

COUNCIL AGENDA: May 7, 2013

SUBJECT: RESPONSE TO GRAND JURY REPORT – HOLDING CELLS

SOURCE: City Manager

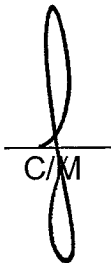
COMMENT: Pursuant to California Penal Code §919(b), and due to “a history of suicides in some of the holding cells,” the 2012-2013 Grand Jury reviewed the overall conditions, safety and management of the ten (10) holding cells in Tulare County. Holding cells are used as temporary areas to detain persons who have been arrested and are awaiting transportation to another jail facility or to a court for trial. The Grand Jury recently issued their report of findings, conclusion, and recommendations (attached). The report was delivered to the City on March 7, 2013. Pursuant to California Penal Code §933(c), a written response to the report is required to be filed by the City Council by no later than June 7, 2013.

The draft response of the City Council is attached for consideration and approval.

RECOMMENDATION: That the Council:

1. Consider the draft “Response to the Grand Jury” letter regarding the 2012-2013 Report on Holding Cells; and
2. Authorize the Mayor to sign the Response letter.

ATTACHMENT: 1. Draft Response Letter
2. Grand Jury Report
3. Police Department Written Response, dated April 8, 2013



C/M

Item No. 15



May 7, 2013

Mr. David Serpa, Foreman
Tulare County Grand Jury
5963 South Mooney Boulevard
Visalia, California 93277

Dear Foreman Serpa:

The City Council for the City of Porterville is in receipt of the Tulare County Grand Jury Report related to your review of holding cells in Tulare County, including the holding cells in the City of Porterville Police Department. As part of the Grand Jury's mandated inquiry into the conditions and management of the public prisons within the county, it is our understanding that the Grand Jury did not personally inspect the City facility. Please accept this correspondence as the required response on behalf of the City Council.

In response to the report, particularly to Recommendation #1, "that all law enforcement use court ordered community service citizens for daily cleaning of the holding cell areas," the City employs a building custodian whose responsibility it is to ensure the cleanliness and proper maintenance of both the interior and exterior of the Police Department facility, including the four holding cells. The City (and Police Department) do utilize court ordered community service citizens to augment the responsibility of its personnel, especially in the performance of building landscape maintenance and the washing of vehicles.

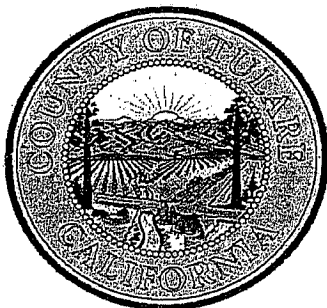
Thank you for your time and consideration in the inquiry into the conditions and management of holding cells in Tulare County, and the acceptance of this letter of response.

Sincerely,

Virginia R. Gurrola
Mayor

Cc: Honorable Judge Gary L. Paden
Tulare County Board of Supervisors

City Manager's Office
291 North Main Street, Porterville, California 93257
(559) 782-7466 Fax (559) 715-4013 Email: mgr-Office@ci.porterville.ca.us



TULARE COUNTY GRAND JURY

5963 S Mooney Boulevard
Visalia, CA 93277

PHONE: (559) 624-7295

FAX: (559) 733-6078

E-MAIL: grnd_jury@co.tulare.ca.us

WEB: www.co.tulare.ca.us

ATTENTION: Mayor Virginia Gurrola

AGENCY: Porterville City Council

ADDRESS: 291 N Main, Porterville, CA 93257

California Penal Code §933.05 (f) mandates that the Tulare County Grand Jury provide a copy of the portion of the final Report that affects that agency or person of that agency two working days prior to its public release. Advance release or disclosure of a Grand Jury Report is prohibited prior to its public release.

Attached is a copy of your portion of the 2012-2013 Tulare County Grand Jury Final Report.

California Penal Code §933(c) requires a response to said document. Depending on the type of respondent you are, a written is required as follows:

- ❖ **PUBLIC AGENCY:** The governing body of any public agency that is required to respond must do so within NINETY (90) DAYS.
- ❖ **ELECTIVE OFFICER OR AGENCY HEAD:** All elected officers or heads of agencies that are required to respond must do so within SIXTY (60) DAYS.

YOU MUST SEND YOUR RESPONSE TO EACH OF THE FOLLOWING:

The Honorable Judge Gary Paden
County Civic Center, Room 303
221 S Mooney Blvd
Visalia, CA 93291

Tulare County Grand Jury
5963 S Mooney Blvd
Visalia, CA 93277

Tulare County Board of Supervisors
2800 W Burrel Ave
Visalia, CA 93291

Received by: Tina R. Gurd

Date: 3-7-13

Report Name: Holding Cells

Response Due by: 05/07/2013

Delivered by: Mike Puma

Date and Time: 2:10 PM

Release Date: 03/13/2013

DAVID SERPA, Foreman 2012-2013 Tulare County Grand Jury

PREPARE A SEPARATE RESPONSE FOR EACH REPORT

California Penal Code §933.05 mandates the manner of how responses are to be answered.

