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JUL 01 2019

INYO CO. CLERK
KAMMI FOOTE, CLERK

BY

A handwritten signature in black ink, appearing to be "Kammi Foote", is written over the printed name.

DEPUTY

Inyo County

Inyo County Grand Jury
Post Office Box 401
Independence, CA 93526

**Inyo County Grand Jury Report
2018-2019**

2018-2019 Inyo County Grand Jury



Inyo County

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John Shepherd
Mustang Mesa

Robert Hoyle
Bishop

John Harris
Bishop

Vasie Tex
Bishop

Frank Loder
Independence

Ann Jewett
Independence

David Mazel
Bishop

Charles Tello
Lone Pine

Amy Weurdig
Mustang Mesa

Dylan Kandler
Lone Pine



Inyo County Grand Jury

PO Box 401
Independence, CA 93526

June 20, 2019

Hon. Brian J. Lamb
Judge of the Superior Court
For: Inyo County

Dear Judge Lamb,

It is our pleasure to present to you the Inyo County Grand Jury report for the fiscal year 2018-2019.

Throughout the year, the members of the Grand Jury worked together harmoniously looking for ways to benefit the citizens of Inyo County. We hope our report will improve Inyo County Government and fulfill our obligation to the citizens of Inyo County.

Our tasks were greatly benefited by the cooperation and generosity of time from Inyo County officials and department members who are not individually named order to preserve their confidentiality. We greatly appreciate your support and especially your staff members, Alyse Caton and Gina Ellis.

Very truly yours,

A handwritten signature in black ink, appearing to read "John R. Shepherd". The signature is written in a cursive style with a large, sweeping flourish at the end.

John R Shepherd
Foreperson



CALIFORNIA PENAL CODE

SECTION 933.05

- (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:
- (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 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 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.



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INSPECTION OF DETENTION FACILITIES

The California Penal Code mandates that the Grand Jury inspect detention facilities annually. The 2018-2019 Inyo County Grand Jury conducted a physical inspection of the Inyo County Juvenile Detention Center and the Inyo County Jail on November 30, 2018, the Bishop Police Department on February 13, 2019, and the Owens Valley Conservation Camp on February 13, 2019. During the inspections, the Grand Jury observed that all the facilities have personnel that performed their duties in a professional manner. Although there are a series of concerns we would like to outline for response, we feel that overall the facilities are being run well. Inmate cells were clean and in reasonably good condition at all locations.

The Grand Jury found that by doing a physical site visit of each of the detention facilities aided in identifying any structural, personnel, inmate, operational and policy issues. The interviews provided insight and knowledge that led the Grand Jury in its recommendations. We found the kind assistance from each of the county locations to be helpful, straightforward and efficient.

In its review, the Grand Jury will outline issues and challenges and make our recommendations for each of the facilities.

Juvenile Detention Center

BACKGROUND

The Grand Jury identified the key issue for the Juvenile Detention Center to be the possibility of consolidating with one or two neighboring counties to address the reduction of inmate load. The detention center has downsized to the point where it is only housing a few juveniles on two weekends per month, while the staff has not downsized accordingly. The personnel have been leveraged in a manner that they are now able to perform social work tasks out in the community.

METHODOLOGY

Members of the 2018-2019 Inyo County Grand Jury conducted a physical inspection of the Juvenile Detention Center facilities on November 30th, 2019. The management of the facility welcomed the ICGJ and provided a comprehensive overview of the facility, staff, responsibilities of the department and current activities.

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Bishop Police Department

BACKGROUND

The Bishop Police Department (BPD) is the government agency that keeps public order, protects public safety, and enforces the laws. The BPD traces its history back to 1903, shortly after the incorporation of the City of Bishop. BPD's normal jurisdiction, which encompasses 2.2 square miles, is limited to the city limits but officers regularly respond to mutual aid requests from other law enforcement agencies, including the Bishop Paiute Tribal Police, and county, state and federal departments/agencies.

