JUSTICE CENTER DETENTION FACILITY (MAIN JAIL) AND CLAYBANK DETENTION FACILITY (CLAYBANK)

2010-11 Solano County Grand Jury

Disclaimer: One member of the 2010-11 Solano County Grand Jury refrained from any involvement in this investigation and report.

I. SUMMARY

The 2010-11 Solano County Grand Jury performed its mandated inquiry into the operation of Solano County's two adult detention facilities by inspecting them in August 2010. The Grand Jury determined that the Sheriff is performing his function in operating the jails in a cost effective and efficient manner despite having undergone significant cuts in his operating budget.

The Solano County Sheriff's Office provides a number of programs for inmates housed in the County's two adult detention facilities, as well as providing programs in lieu of incarceration. Many of those programs are supported by the Inmate Welfare Fund (IWF), which receives revenue from commissions generated by the Inmate Commissary Program, the online iCare Commissary Program, and the Inmate Telephone System, as well as revenue received from a bail bond advertising program, fees collected from inmate marriage licenses, and interest obtained on reserves held in the IWF account.

In reviewing the relationship between programs supported by the IWF and the sources of revenue for the IWF, the 2010-11 Solano County Grand Jury determined that the Sheriff's Office should not fund the Victim Notification Program by funds from the IWF. In addition, it found through review of a biennial audit of the IWF that there are insufficient controls in place to monitor commissions the IWF receives from the iCare Commissary Program. The Sheriff's Office should also provide documentation justifying sole source contracts and contract extensions.

The Grand Jury found that the purchasing and contracting policy manual that apparently is used by County departments was issued in July of 2004 and may need to be updated. The Grand Jury also found that the County can avoid the competitive bidding process without written justification under the policies and procedures set forth in the County's purchasing and contracting policy manual.

II. INTRODUCTION

Along with the traditional inspection of Solano County's two jail facilities, the 2010-11 Solano County Grand Jury inquired into programs offered to detainees, the operation of the Inmate Welfare Fund (IWF), programs supported by the IWF, and the income streams supporting those programs. The IWF is a private purpose trust fund maintained by the Sheriff, as set forth in California Penal Code § 4025. The mission of the IWF is to provide spiritual, recreational, educational, and indigent benefits for those in the custody of the Solano County Sheriff.

The Sheriff's Office receives commissions from the inmate telephone system in both jails, commissions from the commissary located at the Claybank facility, which serves both facilities, commissions from the iCare online commissary, fees charged for inmate weddings, income derived from advertising by bail bondsmen, and interest accrued on IWF reserves; all are sources of revenue for the IWF. Under § 4025, this revenue can be used to enhance services to inmates but cannot be used to replace County support of basic jail operations, such as meals, clothing, housing, or medical services.

The IWF has its own fund separate from the County. The IWF budget is divided into three budget units: administrative, chaplain, and library services. The administrative unit includes programs such as inmate drug and alcohol counseling, anger management programs, inmate psychological counseling, educational and training programs, and a victim notification program.

III. METHODOLOGY

California Penal Code § 919, subsection (b), states: "the Grand Jury shall inquire into the condition and management of the Public prisons within the county." Pursuant to this statute the 2010-11 Grand Jury inspected Solano County's two jail facilities on separate dates in August 2010. The Grand Jury:

- Interviewed Sheriff's Office personnel
- Inspected the Main Jail and Claybank facility, touring:
    - the secured entries and sally ports
    - booking/classification areas
    - property storage area
    - control centers at both facilities
    - Main Jail kitchen
    - a day room
    - a cell
    - the tunnel and court holding facility at the Main Jail
    - the area from which the Alternative Sentencing Program operates; the Grand Jury also inspected equipment used in the Program
    - the commissary warehouse, which includes the training facility for a forklift certification program
    - a GED classroom at the Claybank facility that was in session
    - the Work Furlough processing area at the Claybank facility
    - the area housing medical services at the Claybank facility
- Viewed a videotape of the Custody Response Team, interviewed members of the team, and inspected their equipment
- Reviewed documents related to the Inmate Welfare Fund
- Reviewed documents related to contracts for services to inmates provided by outside vendors

IV. STATEMENT OF FACTS

A. BACKGROUND

The Solano County Main Jail is located at 500 Union Avenue in Fairfield, California. This facility started operations June 29, 1989, as a Type II pre-sentenced facility. The Claybank facility is located at 2500 Claybank Road, Fairfield, California, and is a Type III-IV detention center, initially designed for sentenced and work furlough inmates.

