

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

222



FROM: Executive Office

SUBMITTAL DATE:
June 20, 2011

**SUBJECT: 2010-11 Grand Jury Report: Riverside County Detention Health
Care Administration**

RECOMMENDED MOTION: That the Board instructs the Riverside County Detention Health Care Administration within 30 days – to draft the Board’s response to the findings and recommendations of the Grand Jury that pertain to the Department’s operational areas; and direct the Executive Office to submit draft responses to the Board within 60 days.

BACKGROUND: The attached report has been issued by the Grand Jury.

Section 933 (c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury’s recommendations pertaining to matters under the control of the Board, and that a response be provided to the Presiding Judge of Superior Court within 90 days.

Draft responses received from the affected department will be consolidated and presented for the Board’s consideration; the response ultimately approved by the Board will then be forwarded to the Grand Jury as required by statute.


30daydetentionhealth6.11

FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:

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

C.E.O. RECOMMENDATION:

APPROVE

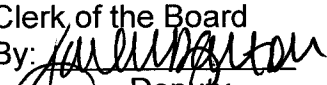
BY: 
Jay E. Orr

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: June 28, 2011
xc: E.O., Grand Jury, Sheriff, COB

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Prev. Agn. Ref.: _____ District: _____ Agenda Number: _____

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.17

Departmental Concurrence

Policy Policy

Consent Consent

Dept's Recomm.: _____
Per Exec. Ofc.: _____



RIVERSIDE COUNTY GRAND JURY

(951) 955-8990 OFFICE • (951) 955-8989 FAX

June 14, 2011

Riverside County Board of Supervisors
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside, CA 92501

Subject: 2010-11 Grand Jury Report: Riverside County Detention Health Care Administration.

Dear Board Members:

Please note that Penal Code Section 933 et seq., specifies that you respond within ninety days. Further, it specifies that this report be kept **confidential for a minimum of two working days** prior to public release. The contents of this report will be made public after the close of business **June 16, 2011**.

Sincerely,


Manuel J. Jimenez, Foreperson
2010-11 Riverside County Grand Jury

MJJ:gs
Attach.

2010-2011 GRAND JURY REPORT

Riverside County Detention Health Care Administration

Background

Sheriff's Department:

The Riverside County Sheriff's Department Corrections Support and Corrections Operation Divisions manage five adult detention/correctional facilities. The five facilities combined process approximately 60,000 prisoners a year. All five are classified as Type II facilities, meaning that they are qualified to hold inmates from arrest through booking, trial, sentencing, and ultimate disposition. Bed capacities shown below are the most recent as of this writing.

- Robert Presley Detention Center (RPDC) in downtown Riverside has a capacity of 807 beds. The Detention Care Unit at Riverside County Regional Medical Center (RCRMC) in Moreno Valley has 22 beds, with security provided by Correctional Deputies. This unit is shared with California Department of Corrections and Rehabilitation.
- Southwest Detention Center in Murrieta has a capacity of 1,109 beds.
- Larry D. Smith Correctional Center in Banning with a capacity of 1,518 beds, also houses the Residential Substance Abuse Treatment Program and various counseling, vocational, and educational programs.
- Indio Jail serves the Coachella Valley, with 353 beds.
- Blythe Jail has a capacity of 115 beds.

A California Department of Corrections and Rehabilitation Corrections Standards Authority (CSA) document dated January 28, 2011, obtained by the Grand Jury, indicated that in 2007 medical services for the above institutions included 158 registered nurses, 11 physicians, and one (1) physician's assistant. As of January 2011, there were 47 registered nurses, three (3) physicians and two (2) medical record clerks.

The Executive Summary of the Fiscal Year (FY) 2011-2012 Budget Impact Hearings, dated March 22, 2011, shows the Sheriff's total preliminary budget for FY 2011-2012 is \$225,614,424 Net County Cost (NCC) target. As defined in county budget documentation, "NCC represents the allocation of discretionary revenue and reserves in support of various county services." The Sheriff has proposed in the Corrections budget for Professional Services an additional \$20 million to deal with the level of medical service mandated by California Code of Regulations (CCR) Title 15 for inmate health care costs.

