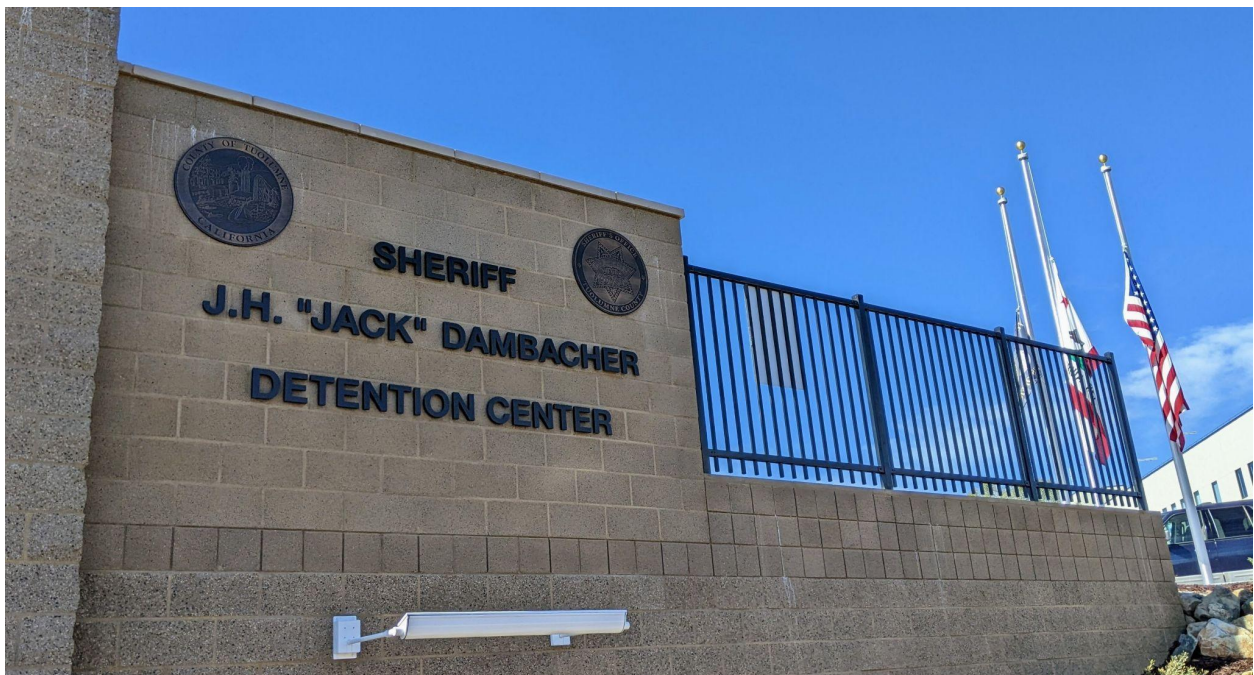


**COUNTY OF TUOLUMNE
GRAND JURY**
12855 Justice Center Drive
Sonora, CA 95370



DAMBACHER DETENTION CENTER, JUNE 3, 2022:

A New Day for Tuolumne County



Dambacher Detention Center. Cynthia Gugg.

SUMMARY

Dambacher Detention Center, the new Tuolumne County Jail, has been housing inmates since January 2021. The Grand Jury finds the facility to have vastly improved security, aesthetics, and offers an improved environment for inmates and jailers alike compared to the old jail. The facility offers increased capacity and has medical and dental facilities reducing the need to transport inmates to outside services. There are more classrooms, exercise yards, and a layout that permits safer movement of inmates within the complex. A well-designed intake area allows new detainees to be processed into the jail effectively, efficiently, and more safely. Virtual visiting rooms have been an asset during COVID-19.

Some problems with the mechanical systems have plagued the facility, including loss of hot water and loss of heating and cooling. Although improved classroom facilities are available, they have largely been unused due to COVID-19 and educational programs have been at a standstill. Staffing shortages and forced overtime have been an ongoing issue that has carried over from the old jail and may be causing burnout and further staff losses. There also have been staff losses due to transfers to other counties, to the sheriff patrol division and some injury losses. Recruiting has not been yielding as many new employees as needed. Offering more competitive salaries could improve recruitment success.