1. Main Jail

This facility is a five-story building with 740 beds. It is a Type II, pre-sentenced facility for the detention of persons pending trial. It now houses Solano County and military detainees pending arraignment, as well as inmates covered under the Americans with Disabilities Act. The original design capacity was for 401 beds. Due to overcrowding, partial double-bunking of jail cells was completed in 1989 to create an additional 136 beds. In 1999, an expansion and "jail hardening" project was completed to increase the total capacity to 740 beds. This is an 85% bed increase over the original design. The cells are double occupancy except those designated as single occupancy for inmates who are a higher security risk. When there is a large influx of inmates and no beds are available, they are given a cot and mattress and are assigned to sleep in the day room.

2. Claybank

The Claybank facility was opened in 1979. The original design called for 203 beds. Since that time, 216 beds have been added by double-bunking in the minimum security area and the female section. At the present time, the facility has 419 beds. This is a 106% increase over the original design. Claybank is a Type III facility, designed to house inmates that have been sentenced. It is also a Type IV facility used for work furlough programs. At the time of the inspection, a vast majority of the inmates held at the Claybank facility were pre-sentenced inmates awaiting trial and sentencing. Approximately half of the facility was shut down because of budgetary cuts.

3. Discussion

At the time the Grand Jury inspected the two jails, 95% of all inmates were pre-sentenced, including those held at Claybank. At the time of the Claybank inspection, there was a total of 900 inmates in the two jails, 840 charged with felonies, and 60 charged with misdemeanors. The average length of stay was 19 days.

Because of budget cuts, 103 jobs have been cut from the Sheriff's Office, including significant cuts to jail staff. Over the past two years, 19 Correctional Officer positions, 25 Sheriff Service Technician positions, 18 Cook positions, three Building Trade Mechanics positions, and one Building Trade Mechanic supervisory position have been eliminated. During the Grand Jury's inspections of the facilities, jail staff stated that there are insufficient personnel to operate the jails based on the number of man-hours required to perform each task.

B. INMATE PROGRAMS

The jails offer the following programs to inmates:

1. Alternative Sentencing Program

The Alternative Sentencing Program is staffed by a sergeant and three custodial officers, as well as a contractor who provides the equipment for and monitors Electronic Home Monitoring. A thorough background check is made on each applicant to assess any apparent threat to the community or likelihood of re-offending. The participants are charged a fee on a sliding scale based on their income, with any shortfalls being financed by the Sheriff's operating budget. Jail staff noted that offering programs allowing participants to serve their sentences at home in lieu of incarceration helps relieve jail overcrowding and reduces the costs of caring for and housing inmates.

a. Work Furlough

In order to participate, the inmate must be sentenced to more than 30 days. Participants leave the jail facility to go to school or work, with their out-of-facility time limited to 12 hours. While on Work Furlough, the inmate remains in the good time program and can earn time off of his or her sentence.

b. Work Release

This program is mandatory for inmates sentenced to 15 days or less, is optional for inmates sentenced to 16 to 30 days, and is offered in lieu of incarceration. This program allows participants to continue to live at home, but they report to one of nine sites located throughout the county at which the individuals work. The participants are monitored by jail staff to ensure compliance with program restrictions. Individuals who participate in Work Release are covered by workers compensation. Individuals who participate in Work Release are covered by Workers' Compensation. Jail staff stated that sometimes this is the first job that the participant has had.

c. Electronic Home Monitoring

This program is offered in lieu of incarceration. Participants are monitored via the Internet, with the monitoring agency promptly reporting non-compliance, such as breaking curfews, equipment tampering, or breaking restrictions on use of alcohol to Sheriff's Office staff. Several types of equipment can be used in the monitoring. Sheriff's Office staff also conducts random home compliance checks.

2. In Custody Work Program

The Sheriff's Office also operates an In Custody Work Program for minimum security inmates housed at Claybank, as well as female inmates housed at the Main Jail. Inmates in the In Custody Work Program provide staff for:

- maintaining the jail facilities
- the Main Jail kitchen
- the laundry
- the commissary
- the warehouse
- cleaning administrative offices
- working on flood control in Rio Vista
- assisting during natural disasters

3. Forklift Certification Program

The commissary warehouse is located at Claybank. The officer assigned to the commissary warehouse trains inmates who work in the commissary to operate forklifts. Once an inmate completes the forklift program, the officer can certify the inmate as a forklift operator. As of the date the Grand Jury inspected the Claybank facility, 20 inmates had been certified as forklift operators.

