

Modoc County Grand Jury Report



2023-2024

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Sean Buie-Foreman

Dan Dalby

Russell LaBelle II

Jacob Lugo

Jackie Marshall

Terry Olson

Janice Prince-Betian

Fallon Quesenberry

Kai Jason Romano

Scott Swasey

Lorri Wion

Letter From The Foreperson

The Modoc County Grand Jury for 2023-2024, inadvertently has had a very introspective year. As the year began, we realized there were several areas, specific to the Grand Jury that needed attention. As a result of that and the notable efforts of the jury members, we've made several changes and set several more in motion, to improve the jury's ability to operate effectively. As with most other agencies in the county, budget constraints are a hurdle but, I'm confident many of the issues can be rectified within those constraints. We've had a great deal of assistance from employees of the county and the superior court in helping us on issues and viable options to make improvements and I would like to extend my personal thanks to those involved.

Another prominent discussion we had throughout the year (and the year previous), was regarding public awareness to the Grand Jury and its role. The Modoc County Grand Jury is a civil jury, not a criminal jury. It serves a critical purpose in which the residents of the county can exercise oversight of their local government. It is a means for checks and balances and way to make sure the public can have knowledge of significant issues and the resolution to those issues. I would venture to say, we have it pretty good here in Modoc County, when it comes to transparency and appropriate conduct from our local government. Of course, there's always room for improvement in any arena and as the saying goes, it takes a village. The more we're involved, the more ideas flow, solutions come to light and evolve and the community is better as a whole. The jury's role is essential and something that we should embrace participating in. With the political climate in our country, it's more important than ever that we be involved in meaningful, intelligent ways.

The Grand Jury did visit the jail facility this term, as they do every term. Overall, the results were as expected. The jail faces challenges and Sheriff Dowdy and his staff do a remarkable job, with the resources they have. The majority of findings are all related to budget constraints and the age of the facility. The MCSO and county leadership are working hard to keep the new facility on track and find other sources of funding to help improve the overall operation of the jail. You can find our report included with this letter.

It's been an honor to serve the community and I believe I can speak for the entire jury in saying we feel good about the changes that are taking place. We're optimistic about the future of the Modoc County Grand Jury and its ability to be effective. I would encourage you to consider serving if you're called upon or contact the court if you would like to be considered for Grand Jury duty.

Sean Buie

Modoc County Grand Jury Foreman 2023-2024

Acknowledgements

The 2023-2024 Grand Jury would like to thank the following:

Honorable Judge Wendy Dier
Rebekah Ingraham- Grand Jury Clerk
Tex Dowdy-Modoc County Sheriff
Chester Robertson-Modoc County Chief Administrative Officer



Superior Court of California
County of Modoc
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WENDY J. DIER
PRESIDING JUDGE

BRANDY L. MALCOLM
EXECUTIVE OFFICER

July 3, 2024

To: Grand Jury Members

Dear Ladies and Gentlemen:

As your service on the 2023-2024 Modoc County Grand Jury comes to a conclusion, it is my pleasure and privilege to express my appreciation and the appreciation of the Superior Court to all of you for your diligence, dedication and hard work this year. Special appreciation and gratitude is owed to Sean Buie for his guidance and leadership as this year's Foreperson.

I realize it is not an easy task to serve as a Grand Juror and address the complex, varied and sometimes sensitive issues that are presented to you. However, I am very impressed with the sincere effort and commitment to quality demonstrated by all of you and commend you on the job you have done and the report you have prepared.

Thanks once again for a job well done and a special thanks to those of you that have gone beyond the call of duty by serving a second term this year and to those of you that have agreed to serve a second term next year.

Sincerely,

A handwritten signature in cursive script that reads "Wendy J. Dier".

Wendy J. Dier

I certify that the Modoc County Grand Jury Final Report complies with Title Four of the California Penal Code and direct the Court Executive Officer to accept and file the final report as a public document.