The BPD has an annual budget of \$3.3 million. The budget provides for 12 fulltime sworn positions, which include chief, lieutenant, three sergeants, one detective, and six patrol units as well as seven non-sworn positions, which include a support services manager, one evidence technician, one office assistant-records clerk, and five dispatchers.

The BPD can only hold adults for a maximum of six hours in a holding cell before re-evaluating them, after which inmates must be transported to the Inyo County Jail in Independence or be released. Minors cannot be placed in holding cells but must be detained in the conference room until released to a guardian, the Probation Department, or Health and Human Services. BPD no longer transports minors to the Juvenile Detention Facility in Independence.

METHODOLOGY

Members of the 2018-2019 Inyo County Grand Jury conducted a physical inspection of the BPD facilities on March 13, 2019. The Chief welcomed the ICGJ and gave an overview of the department, structure of the command staff, duties of the staff and an assessment of the overall performance of the department. The on-duty sergeant, records manager, support services manager, and dispatch supervisor provided information about the facility and staff duties.

The inspection included the conference room, investigations and dispatch areas, two holding cells, evidence room, secured "Sally Port," and police parking area in the rear of the building.

DISCUSSION

The department is fully staffed currently, but one officer is leaving shortly. A well-qualified replacement has been identified and hiring was in process. The chief commented he felt morale was good and stated he was very pleased with the performance of his officers and staff.

The department generally hires only officers that have been to a police academy and have a State Commission on Peace Officers Standard and Training (POST) Certificate. "Lateral" transfers from local law enforcement agencies are often the preferred candidates. Newly hired officers are assigned to a training officer for orientation, familiarization with department policy, field practices and to provide specific local knowledge before they are allowed to patrol alone.

The facility was clean, orderly and appeared well maintained, but cramped. There are five emergency exits with metal doors, a partition wall and thick safety glass that had been added to isolate the lobby.

Due to a lack of available space, some areas must be used for multiple unrelated purposes that could create safety issues.

The facility has a conference room, which doubles as an interview area and storage room. There are two holding cells, a small locker room, a small evidence room, a cramped office area for support staff, and a 911 dispatch room. Some evidence has had to be relocated to a secure storage space off premises due to a lack of available space.



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The 911 dispatch serves not only the BPD, but also the Inyo County Sheriffs Office, California Highway Patrol, local fire departments and emergency medical services, ambulances and paramedics. The dispatch area and control panel were recently updated. Comments by the on-duty dispatcher and supervisor indicate that the improvement significantly increased efficiency and quality of the work environment.

The number of citations and probation arrests by the BPD have increased significantly in recent years. There were 77 probation arrests in 2018, up from 61 in 2017 and 10 in 2016. The department issued 1,003 citations in 2018, up from 997 in 2017 and 564 in 2016. The BPD staff attribute this increase to recent changes in California state laws allowing early release of inmates.

FINDINGS

F1. The increased number of citations and probation arrests has further exacerbated the crowded conditions at the BPD facilities reported by previous Inyo County Grand Juries.

RECOMMENDATIONS

R1. The City of Bishop should continue its efforts to find additional space for BPD.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:

From the following governing bodies within 90 days:

R1. The City Council of Bishop



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Owens Valley Conservation Camp #26

BACKGROUND

The Owens Valley Conservation Camp is a State Prison which is a part of the California Department of Corrections and Rehabilitation system. It is the only State Prison in Inyo County.

Grand Juries must by law visit every State Prison in their County.

The Conservation Camps, of which there are 44, provide a trained work force for fire suppression and other emergencies. They are jointly managed by California Department of Corrections and Rehabilitation and the California Department of Forestry and Fire Protection, more commonly known as Cal Fire.

Our Camp #26 is designed for a maximum of 132 inmates. At the time of our inspection, there were only 80 inmates, down from 120 in recent years because of recent legislation reducing the number and length of prison sentences.

