

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

461



**FROM:** Executive Office

**SUBMITTAL DATE:**  
June 27, 2006

**SUBJECT:** Response to the Grand Jury Report: Riverside County Sheriff's Department – Corrections Division

**RECOMMENDED MOTION:** That the Board of Supervisors:

- 1) Approve with or without modifications, the attached response to the Grand Jury's recommendations regarding Riverside County Sheriff's Department – Corrections Division.
- 2) Direct the Clerk of the Board to immediately forward the Board's finalized response to the Grand Jury, to the Presiding Judge, and the County Clerk-Recorder (for mandatory filing with the State).

**BACKGROUND:** On May 9, 2006, the Board directed staff to prepare a draft of the Board's response to the Grand Jury's report regarding the Riverside County Sheriff's Department – Corrections Division.

Section 933 (c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury's recommendations pertaining to the matters under the control of the Board, and that a response be provided to the Presiding Judge of the Superior Court within 90 days. In addition, as an independently elected official, the Sheriff has transmitted his response to the Grand Jury's findings and recommendations. The Executive Office concurs with the Sheriff's response.

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Departmental Concurrence

*Gary Christmas*  
**GARY CHRISTMAS**  
Deputy County Executive Officer

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget: Budget Adjustment: For Fiscal Year:
	Current F.Y. Net County Cost:	\$	
	Annual Net County Cost:	\$	

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION: APPROVE.**

**County Executive Office Signature**

*[Handwritten Signature]*

Dept's Recomm.:  Consent  Policy  
 Per Exec. Ofc.:  Consent  Policy



May 30, 2006

Sharon Waters, Presiding Judge  
Riverside Consolidated Courts  
4075 Main Street  
Riverside, CA 92501

**RE: 2005-2006 Grand Jury Report: Riverside County Sheriff's Department,  
Corrections Division**

Dear Judge Waters:

This is the response to the identified Grand Jury report. On May 2, 2006, the "2005-2006 Grand Jury Report: Riverside County Sheriff's Department – Corrections Division" report was filed with the Riverside County Board of Supervisors.

This response is being filed directly with the Superior Court. A Riverside County Form 11 dated May 2, 2006, and labeled "Agenda Number 3.2" directs the Sheriff's response be to the Board of Supervisors within 30 days. However, Penal Code section 933(c) referenced in the Form 11 indicates that since the Sheriff is a duly elected Department Head, his report would more properly be forwarded to the Presiding Judge of the Superior Court, with an informational copy forwarded to the Board of Supervisors.

The Sheriff's Department welcomes the annual observations of the empanelled Grand Jury. Their independent review of Department practices can focus a new view of policies and procedures that the Department accepts as routine. It causes Sheriff's staff to analyze our operations from the perspective of those who do not deal with them on a daily basis.

The following response attempts to address areas in the order designated in the noted Grand Jury report. Because there were no specific examples cited in the report, it was sometimes difficult to review the discrepancy noted in the report. In order to gain an understanding of potential reference data whenever possible, Sheriff's staff reviewed the same compilations of data files that had been requested for review by the Grand Jury at the Robert Presley Detention Center. It is unknown if these documents were all inclusive of those documents and reports reviewed by the Grand Jury. As such, our observations may be based on like-documents, rather than the actual documents utilized in their research.

**Finding 1**

*A review of Use of Force Report and Use of Force Witness Report (RSD Forms 553 and 553-B) files reflected that many had not been accurately completed. Incident dates differed from those referenced in the reporting deputies' narratives. Details in the witness report forms did not always match the primary reports. Inaccuracies in these reports were not addressed when reviewed and signed by supervisors.*

Response:

Respondent agrees with the finding.

**Recommendation 1**

*The Corrections Division of the Sheriff's Department adhere to California Code of Regulations Title 15, article 1.5, §3268.1(a), which requires (1) "An employee who uses or observes non-deadly force...shall document that fact." And (2) "The employee's immediate supervisor shall review the document to ensure that it is adequately prepared..."*

Response:

The recommendation requires further analysis.

The narrative of "Recommendation" for item 1 does not make any suggestion or recommendation. It reiterates Title 15 language about use of force documentation.

Our internal data review consisted of dozens of Use of Force reports. Corrections personnel are completing the required reports. A review of the file folders containing these reports did detect errors consistent with Finding 1. For example, there are Use of Force reports that enumerate the Corrections staff involved in an incident, but not all of those personnel have a report in the file. Several of the reports do not indicate the name of the supervisor who reviewed the report and forwarded it for filing. At least one incident had a deputy filing their report on a form more correctly suited for the "primary" reporting officer, rather than on a "witness" form.

These discrepancies continue to be addressed in daily training and by more closely monitoring the report routing process by Corrections management.

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**Finding 2**

Medical assessment or treatment was not provided to some inmates who had been exposed to Oleoresin Capsicum (pepper spray).

Response:

Respondent disagrees partially with the finding.

There are no examples cited in this finding. No information was developed to indicate that an inmate exposed to OC was denied first aid or denied treatment by medical or custody staff. A preliminary review of some Use of Force forms where OC was used was conducted. These reports indicate the application of OC and the resulting effect or lack

of effect. Some of the reports positively report that an inmate was provided access to running water. Other reports remain silent on the issue. However, this does not establish a lack of treatment.