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.

TABLE OF CONTENTS

SUMMARY	2
TABLE OF CONTENTS	3
GLOSSARY	4
BACKGROUND	5
METHODOLOGY	6
DISCUSSION	7
FINDINGS, RECOMMENDATIONS, AND COMMENDATIONS	13
Findings	13
Recommendations	14
Commendations	14
REQUESTED RESPONSES	15
Required Responses	15
BIBLIOGRAPHY	16

GLOSSARY

BSCC	Board of State and Community Corrections
COVID-19	The infection caused by the SARS-CoV2 virus
DDC	Dambacher Detention Center
Detainee	A person who is detained in custody
Housing Pod	Modules that are self-contained having cells or dormitory arrangement, common areas, and shower facilities. This keeps the same classification of prisoners together, and reduces the need for inmate movement and enhances security.
HVAC	Heating, ventilation and/or air conditioning systems
Inmate	A person confined to an institution such as a jail or prison
Intake	Section of the jail with a sally port for incoming inmates, a booking clerk, body scanner to prevent admission of contraband, sobering cells, and safety cells.
MLRJDF	Mother Lode Regional Juvenile Detention Facility
Rapid antigen test	A rapid test that is done to detect the COVID-19 virus
Sally Port	Secure entryway that consists of a series of doors or gates whereby only the inner or outer door can be opened while the other remains secured.
WellPath	Organization contracted for health services at MLRJDF and DDC

BACKGROUND

California Penal Code, Section 919(b) mandates that the Grand Jury in each county inspect the condition of all public prisons every year. Sections 919(a), 925, and 925a authorize the Grand Jury to investigate city and county jails and other detention facilities.

The Dambacher Detention Center is named after Sheriff J.H. Dambacher who was the county's longest serving sheriff. The construction of this new facility was completed in October 2020 and all inmates were moved in January 2021. The new jail facility was designed with safety, efficiency, and improvements that should prove to provide a better overall working environment and detention facility. The Grand Jury found the new facility to be state of the art and impressive without being excessive. COVID-19 has brought challenges and restrictions to DDC. For safety reasons, all interviews were conducted virtually and the live site tour was deferred until the COVID-19 cases in the county were at a level deemed safe by the Grand Jury.

METHODOLOGY

Members of the 2020-2022 Tuolumne Grand Jury inspected the Dambacher Detention Center on November 23, 2021. Research included virtual interviews with officers and staff as well as in-person interviews with inmates and follow-up questions to staff via email.

Members of the Grand Jury reviewed the following documents:

- BSCC Jail Inspection Handbook for Grand Jurors
- BSCC Title 15 Minimum Standards For Local Detention Facilities
- BSCC 2018-2020 Biennial Tuolumne County Jail Inspection, Penal Code 6031
- DDC Internal Monthly Inspection Report
- DDC Internal Monthly Fire and Safety Inspection Report
- Copies of inmate grievances and responses thereto
- Copies of incident reports involving inmates

Confidentiality

Grand Jury members are sworn to secrecy regarding any matter brought before them. This assures all individuals that their testimony will be strictly confidential. Each Grand Juror must keep all evidence confidential. It is a misdemeanor to violate the confidentiality of any individual or evidence brought before the Grand Jury.

Recusal

The Grand Jury recognizes that a conflict of interest may arise during its investigations. In such instances the juror may ask to be recused from all aspects of an investigation. Those members do not investigate, attend interviews and deliberations, or assist in the making and acceptance of a final report that may result from an investigation.

Therefore, whenever the *perception* of a conflict of interest existed on the part of a member of the 2020-2022 Tuolumne County Grand Jury, that member abstained from any investigation involving such a conflict and from voting on the acceptance or rejections of any related subject.