Because of the reduction in the number of inmates the Owens Valley Conservation Camp has only four fire crews of approximately 16 men each instead of five as it had the recent past. (Some inmates are "in-camp" only and do not go out on fire crews.)

Although the camp has no walls or fences, there were only three escape attempts in the past year and all were caught within 24 hours of the attempts.

The correctional officers report that the biggest security problem is that cell phones are being smuggled into the camp. They are a particular problem in an unfenced prison because they allow greater access to contraband and escape planning.

METHODOLOGY

Several members of the 2018-19 Inyo County Grand Jury visited the facility on February 13, 2019. At that time we interviewed several officials, both the correctional officers and Cal Fire personnel. We toured the grounds, dormitories, workshops and the kitchen and dining area. We also reviewed printed copies of available statistics regarding firefighting and community service time by the inmates and Cal Fire crews.

DISCUSSION

The Camp dormitories, workshops, kitchen, dining area and grounds all appeared to be well organized, maintained and regulated.

Approximately 60 of the inmates are on fire crew and the balance do other work such as kitchen work, laundry, and maintenance of equipment, facilities, and vehicles.

The staff at the camp was concerned about the inmates' access to cell phones, which are forbidden to prisoners. A public road runs through the prison grounds, and since there are no security cameras along this road nor covering the dormitory entrances and exits, it is believed by staff that inmates can sneak out at night to pick up cell phones and other contraband concealed along the road by members of the public.

Camp officials have asked for a security system including cameras, but the State Prison officials have denied those requests as being too expensive.



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Camp officials also commented that they would like a classroom for the camp. They said that at one time a few years ago, the County of Inyo offered to donate a school building from Olancha to the Camp and to move it there without charge. The camp began levelling a site for the school building. The state decided that the installation cost would be too great and denied permission to the camp to accept and install the school building.

We reviewed statistics about the number of firefighting hours worked by the camp's fire crews. Staff and inmates combined devoted 264,979 person-hours to firefighting in 2018. In addition, staff and inmates performed community service and work for state agencies in the local area for four days a week at an average of five hours per day (four crews of 16 people each), for a total of 1,200 hours weekly of community service. Subtracting time when the crews were away firefighting, we estimate that the camp devoted 52,800 hours of community service to our local area in 2108. There can be no question but that this community service is a great benefit to our communities and our taxpayers.

FINDINGS

- F1. The unfenced Camp needs a better security system, especially a camera system covering the public road which runs through and near the unfenced prison grounds.
- F2. The officials at the Camp would like a classroom for the inmates.
- F3. Our local prison camp devoted almost 265,000 hours to firefighting in the past year.
- F3. Our local Camp 26 performed almost 53,000 hours of community service in our area at little virtually no expense to our County.

RECOMMENDATIONS

We find ourselves as a Grand Jury in the peculiar position of having a duty to inspect any prison in our County but without authority to demand replies from the State officials who manage the prison, namely the Department of Corrections and Cal Fire officials. With that in mind, we recommend as follows:

- R1. Install a better security system for the Camp including a security camera system which covers the public road which runs through and near the Camp.
- R2. Consider adding a classroom building in the Camp.

COMMENDATIONS

- C1. The Inyo County Grand Jury commends the Owens Valley Conservation Camp on operating a well maintained and operated facility that provides tremendous benefits to our State and County saving huge amounts of money to our County.

INVITED RESPONSES

The grand jury invites responses from the following individuals within 60 days:



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- R1. Div. Chief Paul Melendrez, 2781 Round Valley Road, Bishop, CA 93514 OVCC #2
 - R2. Hunter Anglea, Warden at Sierra Conservation Center, 5100 O'Byrne's Ferry Road, Jamestown, CA 95327
 - R3. Ricardo Jauregui, Warden's Assistant at Sierra Conservation Center, 5100 O'Byrne's Ferry Road, Jamestown, CA 95327
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Inyo County Jail

BACKGROUND

During the inspection of the Inyo County Jail, the Grand Jury was able to identify a series of key issues. While reviewing the facility a fall hazard was identified on the walkway of the observation deck above the central control panel. The control panel was identified to come to end of life and will need replacing.

