



2023 - 2024 SHASTA COUNTY GRAND JURY

— Final Report —



2023 - 2024
SHASTA COUNTY GRAND JURY
Final Report



June 18, 2024

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Shasta County

GRAND JURY

P.O. Box 992086
Redding, CA 96099-2086
Voice Mail: 530-225-5098

The Honorable Adam B. Ryan
Shasta County Superior Court
1515 Court St., Rm 610
Redding, CA 96001

June 18, 2024

Dear Presiding Judge Ryan,

With great pleasure and on behalf of the 2023-2024 Shasta County Grand Jury, I present the Grand Jury's consolidated final report to you and the citizens of Shasta County.

Our nation's founders believed citizen involvement is imperative to successful democratic government. So true! The members of this grand jury, a diverse group of citizens from all areas of the county, worked long and hard this year in their "civil watchdog" capacity. They toured several government facilities and conducted interviews with elected officials, government employees, and other members of the community. They spent countless hours doing research, diligently deliberating, and writing and re-writing reports. They have done all of this in an effort help make improvements in local government.

The Grand Jury warmly acknowledges Karen Jahr and Marsha Caranci of the Civil Grand Jurors' Association of California for their training sessions, manuals, and availability to answer questions during our term, and CGJA's local chapter for its assistance to the court in recruiting new grand jurors. We thank our legal team, Chief Deputy DA Emily Mees, Sr. Deputy County Counsel Patricia Weber, and Deputy Attorney General V Sean McCoy for promptly answering our legal questions and reviewing our reports. We are grateful to County IT Specialists Michael Stock and Barbie Potter, who had the patience of Job in guiding us through computer challenges, and Agency Staff Service Analyst Lynne Wilson and Senior Administrative Analyst Jenn Rossi for their help connecting us to County Administration. A special thank you goes to Superior Court Assistant Executive Officer Lisa Jenkins for her swift and kind responses whenever we needed Court assistance. Finally, our thanks to you, your Honor, for your ongoing support throughout our term.

The members of the 2023-24 Shasta County Grand Jury thank you for the honor and privilege of sharing this fulfilling and worthwhile experience. I personally thank the Court for the opportunity to serve as Foreperson.

In gratitude,

Margaret ("Molly") B. Schneider
Foreperson
2023-2024 Shasta County Grand Jury

WHAT IS A GRAND JURY?

GRAND JURY HISTORY

The grand jury can be traced back to the Assize of Claredon in 1166. The Assize was also known as a court session or assembly. During the reign of Henry II (1154-1189), in order to regain the powers of the crown that had been usurped by Thomas Becket, Chancellor of England, twelve “good and lawful men” in each village were assembled to inquire into law, crime, and social order in their region. During this same period, juries were divided into two types, civil and criminal.

The grand jury system came to America by way of the English colonies. Massachusetts established the first grand jury in 1635, and the other English colonies quickly followed. In the early decades of the United States, grand juries played a major role in public matters. Any citizen could bring a matter before the grand jury directly, from a public work that needed repair, to the delinquent conduct of a public official, to a complaint of a crime, and the grand juries could conduct their own investigations.

Presently, 42 of the 50 states in the United States have some form of grand jury system. Most states have only criminal grand juries. California and Nevada are the only states that have civil grand juries. When established in 1850, the California Constitution required a grand jury be impaneled by every county each year, and this requirement is still in place today.

THE SHASTA COUNTY GRAND JURY

The Shasta County Grand Jury is the only independent "watchdog" investigative body in Shasta County. Composed of 19 citizens who serve for a one-year term, the Grand Jury monitors the performance of the county, cities, and other local governing entities, and makes recommendations to increase the efficiency and effectiveness of government services.

The grand jury has the power to issue accusations against government wrongdoers. In addition, at the request of the district attorney, the grand jury can consider indictments in criminal cases, although this procedure is infrequently used.