See reverse for Penal Code §933.05 information.

§933.05. Response to Grand Jury Recommendations--Content Requirements; Personal Appearance by Responding Party; Grand Jury Report to Affected Agency

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

(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 therefore.

(b) For purposes of subdivision (b) of §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 time frame 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 therefore:

(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 decision-making 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 finding 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.

HOLDING CELLS

BACKGROUND

Holding cells in Tulare County jails are used as temporary areas to detain persons who have been arrested and are awaiting transportation to another jail facility or to a court for trial. The Tulare County Sheriff's Headquarters (Main Jail) in Visalia is one of the ten holding cells located in the county. The others are as follows:

Dinuba Police Department	Porterville Police Department
Exeter Police Department	Porterville Sheriff's Substation
Lindsay Police Department	Tulare Police Department
Pixley Sheriff's Substation	Visalia Police Department
Woodlake Police Department	

REASON FOR INVESTIGATION

California Penal Code §919 (b) mandates the Grand Jury to inquire into the conditions and management of the public prisons within the county. Because of a history of suicides in some of the holding cells, the 2012-2013 Tulare County Grand Jury decided to inspect these facilities, looking at overall conditions, safety, and management.

PROCEDURES FOLLOWED

1. Inspected the holding cell facilities within Tulare County
2. Interviewed relevant witnesses

FACTS

1. Dinuba Police Department:
 - a. There are three holding cells. Each cell has a stainless steel toilet, sink, security camera, and intercom.
 - b. There are two booking cages with a restroom/shower within close proximity.
 - c. Juveniles, if placed in a cell, have a door to that cell left open; otherwise, the juveniles are placed in the staff area near an officer.
 - d. Rival gang members are kept separated.
 - e. Female detainees are kept in cell number three, out of the sight of male detainees.
 - f. When detainees are held for more than four hours, a meal will be purchased from a nearby fast food restaurant.
 - g. Once booked, detainees are transported to the Main Jail.
 - h. City personnel clean the cells on a daily basis.
2. Exeter police Department:
 - a. There are two holding cells, separated by a solid wall.

- b. A janitorial service cleans the facility three times a week.
 - c. Detainees are transported to the Main Jail for booking within forty-five minutes of arrival.
 - d. Juveniles are not kept in the cells. They remain in the cell area, next to an officer until they are transported to the Juvenile Detention Facility.
 - e. There are security cameras within the holding cell area.
3. Lindsay Police Department:
- a. There is one holding cell.
 - b. City maintenance personnel clean the cell Monday through Friday.
 - c. Court ordered community service workers clean the cell on weekends.
 - d. The cell is inspected prior to and after a detainee has been placed in it.
 - e. Juveniles are placed in the cell with the door open.
 - f. Male detainees are placed in the holding cell. Females are kept in a separate room handcuffed to a bench until transported to Bob Wiley Detention Facility (BWDF).
 - g. There are no security cameras within the cell area.
4. Pixley Sheriff's Substation:
- a. There is one holding cell.
 - b. Detainees are normally transported within 30 minutes of arrival to the Porterville Sheriff's Substation, the Visalia Main Jail, or the BWDF.
 - c. There is no security camera in the holding cell area.
5. Porterville Police Department:
- a. There are four holding cells.
 - b. City maintenance personnel clean the cells daily.
 - c. One cell has a toilet; the remaining three cells are in the booking area with a toilet facility in close proximity.
 - d. All of the cells have security cameras.
 - e. Following fingerprinting and booking procedures, the detainees are transported to the Porterville Sheriff's Substation, or if the substation is full, to the Main Jail.
 - f. Females are transported to the BWDF for booking.
 - g. Detainees deemed mentally unstable are transported to the local hospital. They are restrained and under continuous watch until evaluated by Tulare County Mental Health.
6. Porterville Sheriff's Substation:
- a. There are six holding cells, and each cell has a three-person capacity.
 - b. Detainees are responsible for cleaning the holding cells.
 - c. The cells are used for detainees pending transport and court appearances.
 - d. Detainees held for court appearances are provided a sack lunch.
 - e. There are no security cameras in the cell area.
7. Tulare Police Station:
- a. There are three holding cells consisting of two booking cages and one interrogation room.
 - b. Each cell has a security camera.