The Grand Jury interviewed the current medical staff at the facility and feel it is more than adequate and should be commended. They were straightforward, honest and very knowledgeable. There is an opportunity here for developing a communication policy between the medical and jail staffs.

The jail staff selected two prisoners for the Grand Jury to interview, one male and one female. Both indicated that compared to other facilities, the Inyo County Jail was favorable. They did voice a request to receive more than one hot meal, but that the food was adequate otherwise. It is advised that the future Grand Juries be able to randomly select the prisoners for this interview process.

The feedback from the jail staff to the Grand Jury is for the facility to obtain a Hearing Room onsite. The objective of this type of option would alleviate a logistics load on jail staff, especially if the county courts are relocated to Bishop from Independence.

The Grand Jury sub-committee did an in-depth review of the Inyo County Jail Custody Manual and identified a series of key issues. The umbrella review is that the ICJ is out of compliance with several important provisions outlined in its manual.

METHODOLOGY

Members of the 2018-2019 Inyo County Grand Jury conducted a physical inspection of the Inyo County Jail facility on November 30, 2018. Areas inspected include the kitchen, food storage area, and observation tower, from which we could view the inmate cells. In addition, we interviewed several members of the jail staff, including the jail commander and nurse, as well as two inmates. Members of a Grand Jury subcommittee did an in-depth review of the Inyo County Jail Custody Manual.

DISCUSSION

During the inspection of the Inyo County Jail, the Grand Jury was able to identify a series of key issues. While reviewing the facility a fall hazard was identified on the walkway of the observation deck above the central control panel. We were told the control panel is nearing the end of its useful life and will need replacing.

The Grand Jury interviewed the current medical staff at the facility and feel they are more than adequate and should be commended. They were straightforward, honest, and very knowledgeable. There is an opportunity here for developing a communication policy between the medical and jail staffs.

The jail staff selected two prisoners for the Grand Jury to interview, one male and one female. Both indicated that compared to other facilities, the Inyo County Jail was favorable. They did voice a request to receive more than one hot meal per day, but said the food was adequate otherwise. Jurors conducting these interviews felt it would be helpful in the future to be able to randomly select the prisoners for interviewing.



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The jail staff indicated to the Grand Jury that it would be helpful to have a Hearing Room onsite. This would reduce the need to transport prisoners to and from Bishop for hearings, which imposes a considerable logistics load on jail staff, a problem that will grow worse if the county courts are relocated to Bishop.

As part of its inspection, the Grand Jury reviewed relevant provisions of the Inyo County Sheriff's Office 2017 Custody Manual. The policies set forth in the manual appear to be good policies, but the Grand Jury had questions concerning compliance with some of them.

Following the site visit, officials of the Sheriff's Department were presented with a list of policies about which we had concerns, and they agreed to appear before the Grand Jury to address them. In the wake of this interview, the Grand Jury still had concerns about a few policies that strike us as important to the safety of inmates and staff and the smooth functioning of the jail facility. We also believe that better compliance with the manual will reduce the county's exposure to liability in the event of a lawsuit, particularly in the case of policies regarding legally mandated policies such as the Americans with Disabilities Act (ADA) and the Prison Rape Elimination Act (PREA).

