



LAKE COUNTY SHERIFF'S DEPARTMENT

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Rodney K. Mitchell
Sheriff / Coroner

August 10, 2010

The Honorable Richard Martin
Presiding Judge, Lake County Superior Court
255 North Forbes Street
Lakeport, CA 95453

Your Honor:

Pursuant to Penal Code section 933 (c), please accept the following as my response to the 2007/2008 Grand Jury Final Report:

PAGE 118 PUBLIC DEFENDER OVERSIGHT:

Recommendation 4 – Private meeting areas for legal visits are already available to inmates and their legal representatives.

Recommendation 8 – Bond Agent information is already posted in our booking area and information regarding defense attorney contact information is posted in the housing units.

PAGE 207 LAKE COUNTY SHERIFF Complaint 10-17:

I must strongly disagree with all aspects of the Jury's report on this matter because it is biased and riddled with inaccuracies. Frankly Judge, I am even more troubled by what the Jury's report does not contain. In fact the omission of the information provided to the Jury by this office is downright suspicious. Your Honor, I am certain that you would understand my utter dismay if you had been with the Jury when we presented them with the facts and evidence.

When the Jury asked questions about the complainant's employment history, our staff was properly guarded about providing information pursuant to the requirements of the law. Under the circumstances of this particular employee's departure, it was necessary for us to tell the Jury that they would need a signed waiver to access it. Once they obtained the waiver on 5/13/2009, the Jury was invited to review the employee's records including sustained allegations of misconduct - which should have cut deeply into the complainant's credibility.

I personally provided the Jury with a letter from me to the complainant dated January 26, 2009. The letter plainly explained that the complainant made his first request for an identification card to me more than three years after he separated from our department. That letter (and all other information that I provided the Jury) also detailed that there was cause to investigate the former employee's qualifications to be issued an identification card. As much as I would like to do so for the citizens who may read the Jury's report and my response to it, I cannot provide any further details on the contents of the letter in this public document. However, Your Honor but I would happily send you a copy of same for your reference.

The preceding is only a brief summary of the information that we provided to the Jury – yet there is no reference to any of it. Surely I am not the only one who would like to know why it was omitted.

The Jury is in error with reference to the “Law Enforcement Officers’ Safety Act” because it does not apply to this complainant. Specifically, LEOSA applies peace officers with fifteen or more years of service who are in “good standing” at the time they separate.

With respect to identification cards for active or retired peace officers, the card is only a valid form of identification if it contains a photograph current with the date of issuance and the signature of the identified person. Then it can be laminated and issued. The complaining party lived five hours away from Lake County and we believe said party was more responsive to the Jurors who entertained his complaint than he was the to my staff seeking to provide him with the card.

There are other statements that the Jury made in this report that they list as “fact” that would be more appropriately listed as an *opinion* by the author/s but in either case we disagree with all of them. The facts as we know them – and did dutifully share with the Jury – paint an entirely different picture than the one painted by this Jury.

I respectfully ask the Court to note that there has never been a similar complaint in the past and none since.

Recommendations: We will indeed assure prompt response to Grand Jury requests for information. I would recommend in return that the Jury make their requests directly to me or Captain Rob Howe in writing by e-mail to our office. The records established by e-mail (times and dates, authors, recipients, etc.) would serve the Court and the public well. Additionally, this practice would also assist us in providing a detailed response to the issues that may be raised in Jury's annual report.

PAGE 223 LAKE COUNTY CORRECTIONAL FACILITY OVERSIGHT:

Facts and Findings:

We do not know what the Jury means with respect to a dietician not being “...as involved in the actual diet preparation as would be expected.” If the suggestion is that we should

employ a full-time dietician, I would not do so without a Court order as it could only be paid for through the elimination of a correctional officer position.

The Jury's finding # 6 is inaccurate. The jail kitchen is managed by a full-time employee (a designated manager) and is staffed with other full-time employees and one part-time employee.

I find it necessary to disagree strongly with the Jury's finding # 7 in this section. My highest priority is obedience to state law regulating the nutritional requirements for both adult and juvenile inmates and we do so consistently. My next priority is to serve the taxpayers well – by running a cost effective jail operation.

State law requires one hot meal for inmates daily. I changed from a hot evening meal to a hot lunch in order to save taxpayers money. By serving the hot meal at noon, we do not have to pay for additional night time cook staff. Our existing staff can oversee the preparation of the evening "sack" meal before they leave for the day. The evening sack meals are then delivered to the housing units by unpaid minimum security inmates overseen by custody staff who are already on duty for the evening watch.