Each year from early February through mid-April, applications for grand jury service are accepted from all qualified citizens. The judges of the Shasta County Superior Court review the candidates and select up to 30 potential jurors. A drawing is held to seat a total of 19 members; those remaining serve as alternates.

Shasta County grand jurors are sworn in and begin their one-year term the first part of July. They receive orientation and training on their responsibilities as grand jurors, the duties and operations of local government agencies, how to conduct investigations, and report writing techniques. The court appoints a foreperson to preside at meetings. The grand jury then organizes itself and investigates various departments and functions of local government as it chooses.

The grand jury receives and considers investigative topics from resident “requests for investigation,” issues in the news, and jury member interest. Such referrals and all transactions of the grand jury are kept confidential. The advice of the county counsel, the district attorney, and the court is available to assist the grand jury as it undertakes its responsibilities.

The grand jury is well suited to the effective investigation of local governments, because it is an independent body, operationally separate from the entities and officials it investigates. During its investigations, it has broad access to public officials, employees, records, and information which helps it determine the source of problems.

The grand jury can issue individual reports throughout the year, although reports are usually issued immediately after the end of the grand jury's term. The reports contain the grand jury's findings from its investigations, as well as recommendations to elected officials and governing boards aimed at improving the operations of local government and identifying any wrongdoing. Responses to the findings and recommendations are required within 60 to 90 days.

CONSIDER BECOMING A GRAND JUROR

As a grand juror, you will have an opportunity to help make local government more responsive and efficient. You will learn more about how city and county government and special districts operate and have the opportunity to interact with local officials. An exciting and challenging year of investigations and thoughtful deliberation will give you a worthwhile education and a unique experience. Probably no other volunteer service offers an opportunity to make a difference on such a large scope.

TWO WAYS YOU CAN SUPPORT YOUR COMMUNITY AND THE GRAND JURY

See Something, Say Something

1. The Shasta County Grand Jury encourages the public to share concerns about county, municipal, school, and special-district operations at www.shastacounty.gov/grand-jury/page/request-investigation. All correspondence with the grand jury is kept strictly confidential.