4. Programs Supported by the IWF

a. Alcohol and Drug Programs

The Sheriff's Office offers a variety of alcohol and drug programs and counseling programs to inmates.

i. Recovery Too ("R2")

This is a self-help life skills program that is only available at Claybank. It primarily serves presentenced inmates and is only available to males. It involves one daily peer-led group, with large discussion groups and program oversight provided by a contractor.

ii. ANKA Behavioral Health

This program provides classes on alcohol and drug addiction and anger management. As of the date of the Grand Jury's inspections, the program had over 100 graduates. It is staffed by two graduate student clinicians from the Wright Institute who are supervised by the psychologist who supervises the R2 Program.

iii. Jail Counseling Program

The Sheriff's Office contracts with the Wright Institute for four graduate student clinicians, each of whom provides counseling services to a maximum of five inmates a week. The interns are supervised by the same psychologist who supervises the R2 Program.

iv. Alcoholics Anonymous and Narcotics Anonymous Programs

Group sessions facilitated by volunteers are held weekly at both jails, and are available to both male and female inmates. Because this is an all-volunteer program, there is no cost involved.

b. Chaplain Program

The Sheriff's Office contracts with two part-time (20 hours per week) chaplains who provide non-denominational spiritual, personal, and grief counseling to inmates, as well as religious materials. There are also 25 to 30 volunteers who provide spiritual guidance and religious services to inmates. The Sheriff's Office has contracted with the chaplains since 2006.

c. GED and Literacy Program

Several years ago, the Sheriff's Office arranged for educational testing of inmates and discovered that more than 60% of the inmates tested at the fourth grade level or lower. As a result, the Sheriff's Office contracts with the County Office of Education to provide General Education Development (GED) and literacy classes. The program is supported by the IWF and Average Daily Attendance (ADA) education funds obtained from the State.

d. Library Service

This program is staffed by a limited term Office Assistant whose salary is paid through the IWF. Inmates can check out books (many of which are donated by outside groups) and periodicals.

e. Legal Research

Rather than maintaining a law library for use by inmates, the Sheriff's Office contracts with an outside vendor to provide legal research to inmates. The Sheriff's Office has contracted with the same provider for this service since 2006.

f. Indigent Care

The Sheriff's Office provides welfare packs to inmates who are indigent. The welfare packs contain items like razors and other hygiene items, and letter writing materials.

g. Victim Notification Program (VINE)

The Sheriff's Office contracts with a vendor to notify victims of crime when an inmate charged with that crime is released or is transferred to another agency. The Sheriff's Office has contracted with the same vendor to provide this service since 2000. The program is supported by the IWF, with the most recent charge set at $16,752 per year.

B. THE INMATE WELFARE FUND

The Inmate Welfare Fund is funded by commissions received from the vendor who provides and maintains the Inmate Telephone System ($424,181 for FY 09-10), commissions received from the vendor who operates the Jail Commissary and the online iCare Commissary ($295,786 for FY 09-10), fees for inmate marriage licenses ($1,914 for FY 09-10), interest on IWF reserves ($8,371 for FY 09-10), and other revenue, including fees collected by a vendor from bail bond advertisements posted in the jail ($41,267 for FY 09-10).

The Sheriff's Office contracted with Aramark Correctional Services on August 12, 2008 (Contract SO-0199) to provide commissary services at the two County detention facilities. Approximately two months after the signing of that contract, the Sheriff's office informally added iCare, a web-based commissary service, to the agreement. The third amendment to the contract (SO-0199 A-3) formalized the implementation of the Aramark's iCare Commissary Program on February 22, 2011. iCare allows an inmate's family or friends to order various commissary food and personal hygiene items via the Internet, which are delivered to the inmate while he or she is in custody.

On June 30, 2010, the Solano County Auditor-Controller's Office issued a biennial audit report for the fiscal years ending June 30, 2008 and June 30, 2009, *An Audit of the Inmate Welfare Fund of Solano County*, identifying two problems with the iCare Commissary Program. First, the sales of commissary items purchased through the iCare Commissary were not contracted for or disclosed in the service contract between the Sheriff's Office and Aramark. Second, the biennial audit report stated: "iCare commissions are not properly documented and supported; as a result the IWF is unable to reconcile and verify the iCare sales commissions received from Aramark." Payment to Aramark for iCare commissary goods by the person placing the order is by Master Card or VISA. Aramark then provides the Sheriff's Office with an accounting of the purchase. After the biennial audit report was issued, the Sheriff's Office amended its contract with Aramark to add the iCare Commissary Program.

C. THE CONTRACTING PROCESS

In response to the Grand Jury's request for copies of all contracts pertaining to the Inmate Telephone System, the Inmate Commissary Program, the Inmate Welfare Fund, and the iCare Online Commissary Program, the Sheriff's Office provided the contracts listed in Table I. The Sheriff's Office has awarded the following contracts to provide services at the County's two detention facilities. The contracts providing services as part of the IWF are marked.