Wendy J. Dier

Wendy J. Dier, Presiding Judge

Date: July 9, 2024



Modoc County Grand Jury 2023-2024
Modoc County Jail Issues and Resolutions
June 19, 2024

SUMMARY

Modoc County Jail (MCJ) is a detention facility that is part of the Modoc County Sheriff's office, located in Alturas, California. The jail houses both adult female and male inmates. Inmates can be both sentenced and unsentenced, ranging from misdemeanors to felonies. As of the writing of this report, the jail is 55% to 65% full of capacity on average. Deputies staff, supervise and care for inmates in the jail by providing for their safety, security and basic needs.

The 2023-2024 Modoc County Grand Jury (MCGJ), consisting of 11 members, toured the MCJ on December 2, 2023, and on December 6, 2023 to accommodate all of the Grand Jury members as required by Penal Code 919 (a) and 919 (b) which mandates a yearly inquiry into the management and conditions of all detention facilities in the county. The sergeant on duty each day presented an overview of the facility, and provided answers to all questions MCGJ members had during the tour of major areas of the facility and operations.

BACKGROUND

MJC was constructed in 1978, with additions to the building in 1985 and 1990. It houses a maximum of 43 inmates.

Penal Code 919(b) states that MCGJ "shall inquire into the condition and management of the public prisons within the county". To meet the requirements of this code, MCGJ annually makes a visit to inspect the facility, evaluate the operations, and make recommendations.

On February 21, 2017, the Modoc County Board of Supervisors approved a resolution authorizing the County to participate in the SB 844, Adult Local Criminal Justice Facilities Construction Financing Program to build a new facility in Alturas. Construction has not yet been approved, though funds to build have been available since 2017.

METHODOLOGY

The MCGJ made two different scheduled visits to the MCJ in early December 2023. Reports of the visits were brought back to the MCGJ for discussion. Members interviewed the Modoc County Sheriff's Office (MCSO) personnel and the Modoc County Sheriff to receive information on the history and current conditions within the jail, including the laundry room, kitchen, dispatch area, intake room and multiple areas of the jail, to make determinations and recommendations deemed appropriate.

DISCUSSION

MCGJ members toured the jail on December 2, 2023, and December 6, 2023.

- **Capacity:** The MCJ has a maximum capacity of 43 male and female inmates. On the dates of the tours, a total of 19 inmates were in custody on December 2, 2023; 22 inmates were in custody on December 6, 2023. The inmates are housed in segregated areas with five inmates per bedding area. There is an additional segregated area that is undergoing repairs and remodeling. The capacity of the facility is occasionally met, but most of the time it remains under capacity.

- **Condition of the facility:** The facility was constructed in 1978:
 - The kitchen has been updated with a new stove, refrigerator, dishwasher and outside walk-in freezer to increase the time food can be stored and kept fresh for inmates. The walk-in freezer is located outside away from the kitchen area, adjacent to the vehicle sally port. MCJ received a new Pantry/Walk-in with the 2020 COVID funds. The kitchen is a clean area, supervised by the MCJ staff. Inmates are responsible for the planning, cooking and cleanup of each meal, which is done on a voluntary basis. Healthy food items and supplies are purchased from local retail and grocery stores. Some items are donated through Training, Employment and Community Help (T.E.A.C.H.).
 - The water pipes leak, clog and are generally 50 years old throughout the building. Clogs have to be handled by staff, and happen regularly. Electrical wires can be seen throughout the common areas where they were tampered with or damaged by inmates.
 - There are two sobering cells, one padded mental health cell, and an exercise yard that has 12-foot brick walls all around but no camera with audio, and a broken phone, at time of tour. In addition, there is a small library area that is also used for group meetings, a locked maintenance area where cleaning supplies are stored, and a laundry area equipped with newer washers and dryers. Laundry and cleaning of common areas is completed by inmates under the supervision of staff on a voluntary basis.
 - Windows in two of the holding cells have been cracked by inmates and pose a safety hazard. One segregated area is being remodeled and needs to be completed to provide staff with more area to segregate inmates appropriately. The issues that are holding up the completion are plumbing and electrical.