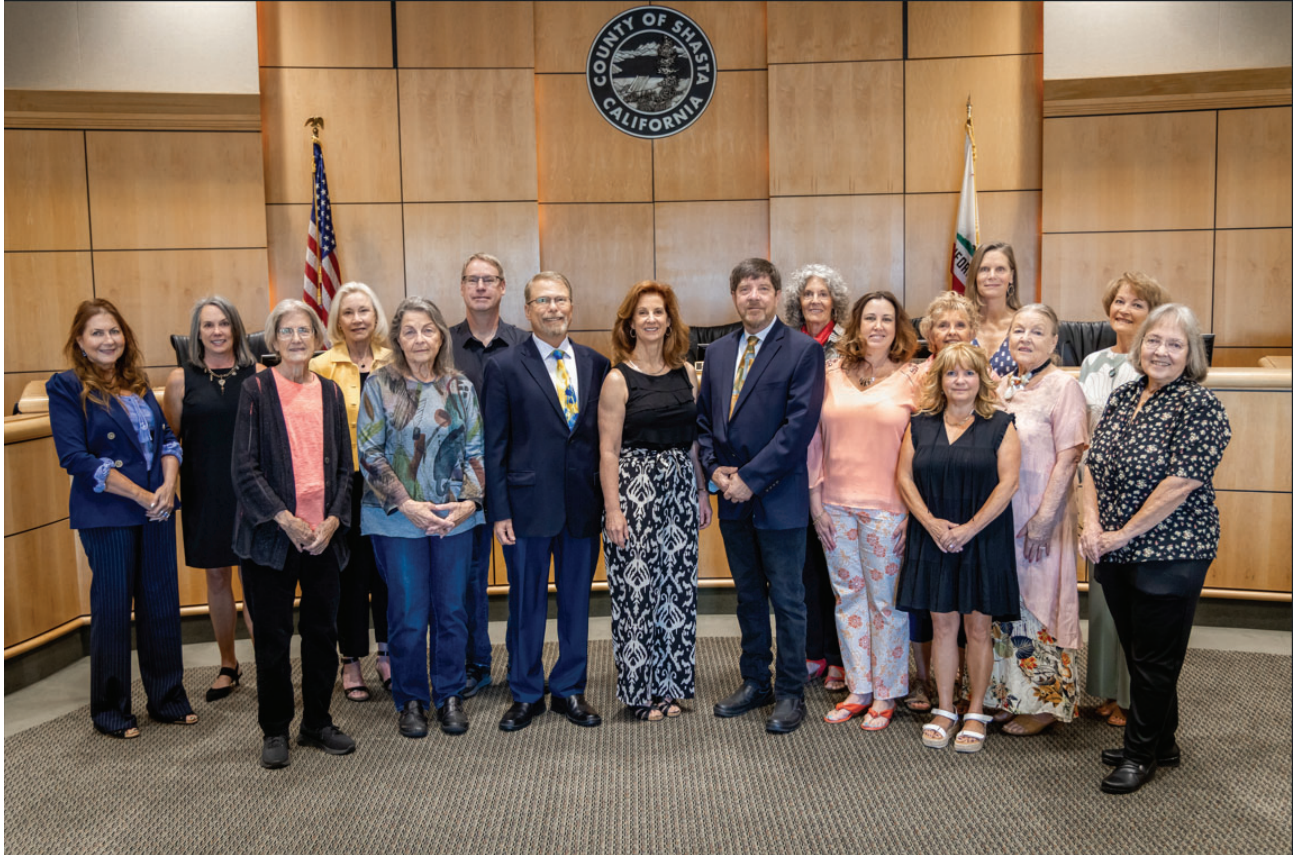
Apply to Become a Grand Jury Member

2. Qualifications and applications for grand jury service are listed at www.shastacounty.gov/grand-jury/page/grand-jury-overview.

To contact the Shasta County Grand Jury, call (530) 225-5098 or send correspondence to:

The Shasta County Grand Jury
PO Box 992086
Redding, CA 96099-2086

2023-2024 SHASTA COUNTY GRAND JURY



From Left to Right: Nelda Johnson, Debra Heyerman, Nancy Milton, Mary Speigle, Kathleen May, Walter Herzog, Michael Brokloff, Foreperson Margaret “Molly” Schneider, Pro-Tem Douglas Cook, Cathy Makinson, Tracy Polit, Jeannine Kavanaugh, Laurie Griffin, Dorothy Tello, Barbara Crowell, Linda Sharrett, and Sharon Heisley.

Diana Anderson not pictured.

2023-2024 SHASTA COUNTY GRAND JURY COMMITTEES AND ACTIVITIES

COMMITTEES

- Ad Hoc
- Audit and Finance
- City Government
- Complaint
- Criminal Justice and Public Safety
- County Government
- Editorial and Continuity
- Local Agencies and Districts
- Social

ACTIVITIES

In addition to reviewing over 30 formal citizen complaints, this year's grand jury looked at multiple local, city, and county organizations. This involved attending public meetings, touring facilities, conducting interviews, and additional research. Due to various reasons, not all inquiries resulted in a report.

Per mandate, the grand jury toured the Shasta County Jail and Sugar Pine Conservation Camp, and reviewed county audits for 2022-2023 and 2023-2024.

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TO RECUSE OR NOT TO RECUSE? That Is the Question Shasta County Board of Supervisors

2023-2024 Shasta County Grand Jury
May 7, 2024

SUMMARY

The Shasta County Grand Jury received two complaints alleging wrongdoing by a supervisor of the Shasta County Board of Supervisors. When the grand jury investigates into wrongdoing and no wrongdoing is found, the grand jury need not write a report. However, in the case of the following complaints, because the perception of wrongdoing led to public discord and community distrust, the grand jury felt it was important to clarify any lingering misconceptions within the community.

