence.

To provide a reliable video record, backup recorders should be available to replace units found to be malfunctioning. Checks of full functionality should be completed at least once per shift in areas such as exercise yards and Administrative Segregation and dayrooms. Sufficient tapes or digital media should be made available to meet the one year retention period required in Government Code §26202.6(a)(c).

Additional measures in use in California State Prisons should be considered for use, such as time-compressed recording devices, multiple recording devices, and multiple camera angles, wherever desired.

FINDING

Proactive Modification Procedures

5. The implementation of AB 109 in October 2011 changed the fundamental dynamics and operations of the local jails from short-term incarceration of up to one year to long-term incarceration exceeding 20 years. This monumental change has transformed local jails into *de facto* state prisons.

AB 109 has a profound impact on the jail population due to longer terms and more violence prone inmates. The types of services provided to meet the needs of longer term inmates and the policies to effectively implement them are not available. Current policies follow the guidelines of the BSCC Manual which sets minimum standards and parameters for local jails to operate.

In addition, the RCSD detention facilities also set basic standards based on short term stays. This worked well prior to the implementation of AB 109 when the local jails only incarcerated short term inmates.

However, AB 109 is now the law and with the added responsibilities of housing and caring for long-term inmates, the basic minimum standard model currently in place is inadequate in meeting and sustaining the current and growing needs of the jail population.

Additionally, the jails are not equipped to accommodate longer visiting hours, or have larger rooms or areas, either inside or outside on detention grounds, to accommodate larger groups of visitors/families. Jail visiting rooms are small, usually behind glass, and may only accommodate three people at a time. Such restrictive visiting accommodations make it difficult to foster family bonding and interaction because no personal contact is allowed.

The BSCC's latest version of their guidelines, in conjunction with the current rules and regulations administered by the RCSD jail system, do not reflect and address the current reality the RCSD detention staff must face under the implementation of AB 109. The basic minimum standards are only a guide to provide basic services and it does not prevent the RCSD from implementing a better model to counterbalance the reality of AB 109.

RECOMMENDATION

Proactive Modification Procedures

5. The RCSD should take a proactive approach in seeking information from the California State Department of Corrections and Rehabilitation (CDCR) who have solved many of these issues previously. The information, insight and "best practices", that CDCR can offer, might be of great value assisting RCSD detention centers in revising their policies. It may also identify innovative ways to better meet and accommodate the increasing issues, demands, and challenges placed on them under AB 109.

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