- **Intake:** All inmates are evaluated at time of intake process and if medical assistance is needed, inmates are transported to the emergency room at Modoc Medical Center for initial evaluation and treatment. Sobering cells are monitored by staff. Inebriated inmates are evaluated every 15 minutes until they are sober. When mental health inmates are present, after their initial evaluation at the emergency room, mental health staff from Modoc Medical Center must come to the jail to reevaluate the inmate every 12 hours. One major concern for staff is that the ability to handle mentally challenged inmates can be of concern with no dedicated mental health staff on site. Taking inmates to the emergency room requires deputies to leave their regular assignments to accompany the inmate to the hospital.

- **Inmate Grievances:** All inmate grievances are documented through an electronic phone system called Cidnet. A plan of action is set through a meeting with staff and the inmate to go over the grievance. Each step is documented and approved by both staff and inmates through the Cidnet system for transparency.
- **Programs:** The exercise yard is available for both men and women, each inmate is allotted 10 hours a week out of their cell. More time if they elect to cook or clean. There are religious services available. A number of educational programs are also available. The small library area has some books and seating to read and study, but it is also used for educational and religious services. All programs are limited to space available in the library. There is no other common area available in the jail at this time for additional programs.
- **Staffing:** There are typically two to three correctional officers on duty daily. Currently only two women are on staff with the expectation of hiring additional staff. As of December, 2023, two male deputies had been hired to work the 12-hour shifts from 12 p.m. to 12 a.m., or from 6 a.m. to 6 p.m.. However, there is a shortage of female deputies throughout the state, and no additional female deputies have been hired for the Alturas facility. At present, the two current female deputies are asked to be on call when they are off-duty in the event a female deputy is needed at the jail.
- **Visiting Area:** Inmates are allowed two hours per person for visitation and the Cidnet phone system is available at any given time in the common areas and visitation areas for inmates to use either to call corrections staff, legal counsel or place any personal calls. The Cidnet requires a prepaid card for any personal calls. Physical visitation is allowed on Wednesdays and Saturdays from 10 a.m. to 11 a.m..

FINDINGS

- F1. On February 21, 2017, the Modoc County Board of Supervisors approved a resolution authorizing the County to participate in the SB 844, Adult Local Criminal Justice Facilities Construction Financing Program to build a new facility in Alturas. \$24,516,000 of taxpayer funds has been set aside to build the new facility. To date, construction has been delayed. In an interview with the Modoc County Sheriff,, he hopes to have the facility completed by 2028.
- F2. The camera system currently being used by deputies to monitor inmates was installed in 1978. It is dated, has no audio, and does not cover all areas of the facility. Updated cameras are needed throughout the building. The current camera monitoring system is centrally located in the squad room.
- F3. As with any old building, the old jail has issues. Plumbing and electrical throughout the building is 50 years old and in need of being updated. Leaks and clogs create a health and safety hazard for both staff and inmates. Overhead lighting is not working in some areas with wires have been pulled out by inmates. Wiring for the lighting in the common areas

needs to be more secure in the walls, to eliminate inmates pulling on and breaking the wires.

- F4. The jail needs additional female deputy staff. As of December, 2023, the jail was understaffed for both male and female deputies, and especially female deputies.
- F5. According to jail staff, at least a third of the population of the MCJ are deemed mentally incompetent by the jail staff interviewed, with no resources on site, and support from Modoc Medical Center and local programs coming only in urgent cases.
- F6. Multiple windows in the facility are cracked in the doors, windows and walls from inmates throwing or banging items against them.