The grand jury received two complaints alleging violations of rules and regulations pertaining to a Shasta County Board of Supervisors member's recusal. One complaint alleged a supervisor did not leave the board chambers after recusing from a matter in which the supervisor had a financial interest. Another complaint alleged the supervisor did not recuse on a matter that could financially benefit the supervisor.

The grand jury investigated both allegations as to the appropriateness of the supervisor's actions. After careful study of the Shasta County Administrative Manual, the California Code of Regulations, and the Fair Political Practices Commission's Political Reform Act, the grand jury determined there were no violations by the board, and the supervisor appropriately followed the above-mentioned rules and regulations.

METHODOLOGY

As it pertained to the above complaints, the grand jury reviewed:

- The Shasta County Board of Supervisors meeting agenda, minutes, and video of October 24, 2023, and January 9, 2024.
- The California Code of Regulations and Fair Political Practices Commission's Political Reform Act section 18707. Disqualification Requirements (a)(3)(9b).
- The County of Shasta Administrative Manual Rule 11(B) Voting. Abstentions and Disqualifications (1).

DISCUSSION

Among some members of the public, a perception of impropriety regarding recusal procedures of a supervisor in board meetings caused discord and fueled distrust of the supervisor's actions. The grand jury investigated the two complaints by reviewing board meeting records and researching pertinent recusal rules and regulations.

The first complaint alleged that on October 24, 2023, a supervisor did not follow proper recusal procedures regarding an agenda item in which the supervisor had a financial interest. The supervisor left the dais and sat in the audience during public comment period. After the public comment period, the supervisor left the room. The complainant and some members of the public perceived the fact that because the supervisor did not immediately leave the room after leaving the dais, the supervisor violated recusal rules.

The County of Shasta Administrative Manual states:

"If the reason for a Board member's abstention is an actual or perceived conflict of interest, that Board member shall disqualify himself or herself from taking part in the discussion and voting on the item and, in the case of a financial conflict of interest, leave the board chambers until after the discussion, vote, and any other disposition of the item is concluded. However, in the case of a financial conflict of interest, if the matter before the Board is on (and remains on) the consent agenda, the Board member with the financial conflict of interest is not required to leave the board chambers so long as the minutes reflect that the Board member has disqualified himself or herself from discussing and voting on the particular agenda item. Nevertheless, when a Board member has a financial conflict of interest and has disqualified himself or herself, he or she may speak on the issue during the time that the general public speaks on the issue." County of Shasta Administrative Manual, Operation and Conduct of Business Before the Board of Supervisors, Rule 11(B) Voting, Abstentions and Disqualifications (1)

In reviewing the minutes of the October 24, 2023, meeting, at 6:35 PM, the supervisor recused himself due to his personal interest in the agenda item and left the dais. The supervisor sat in the audience during public comment period and then gave a video presentation regarding the agenda item. This action was in accordance with the County of Shasta Administrative Manual and also the California Code of Regulations covering recusal requirements, which states:

"If an official has a personal interest in the agenda item as defined in regulation 18704(d)(2) and wishes to speak or appear as a member of the general public, following the public identification of the financial interest and recusal the official may leave the dais and speak or observe from the area reserved for members of the public." California Code of Regulations, section 18707 Disqualification Requirements subdivision (a)(3)(b)

After an extensive public comment period of 49 speakers, the board meeting recessed at 9:22 PM. At 9:45 PM the board meeting reconvened. The recused supervisor, now acting as a member of the general public, responded to public comments to clarify points of his proposed development project. After the board closed public comments and prior to the discussion period, the supervisor exited the chambers at 9:47 PM, as the meeting minutes reflect.

The supervisor's actions complied with The County of Shasta Administrative Manual:

“If the reason for a Board Member’s abstention is an actual or perceived conflict of interest, that Board Member shall disqualify himself or herself from taking part of the discussion and voting on the item, in the case of financial conflict of interest, leave the board chambers until after the discussion, vote, and any other disposition of the item is concluded.” County of Shasta Administrative Manual. Rule II, VOTING, B. (1)

The recused supervisor did not reenter the chambers after the discussion or vote. The meeting adjourned immediately after the vote at 10:33 PM.