DISCUSSION

Construction of the Dambacher Detention Facility (DDC) was completed on October 27, 2020. In January 2021, inmates housed at the old Tuolumne County Jail were moved into the new facility. During the Grand Jury facility inspection, it was clear that careful thought and planning had gone into the design of the “New Jail” over a period of approximately 10 years from inception to completion. This included attending workshops on planning jail facilities and also visiting other facilities to learn what works well for a county correctional facility. Over this extended period of planning, members of the Sheriff’s Office design team visited Stanislaus County, Calaveras County, two facilities in San Mateo County, and facilities in Texas, Kentucky, and Florida.

Jail Improvements

The larger facility can accommodate up to 230 inmates versus the old jail’s 144 inmate capacity and has been designed with expansion space to integrate a future additional housing pod. The extra capacity enables more classification of inmates, making it easier for the watch commanders to house people that are compatible with each other or have more cells to facilitate them. This also provides more safety against inmate violence. Tensions between different groups of inmates can still be a potential problem.

The enlarged booking and intake area allows better segregation of detainees and observation of those with health risks (intoxication with alcohol or drugs) or behavioral or suicide risk, which improves the health and safety of detainees, inmates, and staff. The Central Control Room provides better monitoring throughout DDC, including in the booking area.

There is increased outdoor space, four yards with mesh steel overhead that allows direct sunlight. Each yard is shared by two cells that have direct access during the inmates' allocated outdoor time, making it safer and giving them more time in the yard. The old jail had one yard on the roof where inmates walked through the hallways by the other cells and up two flights of stairs.

Throughout the facility there are large windows of glass and skylights that allow views to the sky and natural light in the inmate day rooms and staff break room. The staff break room also has access to a secured outdoor patio. The abundance of natural light and increased outdoor space provides behavioral benefits for inmates and guards.

DDC is equipped with rooms that facilitate video visitation, which has been beneficial especially during the COVID-19 pandemic for behavioral health services as well as visitation and legal consultation.

There are onsite well-equipped medical and dental exam rooms where inmates can be seen by medical professionals via WellPath, instead of being transported off-site. There is a nurse on site 7:00 a.m. - 11:00 p.m. A dentist comes six hours per month to treat inmates on site. There is a doctor that comes in to see inmates if there are appointments for routine health care and non-urgent problems, which reduces the need for transporting inmates to the hospital.

A state-of-the-art kitchen is equipped to accommodate food preparation, storage, and teaching food service skills. A new provider, Summit Food Service has been awarded the contract to operate food service for inmates and staff. The kitchen is also used in preparation of food for the Mother Lode Regional Juvenile Detention Facility, located across the road. The new provider has been well received by inmates and staff alike. A large sally port dedicated to the kitchen provides safe and efficient delivery of provisions from Summit Food Service.

Improved Safety

The layout of DDC prevents inmates from walking by other cells when moving to the kitchen or going for outdoor time. Unlike the old jail, there are no hidden corners or doorways that could potentially hide someone. Staff can see into all the glass walled housing pods that have one-way viewing from a central location.

The Intake area features its own sally port for safer booking and has four holding cells, three sobering cells, and two safety cells with rubber mats for safety of inmates at danger of harming themselves. A Sotor RS whole body scanner is used to prevent introduction of contraband into the DDC.

A central control room has security cameras where staff can view every door and control access for entry. Having this separate central control allows the booking clerks to focus on answering phones and booking inmates without the previous additional duties of listening for staff requests to open doors and watching the monitors.

With proximity to the Justice Center, inmates can be walked directly to the courthouse instead of transporting in a vehicle which saves time and expense. Outside of the building is a perimeter space and an outer exterior security fence with razor wire. There is secure parking for staff, whereas at the old jail staff parking was on city streets. The jail is 100% electric and has a backup generator capable of maintaining lighting and security during utility outages.

