

SOLANO COUNTY MAIN JAIL 2008-2009 Grand Jury Report

REASON FOR INVESTIGATION

California Penal Code §919 subsection (b) provides: “The Grand Jury shall inquire into the condition and management of the public prisons within the County.” Pursuant to the statute, on September 12, 2008, the Grand Jury inspected the Solano County Main Jail located in Fairfield, California.

GRAND JURY ACTIONS

- Met and received an overview of facility operations by the Captain and Correctional Lieutenants
- Received orientation on special programs
- Received orientation by the Sheriff’s Custody Response Team
- Toured and inspected the Solano County Main Jail
- Interviewed staff
- Interviewed Solano County Sheriff

BACKGROUND/SUMMARY

The Solano County Main Jail (Facility) opened on June 29, 1989; it is managed by the Solano County Sheriff’s Office. The Facility is located at 500 Union Avenue, Fairfield, California. The Facility is a 260,000 square-foot, five-story building with 384 cells and an inmate population of 619 (at the time of the inspection). This is a Type II, pre-sentenced facility for the detention of persons pending arraignment. It houses all Solano County and military detainees. The original design for the jail capacity was set at 401 beds. Due to over crowding, partial double-bunking of jail cells was completed in 1989 to create an additional 136 beds. In 1999, an expansion project was completed to increase the total capacity to 740 beds. This is an 85% bed increase over the original design.

For the purposes of this report, the following definitions apply:

- Custodial Officer (CO) is a Public Officer, not a Peace Officer who has authority within the confines of the County Jail facilities. He has the authority and responsibility for maintaining custody of prisoners and performs tasks relating to the operation of a local detention facility.
- Correctional Peace Officer (CPO) is a Peace Officer within the terms of §832 of the California Penal Code. A CPO has authority both within a correctional facility and outside of it while that person is on duty performing tasks assigned by competent authority.
- Deputy Sheriff (DS) is a fully empowered Peace Officer within the definition of the Penal Code. A DS has authority as a Peace Officer twenty-four hours a day whether on duty or not regardless of physical location within the State of California.

- Custody Response Team (CRT) The CRT is a small specially trained cadre of custody officers. They are trained in the use of unconventional special operations tactics, technology, and strategic resources per the United States Corrections Special Operations Group (USCSOG) guidelines. This training is specific to the Corrections field. CRT employs a variety of state-of-the-art, less-lethal weaponry and tactics to quickly, as well as effectively overcome disturbances in the jails. Similar to a law-enforcement SWAT (Special Weapons and Tactics) team, the deployment of CRT is limited to only those types of events that require a higher level of tactical training and the deployment of specialized equipment. In most cases, the mere presence of the CRT resolves the disturbance.

Several capital projects were completed at the Solano County Main Jail during 2008. They included:

- Roof replacement
- Re-facing the building
- Elevator electronic upgrade
- Shower refurbishment
- Expansion of the property storage unit
- Cabinetry replacement
- Workstation upgrade for the booking area
- Network infrastructure cabling upgrade throughout the Sheriff's Office to meet current demand

As part of the inspection of the Sheriff's Office, the Solano County Grand Jury was given an extensive tour of the Facility. The Grand Jury examined all physical parts of the Facility and was shown the procedures involving the prisoners. The Grand Jury observed the following:

- Initial in-processing of an arrestee from a law-enforcement agency to the point where the arrestee is incarcerated in a cell
- The procedure for taking a prisoner from his or her cell when they have a meeting, either with their attorney or other authorized visitors
- The procedure for taking a prisoner from his or her cell for an appearance before the Superior Court
- The kitchen facility, menu, and quality of the food served
- The dental and medical care areas
- The educational opportunities available to prisoners, depending on the length of time of their incarceration

During the tour, the Grand Jury was introduced to the Custody Response Team (CRT), an innovative approach to crisis management within the custodial environment. Frequently, it becomes necessary to employ some measure of force to overcome the resistance of inmates and maintain facility safety and security. Prior to developing and implementing CRT in 2002, all disturbances in the Facility were handled by line staff. The average correctional staff member is not specifically trained or sufficiently equipped to respond to major disturbances in the jail. As a

result and for many years, injuries to both officers and inmates have occurred. The tactics used to quell disturbances in the jail were successful but frequently resulted in injury and collateral damage. Following nearly two years of planning and development, CRT has now been fully-operational for almost seven years. The CRT is one of only a few teams of this type currently operational in the State of California. The Sheriff's Office has been asked to share its research and development with allied agencies and have received numerous requests to demonstrate the capabilities of this highly specialized and effective team.

The CRT began with seven original members in 2002 and has grown to 15 members. Members are hand-selected from applicants who are veteran Custodial Officers. The CRT is comprised of one Team Leader, two Assistant Team Leaders and 12 Custody Officers. A team of 15 active CRT members provides sufficient availability of officers for response to incidents at any time.