RECOMMENDATIONS

- R1. Money was allocated to build a new jail facility in 2017, seven years ago. MCGJ recommends that all efforts be made to move the building of the new facility forward by October, 2024, so that the Sheriff's efforts to have the new facility completed by 2028 will become a reality. It is recommended that the 2024-2025 MCGJ follow up with R1 to monitor the progress of the building of the new jail in Alturas, and to provide a progress report for the Board of Supervisors and County Administrative Officer for the timeline of commencement and completion of construction of the new facility.
- R2. It is recommended that installation of more cameras with audio capabilities, including a 360 degree camera system that covers all areas of the building be installed by January 2025, for the safety of both the staff and the inmates. The Board of Supervisors are asked to include this in the 2024-2025 budget and every year forward until the new facility is built. MCJ and MCSO leadership should ensure current security systems are fully operational and upgraded to the extent possible within current budgetary constraints.
- R3. It is recommended that the Board of Supervisors approve additional funding to provide a budget for maintaining and updating the plumbing and electrical of the current jail building so as to minimize leaks, clogging of the old water pipes and to eliminate the issue of inmates manipulating exposed wiring, creating a safety hazard for inmates and staff. This funding can be added into the 2024-2025 budget and every year forward until the new facility is built.
- R4. While the current staff does an outstanding job at maintaining the jail and meeting the needs of the inmates, it is inadequate to expect the two current female deputies to be available during their time off. It is recommended that programs be offered to the community and the county to encourage females to become deputies by January 2025. For example, it would be beneficial to the local high school. They have a program for students to become involved in law enforcement. A bonus or monthly stipend for female deputies would entice more women to join the force.
- R5. It is understood that more resources for mental patients is a state-wide problem. However, several of Modoc's issues would be mitigated with the building of the new jail, providing more individualized rooms for medical treatment, mental health evaluation,

and social programs. According to California Legislature's Nonpartisan Fiscal and Policy Advisor, psychologists determined that inmates with special mental health needs spend three times the number of days in jail per booking and three times the number of times booked as inmates without special mental health needs. Mental health inmates cost three times more to house compared to inmates with no mental health issues. Deputies are not fully equipped or trained to work with mental health issues. A full-time mental health staff person would better service inmates with mental health needs.

R6.Immediate repairs/replacement are needed for all the cracked windows in the doors, especially the mental health and sobering cell doors, windows and walls from inmates throwing or banging items against them. Inmates can be cut or injured from the cracks and broken glass.

REQUEST FOR RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05 within 90 days of receipt of this report from Modoc County Sheriff, Modoc County Board of Supervisors and Modoc County Administrative Officer. Your responses will help this Grand Jury and future Grand Juries to make timely recommendations, and support your efforts to keep staff and inmates safe and fairly administered.

INVITED RESPONSES

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.
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Modoc County Board of Supervisors

Modoc County Administrative Officer

Modoc County Sheriff

Thank you for your time in reading this report and recommendations. We look forward to receiving your responses.

Kindly submitted,

Members of the 2023-2024 Modoc County Grand Jury

MODOC COUNTY GRAND JURY
205 S. East Street, Alturas, CA 96101
CITIZENS COMPLAINT FORM

Your name: _____ Date: _____

Home Address: _____ Zip: _____

Work Address: _____ Zip: _____

Telephone#:(Home) _____ (Work) _____

1. PERSON(S), OFFICIAL, DEPARTMENT, OR AGENCY ABOUT WHOM (WHICH) YOU ARE MAKING THE COMPLAINT:

Name: _____

Address: _____ Zip: _____

Telephone #: _____

Director of Agency, if applicable: _____

2. BRIEF SUMMARY OF PROBLEM (including dates of events and names of persons, officials, department, and agencies involved. Attach additional sheets, if necessary.)

3. PLEASE LIST THE PERSONS, OFFICIALS, DEPARTMENTS, AGENCIES, OTHER GRAND JURIES OR MEDIA WHOM YOU HAVE CONTACTED ABOUT THIS PROBLEM:

ENTITY	ADDRESS	APPROXIMATE DATE OF CONTACT
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. WHO DO YOU THINK THE GRAND JURY SHOULD CONTACT ABOUT THIS PROBLEM?

NAME	ADDRESS	TELEPHONE #:
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. REASON TO CONTACT THE ABOVE: _____

**6. WHAT RESULT DO YOU WANT FROM THE GRAND JURY
INVESTIGATION?**

**PLEASE ATTACH ANY CORRESPONDENCE OR SUPPORTING DOCUMENTATION
THAT WOULD BE PERTINENT TO THIS COMPLAINT.**

Among the many powers and responsibilities of the Grand Jury is the investigation of citizen complaints to assure that all branches of County government are being administered efficiently, honestly and in the best interests of its citizens.

All Complaints submitted to the grand jury will be treated in the strictest of confidence.

Signature of Complainant

Date