Mechanical Problems

There have been ongoing problems with the HVAC system and hot water system that are still under warranty. Equipment manufacturers, installation contractors, and facility design have all been implicated as possible responsible parties for the difficulties. During the hottest summer days, the HVAC cooling system would shut down sporadically causing loss of air conditioning. This is particularly dangerous for the inmates with health conditions or who are taking medications that make them vulnerable to excessive heat. A lack of hot water has been noted by staff and has caused grievances by the inmates who must shower in cold water and cannot have hot beverages as the same water supply is used. HVAC heating has been problematic as well, although not in the inmate housing units.

At the end of the year, staff were no longer receiving inmate complaints about hot water. Facilities maintenance staff training was not completed until November 2021. They may now have the ability to correct further problems as they occur, but this is not yet proven. Onset of the summer season will determine whether the designers, installers, and equipment manufacturers need to do more. If they do, DDC management must react quickly to get the issues resolved.

Jail Programs

There is an education program with a mission to provide a comprehensive, research-based curriculum that motivates inmates to succeed. Its belief is based on the premise that incarceration is an intervention opportunity. The U.S. Department of Justice National Institute of Corrections recommends keeping inmates occupied with productive activities that focus on positive behavior. When jail staff provide structured activities, the activities occupy inmates' time in ways that contribute to the overall goals of the inmate behavior management plan. A Correctional Educational Association study

demonstrated that for every \$1 spent on education for incarcerated individuals, it returns \$3.69 to taxpayers in cost avoidance benefits.¹

Numerous work crew, job training, education, religious, and other programs were offered prior to 2020. These programs were led by a very dedicated Jail Program Specialist with extraordinary criminal justice experience, along with a large team of volunteers. During the COVID-19 pandemic, most of these programs and off-site work crews have been limited due to visitor restrictions and social distancing. The inmates that do have the opportunity to work in the kitchen can gain valuable skills and can earn food service certificates.

The technology for virtual education services exists. DDC is developing a substance abuse program and plans to broadcast it to the whole jail population on a regular scheduled basis. All inmates will have an opportunity to participate on a voluntary basis. There are also tablets available for inmates' use that are part of the contract with Securus Company. The tablets provide video visiting and a library of 80,000 electronic books. For security reasons, inmates cannot have internet access unless under the direct supervision of a staff member.

Once restrictions are lifted, DDC plans to resume most of its programs such as Celebrate Recovery, ServSafe Certification, Columbia College introduction to college and computer training courses. They are also enthusiastic about resuming previous outside work crews and hopes for expansion. A new full-time teacher will be starting from the Tuolumne County Superintendent of Schools (TCSOS).

Jail Staffing Shortage

DDC has unfilled job positions. This causes officers to work overtime, including mandated overtime, to cover for unfilled positions or if an officer is ill, injured or takes unplanned leave. In 2021 and continuing into 2022 there have been unfilled vacancies at DDC. It has been difficult to retain and recruit officers due to higher wages in neighboring counties. Tuolumne County Human Resources Department provided the Grand Jury the results from an informal survey conducted in 2021 for negotiations for fiscal year 2021-2022.² The figures in Table 1 compare the base salaries from

¹ Grant Duwe, Ph.D., Minnesota Department of Corrections, The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcome, National Institute of Justice, June 2017