The second complaint alleged a supervisor should have recused himself from an agenda item that could have financially benefitted him. The board presented an agenda item of suspension of impact fees on January 9, 2024. The complainant believed that a supervisor should have recused himself from the agenda item due to a potential monetary gain from the removal of impact fees for a project of his development.

Not all financial conflicts of interest prevent a public official from lawfully taking part in a government decision. There are limited exceptions to the conflict-of-interest rules as stated in the California Political Reform Act:

“A public official is not disqualified from a decision if the effect on the official’s interests is indistinguishable from the effect on the public.” California Political Reform Act, The Public Generally Exception Govt. Code Section 87103(a)

The rule states:

“A decision’s financial interest on an official’s financial interest is indistinguishable from its effect on the public generally if the official establishes that a ‘significant segment’ of the public is affected, and the effect of the official’s interest is not unique compared to the effect on the significant segment.” California Political Reform Act, The Public Generally Exception. Regulation 18703(a)

The regulation further explains that a significant segment of the public is described as at least 25% of:

- *All businesses, or nonprofits within the jurisdiction*
- *All real property, commercial real property, or residential real property within the official’s jurisdiction*
- *All individuals within the official's jurisdiction*

California Political Reform Act, The Public Generally Exception Regulation 18703(b)(1)

Since the financial impact of suspending impact fees affects the general public, and not uniquely the supervisor, there was no requirement for the supervisor to recuse from discussion and voting on the agenda item.

FINDINGS

- F1. After reviewing the minutes of the October 24, 2023, Shasta County Board of Supervisors meeting and reviewing the pertinent recusal rules and regulations, the grand jury found there were no violations of laws, rules, or regulations.
- F2. Since removing Impact Fees for Shasta County affects at least 25% of all real property within Shasta County and there is not a unique effect on the supervisor's financial interest, the grand jury found the supervisor appropriately took part in the discussion and voting regarding impact fees.
- F3. Although the grand jury found no wrongdoing, perceptions of wrongdoing created discord within Shasta County.

RECOMMENDATIONS

The 2023-2024 Shasta County Grand Jury recommends that:

- R1. The Shasta County Board of Supervisors adopt a procedure by September 1, 2024, to direct county counsel to explain to the public the applicable government codes and rules governing recusals prior to any recusals at board meetings.
- R2. The Shasta County Board of Supervisors adopt a procedure by September 1, 2024, to direct county counsel, when appropriate to an agenda item, to explain to the public any applicable government code sections that allow or disallow a supervisor to take part in any financial decisions that might benefit the supervisor.

REQUEST FOR RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the following responses are required within 90 days from the following governing body:

- The Shasta County Board of Supervisors as to F1, F2, and F3.
- The Shasta County Board of Supervisors as to R1 and R2.

DISCLAIMERS

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.

When there is a perception of a conflict of interest involving a member of the Grand Jury, that member has been required to recuse from any aspect of the investigation involving such a conflict and from voting on the acceptance of or rejection of that report. One member of the Grand Jury recused from this report.



Superior Court of California
County of Shasta

ADAM B. RYAN
Presiding Judge

TAMARA L. WOOD
Assistant Presiding Judge

July 31, 2024

Kevin Crye, Chairman
Shasta County Board of Supervisors
1450 Court Street, Suite 308B
Redding, CA 96001-1680

Re: Grand Jury Report re "To Recuse or Not to Recuse"

Dear Mr. Crye:

This is to acknowledge receipt of your response dated July 23, 2024, to the 2023-2024 Grand Jury report regarding "To Recuse or Not to Recuse".