Probation Department:

The Riverside County Probation Department is responsible for five juvenile institutions:

- Riverside Juvenile Hall (Riverside JH), located in the City of Riverside, with a bed capacity of 187, is the largest Probation Department detention facility in Riverside County. Riverside JH houses minors primarily from the western end of Riverside County, and some from the Southwest and desert regions of the county. It provides an educational program leading toward a high school diploma or GED. Other social skills programs available include anti-substance abuse, gang disassociation, victim awareness, parenting, and anger management.
- Southwest Juvenile Hall (Southwest JH), in Murrieta, has 99 beds, and generally serves the Southwest area of the county. It offers social skills programming similar to that available at Riverside JH.
- Indio Juvenile Hall (Indio JH) and Youthful Offender Program (YOP) have a total bed capacity of 152, of which 70 are designated for the YOP. Probation Department document entitled Youthful Offender Program, dated September 24, 2007, describes the program as "...designed to reduce criminal behavior of high risk youthful offenders by placing them in a structured treatment program." The program emphasizes education, vocation and intensive mental health treatment for youth ages 16 to 21. The YOP offers academic, counseling and social skills programs similar to those at Riverside JH.
- Van Horn Youth Center YOP, located in Riverside, 0.2 miles from Riverside JH, has a 44-bed capacity for boys ages 13 to 16. It provides a full school day as well as additional programs including social skills programs similar to those at Riverside JH.
- Twin Pines Ranch YOP is located in the San Jacinto Mountain Range South of Banning. It is designated for males between the ages of 15 and 18 and has a 70-bed capacity. Its programs consist of a half-day of academic schooling and a half-day of vocational training in occupational skills, including agricultural, carpentry, automotive, and culinary arts. It offers social skills programs similar to Riverside JH.

The Probation Department Juvenile facilities' total staffing for FY 2010-2011 is 481. This total includes permanent staffing of 341 sworn and 98 non-sworn personnel. Temporary staffing consists of 42 personnel, of whom 37 are sworn and 5 are non-sworn.

The total FY 2011-2012 preliminary budget for the Probation Department as submitted by the County Executive Officer is \$29,687,844 NCC target. The line item NCC preliminary allocation for juvenile facilities is \$13,002,530.

The total budget requested by the Probation Department for FY 2011-2012, however, is \$79,261,399, of which \$36,278,716 is for juvenile detention facilities.

Findings

1. The Riverside County Sheriff is responsible for providing basic medical services to inmates in custody at all jails and detention centers in the County (The Eighth Amendment to the U.S. Constitution, California Penal Code §6030, and CCR Title 15, §3350 et seq). The Sheriff has the ultimate responsibility under CCR Title 15, Article 11, §1200 to provide medical services to inmates in accordance with the following guidelines:

- “...1. all health care will be provided outside the facility by transporting inmates to doctors’ offices and/or hospitals;
2. only emergency health care will be provided by transporting inmates to doctors’ offices and hospitals and basic health care will be provided in the facility;
3. all health care will be provided in the facility; or,
4. only first aid will be provided in the facility, with all other health care requiring transport to community medical services.

Personnel considerations will help determine if it works best to:

1. hire medical personnel to work in the jail as employees of the police, sheriff’s or corrections department;
2. contract with a local hospital, private doctor, private psychiatrist, medical group, correctional health care company, or medical center;
3. develop a written agreement with the county health department to provide jail health care; ...”

In the mid-1990s, the Board of Supervisors transferred the medical services function from the Sheriff and funded RCRMC to provide these services. This resulted in the Sheriff having the legal responsibility for detention health care without practical authority for its provision.

2. The Riverside County Probation Department has responsibility for administering health care services to all minors in their facilities. (The Eighth Amendment to the U.S. Constitution, California Welfare and Institutions Code sections 201 and 885 and CCR Title 15, §1400 et seq).