In particular, the Grand Jury has concerns about the following provisions of the Jail Custody Manual:

- Section 102.4.1 provides that the "Jail Commander will arrange for regularly scheduled meetings in order to provide an ongoing status report of facility issues to the legal counsel." In his interview, the Sheriff indicated that these status report meetings are currently not regularly scheduled but instead are conducted on an "as needed" basis.
- Section 104.2 provides that the "Inyo County Sheriff Department ... shall conduct an annual review to evaluate its progress in meeting stated goals and objectives." Officials indicated that, while there are weekly meetings with the management staff on status and progress in meeting established goals, and while officer performance is evaluated on an at least an annual basis, the specific review called for above is not being conducted.
- Section 326.6 says that the jail's "Training Manager shall establish a training committee, which will serve to assist with identifying training needs for the Office. The training committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs." Officials indicated that, while jail staff do undergo training, this training is not being provided specifically as mandated in this provision; rather, Section 326.6 is considered a "best practice" rather than a requirement.
- Section 542.3 outlines a release procedure (see pp. 238-240) that does not ensure prisoners being released without adequate clothing or released at night in ways that endanger their own safety or the safety of the surrounding community. Sheriff officials stated that they do not tolerate prisoners being released without adequate clothing or in such a way that the safety of the prisoners or the surrounding community would be endangered. However, this is not at present a formal policy specifically required by the manual.



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- Section 604.3 indicates that "The Jail Commander, in coordination with the Responsible Physician and the ADA Coordinator ... will establish written procedures to assess and reasonably accommodate disabilities of inmates." A long list of requirements follows (pp. 259-260). The Grand Jury was not entirely satisfied that these requirements were being met fully, especially given the importance of ADA compliance as a matter of federal law. The same is true regarding Section 604.6, which says that "The ADA Coordinator should work with the Training Manager to provide periodic training" (a list of training topics follows--see pg. 261).
- Finally, the manual indicates on page 2 that "Each employee is directed to read the enclosed material completely and routinely to become thoroughly familiar with all the rules and regulations set forth within this manual. Given that the entire manual is 505 pages long and contains 1,104 provisions, the Grand Jury questioned whether jail staff were really reading the entire manual. Officials stated that currently there is no specific process to ensure that staff are actually reading the manual, though its major provisions are covered in various training sessions. Officials added that the jail's on-going performance review and oversight processes are largely focused on compliance to the provisions of the Custody Manual, and that post orders cover relevant specifics for that post from the Custody Manual.

Findings:

- F1. The Inyo County Jail did not document compliance with Custody Manual Section 102.4.1 concerning regular scheduling of status report meetings.
- F2. The Inyo County Jail did not document compliance with Custody Manual Section 104.2 concerning an annual review to evaluate progress.
- F3. The Inyo County Jail did not document compliance with Custody Manual Section 326.6 concerning the establishment of a training committee.
- F4. Custody Manual Section 542.3 does not require adequate safeguards concerning the release of prisoners.
- F5. The Inyo County Jail did not document compliance with Custody Manual Section 604.3 concerning written procedures and training for the Americans with Disabilities Act.
- F6. The Inyo County Jail did not demonstrate that jail staff had read and were familiar with the Custody Manual.

Recommendations:

- R1. Regarding Section 102.4.1 of the Custody Manual, the Grand Jury recommends that jail staff either begin scheduling the required status report meetings regularly, or revise the wording of this section to reflect actual practice at the jail.
- R2. Regarding Section 104.2 of the Custody Manual, the Grand Jury recommends that jail staff either conduct the annual reviews as required, or revise the wording of this section to reflect actual practice at the jail.
- R3. Regarding Section 326.6, the Grand Jury recommends that jail staff either establish the required training committee as required, or revise the wording of this section to reflect actual practice at the jail.



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- R4. Regarding Section 542.3, the Grand Jury recommends that jail staff revise the manual to require specifically that prisoners not be released without adequate clothing or in such a way that the safety of the prisoners or the surrounding community would be endangered.
- R5. Regarding Sections 604.3 and 604.6, the Grand Jury recommends that jail staff establish written procedures to assess and reasonably accommodate disabilities of inmates and provide periodic formal training on those procedures to staff.
- R6. The Grand Jury recommends that jail staff who are charged with compliance with particular sections of the Custody Manual read and acknowledge in writing that they have read the sections that apply to their duties.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requires responses as follows:

From the following elected county officials within 60 days

Inyo County Sheriff, R1, R2, R3, R4, R5, and R6

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.