Table I

Inmate Service	Bid Method	Successful Bidder	IMF Associated
Telephone Service	Competitive	Global Tel*Link Corp	X
Telephone Service Management & Auditing	Non-Competitive	Praeses, LLC	X
Food Service	Competitive	Aramark	
Commissary	Competitive	Aramark	X
Drug & Alcohol Treatment Behavior Modification	Competitive	ANKA Behavioral Health, Inc	X
Counseling	Non-Competitive	Wright Institute	X
Victim Notification System	Non-Competitive	APPRISS	X
Bail Bond Advertising	Non-Competitive	Partners for a Safer America	X
Counseling	Non-Competitive	Mike Castell, Ph.D.	X
Education & Reading	Non-Competitive	Solano County Office of Education	X
Chaplain Service	Non-Competitive	Gary Hill	X
Chaplain Service	Non-Competitive	Alvin Jackson	X
Legal Research Services	Non-Competitive	Legal Research Associates	X

The Sheriff's Office has amended the contracts identified in Tables I & II without competitive bidding as follows:

Table II

Service Provider	Initial Term & Value	Number of Amendments/ Total Term/ Total Value	Length of Term Extension/ Amount of Contract Increase
Global Tel*Link Corp	December 1, 2007- November 30,2010 Revenue Generating	1 December 1, 2007- November 30, 2012 Revenue Generating	Two Years 0
Praeses, LLC	August 1, 2010- June 20, 2013 Minimum Guarantee	0	N/A
Aramark-Food Service	August 12, 2008- June 30, 2011 $5,100,000	2 August 12, 2008- June 30, 2013 $8,403,000	Two Years $3,303,000
Aramark-Commissary, iCare	August 12, 2008- June 30, 2011 Revenue Generating	3 August 12, 2008- June 30, 2013 No Chg. in Value	Two Year 0
ANKA Behavioral Health, Inc	June 1, 2009- May 31, 2010 $186,000	1 June 1, 2009- May 31,2011 $372,000	One Year $186,000
Wright Institute	September 13, 2010- June 30, 2011 $42,700	0	N/A
APPRISS	August 23, 2000- August 22,2001 $24.160	10 August 23, 2000- August 23, 2011 $16,752/yr	Ten Years $167,520
Partners for a Safer America	April 1, 2010- June 30, 2013 $1,000 or 80% of Gross	0	N/A
Mike Castell, Phd.	Augst 10,2008- June 23, 2012 $150,000	0	N/A

Service Provider	Initial Term & Value	Number of Amendments/ Total Term/ Total Value	Length of Term Extension/ Amount of Contract Increase
Solano County Office of Education	August 14, 2008- June 30, 2009 $82,607	2 August 14, 2008- June 30, 2011 $247,812	Two Years $165,205
Gary Hill	September 10, 2006- September 8,2007 $32,500	5 September 10, 2006- June 30, 2011 $169,000	Four Years $136,500
Alvin Jackson	September 10, 2006- September 8, 2007 $32,500	5 September 10, 2006- June 30, 2011 $169,000	Four Years $136,500
Legal Research Associates	October 1, 2006- September 30, 2008 $170,000	1 October 1, 2006- June 30, 2011 $582,000	Three Years $412,000

All of the contract amendments shown in Table II were negotiated with the current service providers and not competitively re-bid. With the exception of the Aramark food service contract, the individual contract extensions could be considered a rather insignificant change in contract value amount and term extension. However, the Sheriff's Office policy of increasing the scope of work and length of contract term for these 13 contracts having an initial value of $5,821,467 represents 30 years of contract term extensions and a $4,505,725 increase in contract value.

The Grand Jury asked Sheriff's Office staff what the basis was for not re-bidding the contracts. Their response included the following considerations:

- Cost of re-bidding, re-evaluation, preparation and review of new contract
- Satisfaction with current service provider
- Disruption of ongoing business operations while introducing a new service provider
- Risk of introducing an unsatisfactory service provider

The Sheriff's Office was unable to provide any evidence documenting its decision-making process. The Grand Jury asked if the Sheriff's Office had obtained information from other service providers offering similar services as part of the bid/no-bid decision-making process and the answer was no.

The Grand Jury asked the Sheriff's Office how the process used addresses the following issues:

- Assuring the County was receiving the most cost effective services available at the time of renewal
- Assuring the County was obtaining the best available technology associated with the services being requested
- Assuring the County was not unfairly eliminating qualified providers of the services being requested
- Assuring the County was being quoted the most competitive offer from the current service provider

The Sheriff's Office staff stated those issues were not being formally addressed.