The operational philosophy of the CRT is similar to a Military Special Operations Team. CRT is trained in the use of unconventional special operations tactics, technology and strategic resources per the United States Corrections Special Operations Group (USCSOG) guidelines. The deployment of CRT is limited to only those types of events that require a higher level of tactical training and the deployment of specialized equipment. In most cases, the mere presence of the CRT resolves the disturbance.

CRT member training includes, but is not limited to:

- Dynamic Cell Extractions
- High-Risk Inmate Security and Movement
- Corrections Breaching Operations
- Close Quarters Riot Control
- Hostage Rescue Operations
- Corrections Critical Incidents
- Critical Incident Management
- Unit Leadership
- Less-Lethal Weaponry
- Specialty Munitions
- Peace Officer (California Penal Code §832) Certification

At the inception in 2002, CRT was deployed four times. The rate of deployment has steadily increased to 48 incidents in 2008 in both this Facility and the Claybank jail (see Grand Jury Report on the Claybank Facility). The total for this six-year span is 182 incidents.

At the time of this report, no CRT members or other Custodial Officers or inmates have been seriously injured in any of the 182 CRT deployments. CRT takes great pride in their success in resolving situations encountered with no injuries or property damage. All CRT members are equipped with helmet-mounted video cameras and all CRT operations are video recorded from start to finish. Video recordings are periodically reviewed by affected parties to confirm appropriate use of tactics. All claims of excessive force have been dismissed following a review of the video evidence, and no litigation has ensued. The initial cost of training and equipping this

team (approximately \$150,000) is but a fraction of the cost that would have been experienced in Facility damage, medical costs, workers' compensation claims and litigation without CRT. The only recurring cost is the replacement of equipment and ongoing training.

At the time of the inspection, Custodial Officers operated the Main Jail Downtown and Claybank Facility. The current overall commander of both facilities is a Deputy Sheriff Captain. The operational commanders of the Main Jail and Claybank jail are Custodial Lieutenants who are not currently empowered by §830.1(c) of the California Penal Code. This section provides:

“Any deputy sheriff... who is employed to perform duties exclusively or initially relating to custodial assignments with responsibilities for maintaining the operations of county custodial facilities... is a peace officer whose authority extends to any place in the state only while engaged in the performance of the duties of his or her respective employment and for the purpose of carrying out the primary function of employment relating to his or her custodial assignments, or when performing other law enforcement duties directed by his or her employing agency during a local state of emergency.”

When the Sheriff declares a local state of emergency, only those persons assigned to work in the jail who have achieved a specific level of training (California Penal Code §832) are peace officers when engaged in the performance of their duties and may also perform other law enforcement duties. After September 11, 2001, the United States implemented a nation-wide effort to enhance homeland security. It is the intention of the Sheriff's Office to train currently designated custody officers as Correctional Peace Officers pursuant to California Penal Code §830.1(c) and then use them outside of the jail in support of local law enforcement during an emergency.

Labor and management issues involving salary and benefits may prevent these changes. Adding to the complexity is a County population issue which is addressed in California Penal Code §831.5. This section states that Counties with populations in excess of 425,000 have two types of Custodial Officers, one for correctional custody only and one for both patrol and custody. Solano County's population will soon exceed this number. Prior to reaching that population threshold, Custodial Officers had the following powers:

- Serve warrants, court orders, writs and subpoenas in a detention facility
- Make warrantless arrest within a detention facility
- Carry or possess firearms while engaged in transporting prisoners or suppressing jail riots, lynching, escapes or rescues in or about a detention facility falling under the authority of the Sheriff.

Since reaching the 425,000 population threshold, Custodial Officers no longer have these powers.

FINDINGS AND RECOMMENDATIONS

Finding 1 - The Solano County Correctional Response Team (CRT) are not currently certified as Peace Officers under the provisions of California Penal Code §832. This prevents the Sheriff from fully utilizing these officers in emergency situations outside the confines of the jail. The officers currently assigned to the CRT are well-trained and highly-motivated Custodial Officers who could be used successfully in support of law enforcement during an emergency.

Recommendation 1 – Members of The CRT should be elevated to Correctional Peace Officer status. Completing the transition of Custodial Officers or a portion of the Custodial Officers (Supervisors, Lieutenants, CRT) to CPO status would adequately resolve this issue and avoid the labor challenges the Department will experience if Deputy Sheriffs are assigned to supervise in the jails.

COMMENTS

The recommended changes in status would provide the Solano County Sheriff the ability to transform the currently designated specially trained custody officers into Correctional Peace Officers. This would facilitate support of law enforcement during any local emergency while minimizing expense to the County.

The Grand Jury commends the Sheriff and his staff for the efficient and effective management of this Facility. The Sheriff and his staff have demonstrated an attitude of continuous process improvement in their approach to their jobs. A prime example of this is the conception and refinement of the CRT.

RESPONDING AND AFFECTED PARTIES

Solano County Sheriff/Coroner
Solano County Board of Supervisors
Solano County Administrator
Solano County Department of Human Resources

COURTESY COPIES

Commission on Peace Officer Standards and Training