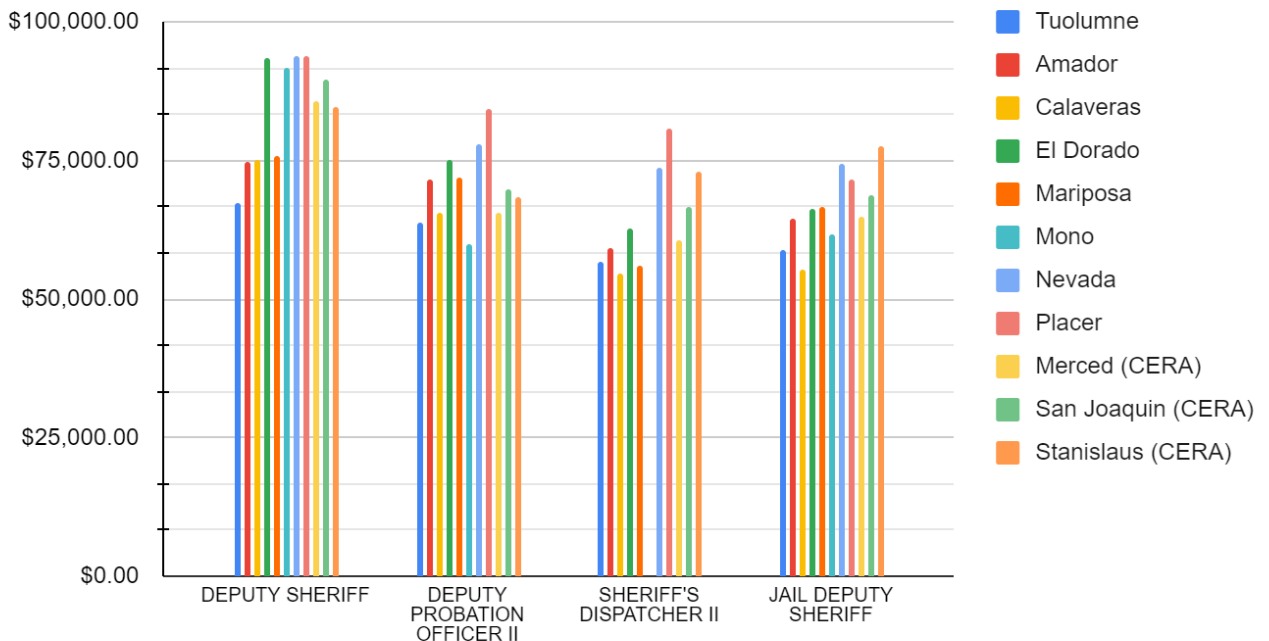
² Tuolumne County Human Resources Department, 2021 DSA salary survey

neighboring counties and reveal that Tuolumne County falls below the average. While there was a salary increase for jail staff in FY 2021-2022, salaries remain below neighboring counties. The new facility provides a safe environment with good aesthetics that may contribute to improved staff morale and attract new recruits, but lower wages are difficult to overcome.

Table 1. Comparison of base salaries for correctional officers with neighboring counties (Tuolumne County Human Resources Department, 2021 DSA salary survey)

Comparable Classification	AVERAGE	%ABOVE/BELOW
Deputy Sheriff	\$82,968.81	-23.20%
Deputy Probation Officer II	\$70,333.42	-10.33%
Sheriff's Dispatcher II	\$64,371.70	-13.25%
Jail Deputy Sheriff	\$66,371.59	-12.77%

2020-2021 BASE SALARY COMPARISON WITH NEARBY COUNTIES



COVID-19 Prevention and Response

The COVID-19 pandemic has been a threat to jail health and safety. Starting January 22, 2022, a large outbreak began at the DDC that involved seventy-eight inmates in three of the four housing units. Three of these inmates tested positive for COVID-19 during the intake process. This outbreak required the reduction of the inmate population to 50 percent capacity in January, with some inmates discharged early near the end of their sentence and others were not able to begin their sentences.

To prevent introduction of COVID-19, staff are tested weekly with a rapid antigen test for COVID-19, wear masks, and have daily symptom checks. New inmates are tested and quarantined. The on-site medical care with a half-time nurse allows for more timely testing and care. Only 47 percent of the staff at DDC were fully vaccinated for COVID-19 as of March 2022, lower than the rates for adults in the county.

FINDINGS, RECOMMENDATIONS, AND COMMENDATIONS

Findings

F1. The new Dambacher Detention Center facility offers vastly improved safety and security for inmates, staff, and the public at large through a multitude of design improvements compared to the old jail.

F2. The new Dambacher Detention Center facilities and esthetics offer an improved environment for inmates and staff that could be expected to result in behavioral benefits in the inmate population as well as help with staff recruitment and retention.