The Grand Jury confirmed with the Sheriff's Office that the *County of Solano Purchasing & Contracting Policy Manual-Issued July 2004* was the current policy manual being used by the department.

Solano County has provided the *County of Solano Purchasing & Contracting Policy Manual-Issued July 2004* for employees' use when procuring goods and services. The manual's introduction states, "The purpose of this manual is to set forth how purchasing activities should be conducted in Solano County. This manual details the policies and procedures of Solano County's purchasing authority. It outlines all phases of the purchasing process, from the preparation of requisitions to the acceptance of goods and services. It clarifies the responsibilities of Purchasing Services and of individual departments, and explains the legal requirements affecting purchasing services for all County departments. It is intended to serve as a training and reference tool for County departments."

Chapter 8 of the Manual, titled *How To Develop Service Contracts*, discusses the policy and process to be used when contracting for services. It references Chapter 4, titled *How to Make Emergency & Sole Source Purchases*, for the policy and process to be used when sole sourcing. It further states, "Sole source acquisitions must be justified in sufficient detail to explain the basis for suspending the usual competitive procurement process." Chapter 4 references manual section Chapter 2.11, titled *Exceptions to the Competitive Bid Process*, which allows for not having written justification. It states:

> "With Board approval, when the Purchasing Agent or the CAO, determines it is in the best interest of the County to renew a contract from the previous contract period:
>
> - ❖ Based on satisfactory service or reasonable prices;
> - ❖ To avoid the interruption of County business;
> - ❖ Based on good business sense; or
> - ❖ Pursuant to the terms and conditions of the contract"

V. FINDINGS AND RECOMMENDATIONS

Finding 1– The Victim Notification Program (VINE) notifies victims of crime when an inmate charged with or involved in the crime is released or transferred to another agency. The Victim Notification Program is funded by the Inmate Welfare Fund, which is authorized by statute to provide spiritual, recreational, educational, and indigent benefits for those in the custody of the Solano County Sheriff. Thus, the Victim Notification Program does not fall within the intention of Penal Code §4025 for programs funded by inmate welfare funds.

Recommendation 1– The Sheriff's Office should stop funding the Victim Notification Program with funds derived from the Inmate Welfare Fund.

Finding 2 – The County cannot independently verify the dollar amount of items purchased from the iCare Commissary Program by an inmate's family or friends.

Recommendation 2 – The Sheriff's Office should amend the iCare contract to require the payment for iCare commissary services to be made to the inmate's existing account used for telephone and detention facility commissary services by the use of a third party Internet collection service such as PayPal or a similar type of Internet collection service.

Finding 3 – The Sheriff's Office is not using the competitive bidding process when renewing contracts identified in Table I.

Recommendation 3 – Although the *County of Solano Purchasing & Contracting Policy Manual-Issued July 2004* can be interpreted to allow the present contracting practices used by the Sheriff's Office, the Grand Jury recommends that the Sheriff provide written justification for the use of non-competitive contract renewal. The Sheriff's justification should include how the benefits of competitive bidding are being considered in his decision-making process.

Finding 4 – The Solano County Sherriff's Office is are using seven-year old purchasing and contracting policy manuals.

Recommendation 4 –The Grand Jury recommends the County consider reviewing the current edition of the *County of Solano Purchasing & Contracting Policy Manual-Issued July 2004* for any required revisions. If the July 2004 version is not the latest edition, the County should ensure that the departments are using the latest edition.

Finding 5 – By circuitous interpretation of the *County of Solano Purchasing & Contracting Policy Manual-Issued July 2004*, the County departments can avoid the competitive bidding process without written justification.

Recommendation 5 – The Grand Jury recommends the County consider reviewing the policy stated in the *County of Solano Purchasing & Contracting Policy Manual-Issued July 2004* to ensure it is consistent with the County's intent regarding competitive bidding. The Manual should also be re-written to eliminate policy modification by linking various portions of the Manual.

COMMENTS

The Grand Jury appreciates the Sheriff's Office's excellent cooperation in responding to information requests and providing informative site visits. The County should recognize the Sheriff and his department for the innovative changes they have implemented to improve operations while undergoing the largest budget/staff reductions of any department in the County.

The Sheriff and his staff should also be commended for the commitment they have made and leadership they have shown regarding the rehabilitative and re-entry programs they operate for inmates in their care.

REQUIRED RESPONSES

Sheriff's Office (Findings 1, 2, and 3)
Solano County General Services Department (Findings 4 and 5)
Solano County Administrator (Findings 4 and 5)

COURTESY COPIES

Solano County Board of Supervisors