



SUTTER COUNTY SHERIFF'S DEPARTMENT

J. PAUL PARKER
SHERIFF - CORONER

ENDORSED FILED

July 2, 2013

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Honorable Susan Green - Presiding Judge
Superior Court of California
County of Sutter

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SUTTER
CLERK OF THE COURT
By JACKIE LAWELL Deputy

RE: Response to the 2012-2013 Grand Jury Final Report

I would like to commend each grand jury member for taking time out of their personal lives to serve on the Grand Jury. The Grand Jury is an integral part in acting as a check and balance for government agencies by our citizens and this particular grand jury expended tremendous effort in their investigations of the issues at hand. I agree with many of the findings and recommendations in the Grand Jury report. However, there are areas in which I respectfully disagree with some of the findings and recommendations.

The following are the responses as the Sheriff-Coroner-Public Administrator to the findings and recommendations of the 2012-2013 Sutter County Grand Jury Final Report.

Jail

#1 Findings: *The sobering cell policy and procedures are not specific for inmates under the influence of drugs, only alcohol, and do not include symptoms of drug intoxication, only symptoms of alcohol intoxication.*

Recommendations: *The Grand Jury recommends the policy and procedure for the sobering cell should specify whether they refer to individuals under the influence of chemical substances or a combination of alcohol or drugs. Symptoms of drug intoxication should be included.*

Response: The Office of the Sheriff concurs with the findings and recommendations. The Office is working in developing policy language to comply with the Grand Jury recommendation. Once the language is developed into policy, the policy will be included into the Sheriff's Office Jail Policy Manual within six months.

#2 Findings: *The policy and procedures manual, as written, is difficult to determine when each individual policy has been revised and/or reviewed.*

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Recommendations: *The Grand Jury recommends individual policy and procedures should be written on a separate page with the title and number of the policy at the top. Space should be provided to document dates of revisions and reviews.*

Response: The Sheriff's Office agrees that when policies are updated, a revision date should be included within the revision when a policy becomes effective. Currently when policies and procedures are updated or developed, an Executive Order is issued by the Sheriff and distributed to all sheriff personnel explaining the policy.

The sheriff's office will include the Executive Order number along with the effective date of the policy in the Jail Policy Manual. The sheriff's office feels it is not necessary to place each policy on a separate page, since there is a Table of Contents that include the policy number, title and the page number as a reference. This will be effective immediately.

#3 Finding: *There are inconsistent practices among jail shifts during the 30 minute checks on inmates in the sobering cell who appear to be sleeping or cannot be verbally aroused.*

Recommendations: *The Grand Jury recommends that management should enforce sobering cell procedures stating correctional officers are to attempt physical arousal during 30 minute checks if inmates do not respond to verbal stimulation.*

Response: The sheriff's office concurs with the findings. We are currently evaluating our policy. The challenge in obtaining a verbal response is the chance an inmate could lapse into a state of Excited Delirium which could cause immediate death. We are facing an increase in the number of intakes brought into the jail in this excited state of being. Many agencies do not have a strict policy like we do requiring a verbal response on all checks. In fact most don't. We need to examine our policy carefully with medical advice to see how we can revise our procedures so we can intervene and provide life saving measures to an affected inmate and do so without exciting the patient back into the excited state of mind and cause a sudden death. The re-evaluation of this policy will occur within the next six months.

#4 Finding: *There is a lack of comprehensive training on the policy and procedures of the sobering cell. Some of the jail staff are not thoroughly familiar with the policies regarding the sobering cell and state they do not receive annual training on sobering cell procedures.*

Recommendations: *The Grand Jury recommends that staff should receive comprehensive training on the established Sutter County Jail Policy Manual's policy and procedures of the sobering cell on an annual basis. The training should include an assessment to ensure staff know and are able to implement the policy and procedures. A record of training and assessment should be maintained to document staff proficiency.*

Response: The Sheriff's Office partially disagrees with this finding and recommendation. When jail personnel are hired they go through an intensive training program which includes policy and procedures that is documented in their jail training manuals. Whenever a policy is developed or updated an Executive Order is sent out by the Sheriff to each personnel that are affected by update or change in policy or procedure. Jail personnel also understand that they have an individual responsibility to keep up with all jail policies. There is a hard copy of the Jail Policy Manual at each control station and in addition there is an electronic version available to jail personnel that include a feature to allow a "keyword" search for policies. Staff is also encouraged to ask supervisors for direction on policy or procedures when there is a need for clarification. All jail personnel participate in roll call training which includes policies, procedures, laws, etc.... In addition, each jail personnel are required to attend 24 hours of Standards and Training annually.