The Riverside County Board of Supervisors has responsibility to provide funding for inmate medical services. (Brandt v. Board of Supervisors 840 Cal App 3rd 598, 601-602 (Cal App 5th Dist. 1978)).

Probation Department Facilities Administrators have ultimate statutory responsibility under CCR Title 15, Article 8, §1400 to provide medical services to minor detainees:

“The facility administrator shall ensure that health care services are provided to all minors. The facility shall have a designated health administrator who, in cooperation with the mental health director and facility administrator, and pursuant to a written agreement, contract, or job descriptions, is administratively responsible to:

- (a) develop policy for health care administration;
- (b) identify health care providers for the scope of services;
- (c) establish written agreements as necessary to provide access to health care;
- (d) develop mechanisms to assure that those agreements are properly monitored; and
- (e) establish systems for coordination among health care services providers. When the health administrator is not a physician, there shall be a designated responsible physician who shall develop policy in health care matters involving clinical judgments. ...”

In the mid-1990s the Board of Supervisors transferred the medical services function from the Probation Department and funded RCRMC and Detention Health Services (DHS) to provide these services. This forced the Probation Department to modify its policies and procedures to conform to the budget considerations of DHS rather than having practical authority to administer the program.

3. Documentation available to the Grand Jury reveals that beginning in FY 2011-2012, RPDC will be the only adult detention facility in Riverside County that is in compliance with Title 15 in the provision of 24-hour medical personnel on premises. Of the remaining facilities, Larry D. Smith will have medical staff 12-hours a day. Southwest, Indio, and Blythe will have no medical personnel at all.

As a result of the current reduction of the Health Care Services budget, the method of adult inmate health care in four of the five detention facilities increased safety costs to the Sheriff's Department. The Grand Jury's investigation revealed that this cost increase is due to the additional transportation and security of inmates requiring medical care. Inmates requiring daily medical attention who are appearing in court in another area of the county impose additional transportation and security expenses.

4. The Grand Jury has learned that beginning in FY 2011-2012, Riverside JH will be the only juvenile facility providing medical services to minors. It will provide services 12-hours a day. Minors requiring medical attention at Indio JH, Southwest JH, Van Horn, and Twin Pines will require transport to either Riverside JH or the nearest hospital.

Currently Southwest JH must transport any minor needing any medical attention either to Riverside JH, where medical services are available, or to RCRMC. These movements require two custodial staff members to accompany the minor and to remain with the minor, causing staff shortages at the detention facility for several hours at a time. Therefore, reduction of funding to DHS translates into higher expenditures for the Probation Department. As a result of DHS budget reduction the Probation Department is not in compliance with CCR Title 15.

At the time of this writing, Southwest JH has the following backlogs:

- 22 physical examinations, dating back six weeks, which are mandated to be completed by a doctor within the first 96-hours of incarceration.
- 17 minors waiting to see a doctor. The assigned doctor is currently available only one day per week for four hours at a time at Riverside JH, over 40 miles away.

The elimination of medical services has resulted in violations of CCR Title 15 in the following areas:

- §1357 prescribes medical considerations in the use of force.
- §1358 requires medical assessment within two hours of placement in physical restraint, and every three hours thereafter.
- §1359 describes medical assessment and evaluation associated with the use of Safety Rooms.

Recommendations

**Riverside County Board of Supervisors
Riverside County Executive Officer
Riverside County Sheriff's Department
Riverside County Probation Department
Riverside County Regional Medical Center**

1. Board of Supervisors transfer health care administration authority at all jails and detention centers in the county back to the Riverside County Sheriff.
2. Board of Supervisors transfer health care administration authority at all juvenile detention centers to the Riverside County Probation Department.
3. Board of Supervisors provide funding for medical services as mandated by CCR Title 15 to inmates at all adult detention facilities in Riverside County.
4. Board of Supervisors provide funding for medical services as mandated by CCR Title 15 to minor detainees at all juvenile probation facilities in Riverside County.

Report Issued: 06/14/2011
Report Public: 06/16/2011
Response Due: 09/12/2011