**Recommendation 2**

*Inmates receive treatment by medical staff after exposure to Oleoresin Capsicum (pepper spray). In the absence of medical staff, custody/corrections staff provide treatment (G.O. 503.04).*

Response:

The recommendation has been implemented. (It was, and remains, a standard operational policy. Of further note, it is likely that the "G.O." number listed in this recommendation is actually a Corrections Division Policy number, rather than a "General Orders" number – a department wide collection of rules and regulations.)

As mentioned in Item 1, on-going training continues to address the need to positively report on post incident OC clean up, rather than allow the reader to assume that it has been done.

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**Finding 3**

*One responsibility of the Emergency Response Team (ERT) is to assign a team member to video record all use of force incidents. The retention period for these files, including the video record, is current year plus five years. ERT videotapes were often missing in the Use of Force documentation files.*

Response:

Respondent agrees with the finding.

**Recommendation 3**

*Any time the ERT is deployed to an incident requiring the use of force, the episode be video recorded and maintained according to established procedure (G.O. 510.09).*

Response:

The recommendation has been implemented. (It was, and remains, a standard operational policy. Of further note, it is likely that the "G.O." number listed in this recommendation is actually a Corrections Division Policy number, rather than a "General Orders" number – a department wide collection of rules and regulations.)

During our internal review of the report forms, the Corrections Division determined that the video recordings were taking place as required. However, some first line supervisors had engaged in a practice of recording the ERT call-out, but sometimes reused the VHS tapes if nothing occurred during the ERT operation. Training has taken place, and continues to be reiterated, that a video recording of nothing happening is often as important as a video tape showing that some remarkable event occurred.

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**Finding 4**

*Custody Transfer/Transportation Orders (RSD Form 533) were missing pertinent information. These orders did not reflect a complete history of inmate(s) movement(s) between Riverside County jail facilities.*

Response:

Respondent disagrees partially with the finding.

Corrections staff conducted a random review of inmate files, specifically looking for the Form 533. There were forms that did not have each and every block completed. The Form 533 is not intended to document or track inmate movement within the Division. Individual inmate movement can be tracked in the JIMS classification notes. The form is actually used to ensure that when an inmate is transferred, all of the listed paperwork and property is packaged and transported at the same time as the inmate and that all of the paperwork and property arrives at the destination.

**Recommendation 4**

*Correctional deputies assigned to transferring and transporting of inmates to "...be familiar with transfer requirements and paperwork." (G.O. 510.03)*

Response:

The recommendation has been implemented. (It was, and remains, a standard operational policy. Of further note, it is likely that the "G.O." number listed in this recommendation is actually a Corrections Division Policy number, rather than a "General Orders" number – a department wide collection of rules and regulations.)

The Form 533 continues to be used to track the described Division paperwork and inmate property. Roll call training and refresher training with supervisors will continue to be utilized to ensure proper completion of the described paperwork.

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**Finding 5**

*Correctional deputies are allowed to work overtime at other Riverside County jail facilities where G.O. procedures may differ.*

Response:

This finding is not factually accurate. Respondent disagrees wholly with the finding. General Orders exist at a Department level. They pertain at every station, bureau, and facility within the Riverside Sheriff's Department.

**Recommendation 5**

*Correctional deputies working overtime in other Riverside County jail facilities demonstrate a working knowledge of that facility's G.O. prior to the authorization of overtime.*

The recommendation requires further analysis.

Facilities do not have individual General Orders. It appears that the Grand Jury is addressing the Corrections Division Policy and Procedures Manual. Certain activities within the Corrections Division are directed by a single policy statement that includes guidelines for implementation of that policy. The policy is the same in each facility. Each of the five facilities has a procedure that implements the policy. The procedures may or may not be the same. For instance, procedures addressing how to move inmates within a facility are likely to differ in small detail due to the physical differences from facility to facility. They do not alter the intent of the policy.

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It appears that the items addressed in this report from the Grand Jury are comprised of a review of many of the forms and reports completed on a daily basis by personnel from within the Corrections Division. Our review did not reveal any substantial issues or omissions, rather a collection of minor discrepancies in the thoroughness of the forms and a breakdown in the routing of forms without required supervisor's signatures or initials acknowledging review. This comment is meant in no way to denigrate the importance of these Grand Jury findings. Rather, it appears symptomatic of a system that produces large volumes of reports and forms due to a high level of activity.

The Corrections Division formerly utilized a full-time Quality Assurance Team (QAT) to review Division operations and audit specific facility procedures and reports. Due to manpower concerns, the QAT has been suspended and is only revived about once a year for a 60 to 90 day period to conduct random inspections and audits. This Grand Jury report emphasizes the usefulness of such an auditing group on a full-time basis. It is the intent of the Sheriff to reinstitute this team when staffing levels allow.

If I can provide any further information or address any issues, please do not hesitate to contact me.

Sincerely,

  
BOB DOYLE, SHERIFF-CORONER

Robert Dotts  
Assistant Sheriff

CC: Larry Parrish, Chief Executive Officer