The sheriff's office agrees that we can be more proactive in keeping jail staff more informed on policies and procedures and there is always room for improvement. Within the last few months, staff has been working on updating roll call training to include more jail manual policy and procedure topics. In addition, we have tasked the first line supervisors to work as a team in developing training topics to be included in our roll call training program. Effective within six month of this response, the Training Manager will work with staff in organizing the material for each month. Once the roll call training is completed, personnel that attended the roll call training will be documented. The completed roll call training will go through the chain of command to the Jail Division Commander for review. Once the review is completed, the completed roll call training will be delivered to the Training Manager to be placed in a roll call training file for future reference.

#5 Finding: *Determination that the inmate had died was made without consulting with or confirmation by a qualified health professional as per the Policy and Procedures.*

Recommendations: *In cases where an inmate is not responsive, all life saving measures, including CPR, are to be performed until the inmate is transferred to Rideout Hospital Emergency Room or death is pronounced by a qualified health professional.*

Response: The sheriff office disagrees with the findings of the Grand Jury. As the Grand Jury pointed out in the Sheriff's Jail Manual Policy J144.10 B – In Custody Deaths, death can be determined by jail staff if "Rigor Mortis" is present. The fact is jail staff found the inmate in rigor mortis. Jail staff followed policy and in addition the detective coroner was summoned per policy.

#6 Finding: *Although the policy and procedures allow Sutter County detectives to perform an in-custody death investigation, a perception of a conflict of interest is inherent.*

Recommendations: *In cases of an in custody death, the investigation by another law enforcement entity is encouraged and should be considered to obviate a perception of conflict of interest.*

Response: The Sheriff's office partially agrees with this finding. The Sheriff is the elected officer by the people to serve as the Coroner for the County of Sutter. One of the constitutional duties of the Office of the Sheriff/Coroner is to investigate all deaths and the coroner cannot abrogate that duty. The investigation of all deaths includes deaths within a County Jail pursuant to California Government Code, Section 27491. The sheriff's office agrees that deaths investigated by the same agency can be perceived as being a conflict; however, in the case of a suspicious death, the Sheriff can conduct a Coroner's inquest, with an outside hearing officer if needed, under Government Section 27491.6 and 27491.7 to eliminate the possible perception of a conflict of interest.

Lastly, and specific to deaths that occur within a jail facility, there is the Grand Jury itself that the Sheriff's Office relies on as they are the ultimate watch dog for the interest of the people. The Grand Jury is part of the county judicial system as authorized by the California State Constitution. It is advised by the Superior Court, but is not accountable to elected officials or government employees. Its findings and recommendations are unbiased and impartial. Under Government Code section 919 (b), the Grand Jury **shall** inquire into the condition and management of the public prisons within the county and the Grand Jury in Sutter County do this yearly.

#7 Finding: *An In Custody Death Team was not arranged after the incident; therefore, no weaknesses or failures were identified and no final review was completed.*

Recommendations: *An In Custody Death Review should be completed on all in custody deaths. All findings of the Review Team should be formally presented to the jail staff and, where appropriate, the Jail Policy Manual should be updated to help prevent future similar incidents.*

Response: The Sheriff's Office disagrees with the Grand Jury findings and concurs with its recommendations. The Jail Commander held an In Custody Death Review. The commander interviewed all personnel involved in the incident including the patrol sergeant. In addition a debriefing by our office Chaplin was conducted. A review of the incident was conducted which included the jail commander, jail lieutenant, patrol sergeant, detective sergeant and medical staff from the Health Department. From this review additional training was implemented that included Excited Delirium to jail, patrol and support personnel which included medical staff. In addition a webinar was attended by staff on excited delirium. Two of our personnel were certified as train the trainers for excited delirium. The Health Department also committed in developing scenario training for emergency response. After the training we actually experienced a situation where a prisoner was brought to our jail that was displaying the symptoms of excited delirium. This prisoner was transported to the Rideout emergency center immediately for care. The

prisoner survived due to the Excited Delirium training being implemented from recommendation of the In Custody Death Review meeting.

The In Custody Review policy does not required written documentation, however the sheriff's office agrees with the Grand Jury that In Custody Death Review meetings should be documented for future incidents and the findings be presented to jail staff in a more formal manner. The sheriff's office will include written documentation whenever an In Custody Death Review is conducted effective immediately.

This concludes the Sheriff-Coroner-Public Administrator's response to the findings and recommendations of the 2012-2013 Sutter County Grand Jury Final Report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Paul Parker', with a stylized flourish at the end.

J. PAUL PARKER
SHERIFF-CORONER

cc: Sutter County Board of Supervisors
James M. Arkens, County Administrative Officer