F3. The new Dambacher Detention Center has expanded classroom facilities to support improved educational and training opportunities for inmates as compared to the old jail and the hiring of an educator demonstrates commitment to improving educational programs for inmates.

F4. Mechanical HVAC systems at Dambacher Detention Center have not been working properly or reliably, which endangers some inmates with heat sensitivities. The new system problems which could be caused by design or installation errors, have persisted for an unreasonable amount of time.

F5. The hot water system has not been reliable, causing hardships to inmates who have to take cold showers and cannot have hot beverages. The new system teething problems, which could be caused by design or installation errors, have persisted for an unreasonable amount of time.

F6. Education programs were largely suspended during the COVID-19 pandemic and this has adversely affected inmates by failing to keep inmates occupied with productive activities that focus on positive behavior. These programs can impact public safety with reduced recidivism and increase prison safety with improved conduct; this opportunity is being missed.

F7. While Dambacher Detention Center has the technological infrastructure in place to be able to offer virtual education and programs it has not done so during COVID-19 when in-person programs have been limited. This lack of programs has adversely affected inmates by failing to keep inmates occupied with productive activities that focus

on positive behavior. These programs can impact public safety with reduced recidivism and increase prison safety with improved conduct; this opportunity is being missed.

F8. The staffing shortage at Dambacher Detention Center causes mandated overtime which can lead to staff burnout, lower staff retention and adversely affects the County budget.

F9. The discrepancy in pay compared to other counties leads to higher staff turnover and recruitment challenges.

Recommendations

R1. The Grand Jury recommends to have facilities maintenance test HVAC air conditioning systems by June 1, 2022, and if the problems are not resolved and the system is not functioning correctly by July 1, 2022, then hire a third party consultant to analyze and recommend a solution by August 1, 2022. (F4)

R2. The Grand Jury recommends that inmate complaints about the availability of hot water continue to be monitored. If complaints continue, then a third-party consultant should be hired to analyze and recommend a solution by August 1, 2022. (F5)

R3. The Grand Jury recommends that virtual education and programs be offered during COVID-19 restrictions and continue as additional programs when in-person education and programs are offered September 1, 2022. (F6, F7)

R4. The Grand Jury recommends that the Tuolumne County Board of Supervisors consider an off-cycle increase in the pay level of the respective jail staff. It is recommended that a class and compensation study be performed of the parity of salaries be completed and the salary adjustments made before the end of the calendar year 2022. (F8, F9)

Commendations

The Sheriff's Office and Custody Division have done an exemplary job of overseeing design and construction of the new state of the art facility. (F1-F3)

The Sheriff's Office and Custody Division leadership, along with Tuolumne County Superintendent of Schools office, should be commended for their commitment to improving educational programs for inmates with the hiring of a full time educator. (F3)

REQUESTED RESPONSES

Required Responses

Pursuant to Penal Code, Section 933(c), responses are required from the following governing body within 90 days:

- Board of Supervisors: Findings F1-F9 and Recommendations R1-R4

Pursuant to Penal Code, Section 933(c), responses are required from the following elected official within 60 days:

- Sheriff-Coroner: Findings F1-F9 and Recommendations R1-R4

Invited Responses

Although not required under Penal Code Section 933(c), the following responses are invited within 90 days. ³

- Tuolumne County Human Resources Director: Findings F8-F9 and Recommendation 4.

³ This would be any agency or department head that is not elected, but would be responsible for implementing a recommendation. They are not required to respond, but could be invited to respond.

BIBLIOGRAPHY

Department of Justice National Institute of Corrections Tools for Measuring Inmate Behavior <https://nicic.gov/programs-and-activities-tools-managing-inmate-behavior> accessed March 6, 2022

Grant Duwe, Ph.D., Minnesota Department of Corrections, The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcome, National Institute of Justice, June 2017. <https://www.ojp.gov/pdffiles1/nij/250476.pdf> accessed March 6, 2022