I would like to thank you for your response to the Grand Jury Report. Pursuant to the provisions of Penal Code §933, I shall transmit your response to the Office of the County Clerk to be maintained on file there. An additional copy shall be provided to the Clerk of the Court also to be maintained on file.

Thank you again for your response.

Sincerely,

A handwritten signature of Adam B. Ryan, the Presiding Judge, is located below the "Sincerely," text. The signature is written in dark ink and is somewhat stylized.

Adam B. Ryan
Presiding Judge

cc: Office of the County Clerk (original response)
Melissa Fowler-Bradley, Clerk of the Court (for Admin file)
Grand Jury



SHASTA COUNTY

BOARD OF SUPERVISORS

1450 Court Street, Suite 308B
Redding, California 96001-1680
(530) 225-5557
(800) 479-8009
(530) 225-5189-FAX

KEVIN W. CRYE, DISTRICT 1
TIMOTHY GARMAN, DISTRICT 2
MARY RICKERT, DISTRICT 3
PATRICK H. JONES, DISTRICT 4
CHRIS KELSTROM, DISTRICT 5

July 23, 2024

The Honorable Adam Ryan
Presiding Judge, Shasta County Superior Court
1515 Court Street, Room 610
Redding, CA 96001

Dear Judge Ryan:

**Re: Response of Board of Supervisors to Fiscal Year 2023-24 Grand Jury Report:
"To Recuse or Not to Recuse? That is the Question"**

The Shasta County Board of Supervisors appreciates the time and dedication which the Fiscal Year 2023-24 Grand Jurors contributed to their charge. The findings and recommendations contained in the report are under serious consideration and discussions are being held regarding solutions to any unresolved problems.

FINDINGS

The Grand Jury findings:

F1. *After reviewing the minutes of the October 24, 2023, Shasta County Board of Supervisors meeting and reviewing the pertinent recusal rules and regulations, the grand jury found there were no violations of laws, rules, or regulations.*

Response: The Board of Supervisors agrees with the finding that no violations of laws, rules, or regulations were violated based on the minutes of the October 24, 2023, and the rules and regulations considered by grand jury.

F2. *Since removing Impact Fees for Shasta County affects at least 25% of all real property within Shasta County and there is not a unique effect on the supervisor's financial interest, the grand jury found the supervisor appropriately took part in the discussion and voting regarding impact fees.*

Response: The Board of Supervisors agrees that the Supervisor took part in the discussion and voting regarding Impact Fees.

F3. *Although the grand jury found no wrongdoing, perceptions of wrongdoing created discord within Shasta County.*

Response: The Board of Supervisors disagrees partially with the finding.

The Board of Supervisors believes the actions of the Supervisor taking part in the vote to suspend impact fees is not dissimilar to many other board actions. The Board does not agree that this action in exclusion to many others was the cause of public discord.

The Board of Supervisors agrees that the grand jury found no wrongdoing based on the information considered by the grand jury.

RECOMMENDATIONS

The Grand Jury recommends:

R1. *The Shasta County Board of Supervisors adopt a procedure by September 1, 2024, to direct county counsel to explain to the public the applicable government codes and rules governing recusals prior to any recusals at board meetings.*

Response: County Counsel does not advise individual board members to recuse from board items, the Fair Political Practices Commission (FPPC) is the arbitrator of when a recusal is necessary. A Board member who feels they may need to recuse may do so, may request an opinion from the FPPC or may choose to take part in the action within their own discretion. Therefore, the recommendation will not be implemented.

The Board of Supervisors recognizes the importance of ensuring the public is educated about the applicable government codes and rules regarding recusals at Board Meetings. Although the recommendation will not be implemented, a copy of the associated government codes and rules will be provided for the public to reference at each Board Meeting. These copies will be available within 30 days from the date of this letter.