Serving a noon hot meal meets state legal requirements and keeps our food costs exceedingly low. Our process also allows us to reduce the number of times that meals need to be delivered to juvenile hall each day as evening "sack" meals are delivered along with the noon hot meal. The cost per meal would go up dramatically if we needed to have paid staff make more trips to juvenile hall. This process is still far more cost effective than it would be for the Juvenile Hall to hire cook staff.

The Jury's finding # 11 is another with which I must take exception. The Jury may be of the opinion that more room is needed for inmate relaxation and exercise but the State of California disagrees. I do too.

On a daily basis, inmates can be found performing a variety of exercise routines for cardiovascular fitness in the exercise yards provided to them. In fact, the current exercise yards are large enough to accommodate groups of inmates doing different activities. It is not uncommon to find one group of inmates lying on their backs in the sun – relaxing – while others are performing demanding exercise routines or playing handball.

Our jail facility receives high marks from the state agency with regulatory authority over our operation – Corrections Standards Authority (CSA). We meet or exceed all CSA guidelines for our jail operation in all areas. Surely the Court knows better than most that very few people desire to be in jail. However, California law assures that inmates in county jails receive a lucrative "benefits package". At absolutely no expense - and without regard to the level of neglect or self-abuse that contributed to their own health problems at the time they enter our jail - inmates are provided:

- Free medical care;
- Free medications;

- Free dental care;
- Free mental health care;
- Free meals (totaling 3,100 calories per day including one hot meal);
- Free clothing;
- Free exercise yards;
- Free television;
- Free laundry service;
- Free legal aid;
- ... and more.

Recommendations:

1. We will explore this recommendation more thoroughly and examine the cost, training and risk management implications.
2. We are committed to filling essential vacancies as needed for operations within the parameters of our budget.
3. We are committed to meeting the state's mandates for one hot meal per day and we will continue to assure that we meet that requirement in the most cost effective manner possible. At this time, serving the one hot meal at lunch time adheres to state law and serves the interests of the taxpayers well.
4. I will not expand our exercise yards in our jail facility without a Court order or a change in state law requiring it. Our exercise yards are more than adequate to meet the needs of the inmates in our custody. An expansion would be a luxury for inmates that the taxpayers cannot afford.
5. If a winter garden is deemed to be a cost effective program, we will implement.

PAGE 227 LAKE COUNTY CORRECTIONAL FACILITY OVERSIGHT

Unannounced:

Findings: I disagree with the Jury's finding # 2.

Recommendations: Inmates are permitted access to complaint forms.

PAGE 229 LAKE COUNTY JUVENILE HALL OVERSIGHT:

I must take issue with what the Grand Jury has listed as a "fact" in their last bulleted item on page 232. It may be the opinion of the Jurors present that the evening meal for juvenile hall detainees was a "pathetic skimpy sack meal". But I can think of many law-abiding citizens in this county who would consider it both abundant and delicious. I know of veterans in this county who would be very happy to have such a meal provided to them free of charge. Most importantly, it bears repeating that these meals comply with state law. I have audited the evening meal at Juvenile Hall for this date (8/10/10) and it contains the following:

- Ham sandwich
- Three bean salad
- Watermelon wedge
- Carrot cake
- Milk

To meet their additional nutritional/caloric requirements, the juvenile hall detainees are also provided “evening snacks” that include fruit and chocolate milk.

Your Honor, my priorities will continue to be strict adherence to state law followed closely by respect for the taxpayers’ compelled investment in jail operations. When third party desires for the inmates can be met without additional cost to the taxpayer, I will continue to give those desires serious consideration.

Recommendations:

9. I would strongly recommend against the opening of a juvenile hall kitchen as it is not a cost effective means of meeting the daily nutritional needs of the juvenile detainees. If such a program was implemented, the cost per meal would more than triple and the juvenile hall would have to hire a minimum of two full-time cooks and one part time cook (at an additional staff cost to the taxpayers of more than \$120,000 per year).

12. We will not implement this recommendation. There is no means by which the Lake County Sheriff’s Department could house juvenile detainees on a “permanent” basis. The legal requirements for housing juveniles cannot be met without releasing the majority of our adult inmates.

PAGE 239 MAIN COURT HOLDING FACILITY OVERSIGHT:

Recommendations:

1. This recommendation will be implemented by 12/01/10.

PAGE 245 SOUTH COURT HOLDING FACILITY OVERSIGHT:

Recommendations:

- # 2 We will implement as funding permits.
- # 3 We will implement by 12/01/10.
- #5 We cannot implement with current number of inmates being summoned to the south court facility.
- #6 Our jail facilities are already inspected by OSHA.

This concludes my response to the Grand Jury's 2010 Annual Report. Please don't hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney K. Mitchell". The signature is written in a cursive style with a long, sweeping underline.

Rodney K. Mitchell
Sheriff/Coroner/OES Director

Copies: Board of Supervisors
 County Administrative Officer
 County Counsel