- c. The cells are inspected before, during and after each shift, and prior to placing a detainee in a cell.
 - d. City maintenance personnel clean the cells daily.
8. Tulare County Sheriff's Headquarters (Main Jail):
- a. There are seven holding cells: a three-in-one booking cage, a safe room (used to safeguard a detainee who may injure himself), a large cell, and two small cells.
 - b. The two small cells are used for detainees pending release or being held for pending court appearances.
 - c. When the booking cages are at capacity, the large cell and two smaller cells are used for those detainees awaiting the booking process.
 - d. There are two security cameras: one is outside of and facing the booking cage; the other is inside the large cell.
 - e. The safety room has a thick rubber-like covering on the walls and a similar yet thinner covering on the floor.
 - f. Detainees are responsible for daily cleaning of the cells.
 - g. Women detainees are always taken to BWDF for processing.
 - h. BWDF provides detainees breakfast and sack lunches every day.
9. Visalia Police Department:
- a. There are two holding cells.
 - b. City personnel clean the cells daily.
 - c. Each cell has a security camera, solid concrete bench, toilet, and combination sink/drinking fountain.
 - d. Juveniles are not kept in the cells. They remain in the cell area, next to an officer until they are transported to the Juvenile Detention Facility or picked up by an authorized adult, e.g., parent, guardian, etc....
 - e. If meals are needed for detainees, an officer will go to a nearby fast food restaurant.
10. Woodlake Police Department:
- a. There is one holding cell with a security camera.
 - b. Detainees are immediately transported to the Main Jail for booking.
 - c. On duty officers are responsible for keeping the cell area clean.
 - d. Once a week, city maintenance personnel will thoroughly clean the cell.

FINDINGS/CONCLUSIONS

1. City personnel are used for cleaning six of the holding cell facilities; they are as follows:

Dinuba	Tulare
Lindsay	Visalia
Porterville	Woodlake
2. Exeter uses a private janitorial service to clean on Monday, Wednesday, and Friday.
3. In addition to using city personnel, Lindsay uses court ordered community service workers.

4. Those facilities having security cameras are able to monitor detainees as needed.
5. Three facilities, the Lindsay Police Department, Porterville Sheriff's Substation, and Pixley Sheriff's Substation do not have security cameras.

RECOMMENDATIONS

1. That all law enforcement facilities use court ordered community service citizens for daily cleaning of the holding cell areas. Not using city personnel as a janitorial service is financially beneficial to the local governments. However, the Grand Jury is aware that implementation of this recommendation may require meeting and conferring with the affected bargaining units.
2. That the Porterville Sheriff's Substation, Lindsay Police Department and Pixley Sheriff's Substation install security cameras.
3. That to adequately view all of its detainees, the Tulare County Sheriff's Headquarters (Main Jail) should install additional security cameras.

RESPONSES REQUIRED

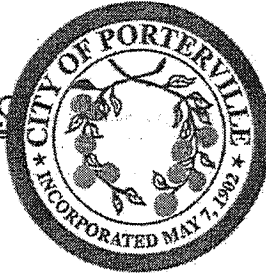
Dinuba Police Department
Exeter Police Department
Lindsay Police Department
Porterville Police Department
Tulare County Sheriff's Headquarters
Visalia Police Department
Woodlake Police Department

Dinuba City Council
Exeter City Council
Lindsay City Council
Porterville City Council
Tulare County Board of Supervisors
Visalia City Council
Woodlake City Council

Police Department

350 North "D" Street
Porterville, CA 93257
(559) 782-7400/FAX (559) 784-1070
www.PortervillePolice.com

Chuck McMillan
Chief of Police



April 8, 2013

Mr. David Serpa, Foreman
2012-2013 Tulare County Grand Jury
5963 South Mooney Boulevard
Visalia, CA 93277

Dear Mr. Serpa:

The Porterville Police Department is in receipt of the Grand Jury Report related to your investigation and review of local law enforcement holding cells. The notice we received is labeled *Holding Cells*.

In review of the report, it is our belief that utilizing city personnel to clean the custody area is one aspect of the person's duties. Our maintenance person is responsible for the entire facility, encompassing the inside and outside of our department, which requires a full-time person's attention. If the issue was strictly the holding facility, there may be merit to the recommendation, but maintenance and repair of daily issues far exceed the expectations of the court ordered community service offered.

Again, thank you for inspecting our facility we appreciate the service of the Tulare County Grand Jury, and the input and feedback that you provide. Please be assured of our continued cooperation on all matters of mutual interests and concerns.

Sincerely,

Chuck McMillan
Chief of Police

CM/kc

cc: Honorable Judge Gary Paden
Tulare County Board of Supervisors

Porterville Police Department Mission Statement

The members of the Porterville Police Department are committed to the safety and security of the community while providing quality service with excellence, honesty and integrity.