R2. *The Shasta County Board of Supervisors adopt a procedure by September 1, 2024, to direct county counsel, when appropriate to an agenda item, to explain to the public any applicable government code sections that allow or disallow a supervisor to take part in any financial decisions that might benefit the supervisor.*

The Honorable Adam Ryan
Shasta County Superior Court
July 23, 2024
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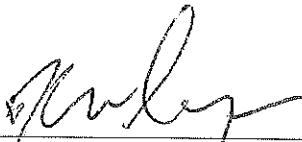
Response: The recommendation will not be implemented because it is not warranted or is not reasonable.

County Counsel does not provide legal advice to Board members individually. The Fair Political Practices Commission (FPPC) provides informal or formal written advice on compliance with the Political Reform Act upon request of an elected official. Information can be found by visiting <https://www.fppc.ca.gov/>.

The Board of Supervisors recognizes the importance of ensuring the public is educated about the applicable government codes and rules regarding recusals at Board Meetings. Although the recommendation will not be implemented, a copy of the associated government codes and rules will be provided for the public to reference at each Board Meeting. These copies will be available within 30 days from the date of this letter.

This concludes the responses of the Shasta County Board of Supervisors to the Fiscal Year 2023-24 Grand Jury Report entitled "To Recuse or Not to Recuse? That is the Question."

Sincerely,



Kevin W. Crye, Chair
Board of Supervisors
County of Shasta

IGO-ONO COMMUNITY SERVICES DISTRICT AND THE MISSELBECK DAM

2023-2024 Shasta County Grand Jury
May 21, 2024

SUMMARY

When the 2023-2024 Shasta County Grand Jury began looking into various local government organizations, it found Redding Record Searchlight news articles from 2020 detailing the Misselbeck Dam emergency when the Dam's outlet drains plugged with debris from the 2018 Carr Fire. The blockage caused the lake to rise and wash over the 100-year-old dam's deteriorating spillway. This was not the first time the dam outlets plugged. Due to potential dam failure, the Shasta County Board of Supervisors declared the situation a local emergency. A month later, the debris around the outlets spontaneously unplugged, allowing proper drainage. At that time, the county declared an end to the emergency. At the time of the crisis, other ongoing deficiencies with the dam still existed. The grand jury has learned that although some progress has been made in repairing the dam's deficiencies, serious structural, seismic, and hydraulic problems remain unresolved.



Water and debris flowing over the Misselbeck Dam Spillway. Photo by permission of Igo-Ono Community Services District.

The Igo-Ono Community Services District (district) is in charge of managing the dam. Through a series of flumes and ditches, the district provides non-treated water primarily for agriculture to the communities of Igo and Ono west of Redding. The district has one paid employee and is governed by an independent Board of Directors consisting of five elected volunteers serving staggered four-year terms. Though they are dedicated and do good work, the grand jury discovered two areas for district improvement: creating a district policy and procedures manual and hiring or contracting an independent business manager.

The grand jury found that the district admirably manages day-to-day operations of the dam but is slow in addressing the serious issues facing the dam. The district needs specialized technical support to move forward with the critical infrastructure improvements of Misselbeck Dam. The grand jury learned that the district is now using a grant application writer specializing in dam and irrigation canal needs. Once funding is secured, they should hire or contract with a person having technical skills to oversee the necessary infrastructure repairs.

BACKGROUND

In 1920, the Misselbeck Dam was constructed to provide agricultural irrigation during the dry summers to Igo-Ono and Happy Valley communities. In 1958, when the dam was only 38 years old, the California Department of Water Resources, Division of Safety of Dams (DSOD), found unsafe conditions, including an undermined spillway in danger of collapse. Given the ongoing problems with the dam and believing that Igo and Ono would receive water from the Central Valley Water Project's newly constructed Whiskeytown Lake, the then owners of Misselbeck Dam, the Happy Valley Water Company, submitted an application to the DSOD requesting removal of the dam in 1964. However, the Central Valley Water Project determined that it could not easily deliver water to Igo and Ono. In 1966, the Happy Valley Water Company withdrew its request for dam removal and the DSOD issued a new certificate of dam approval with limitations on water storage due to spillway and outlet pipe hazards, which remain today.

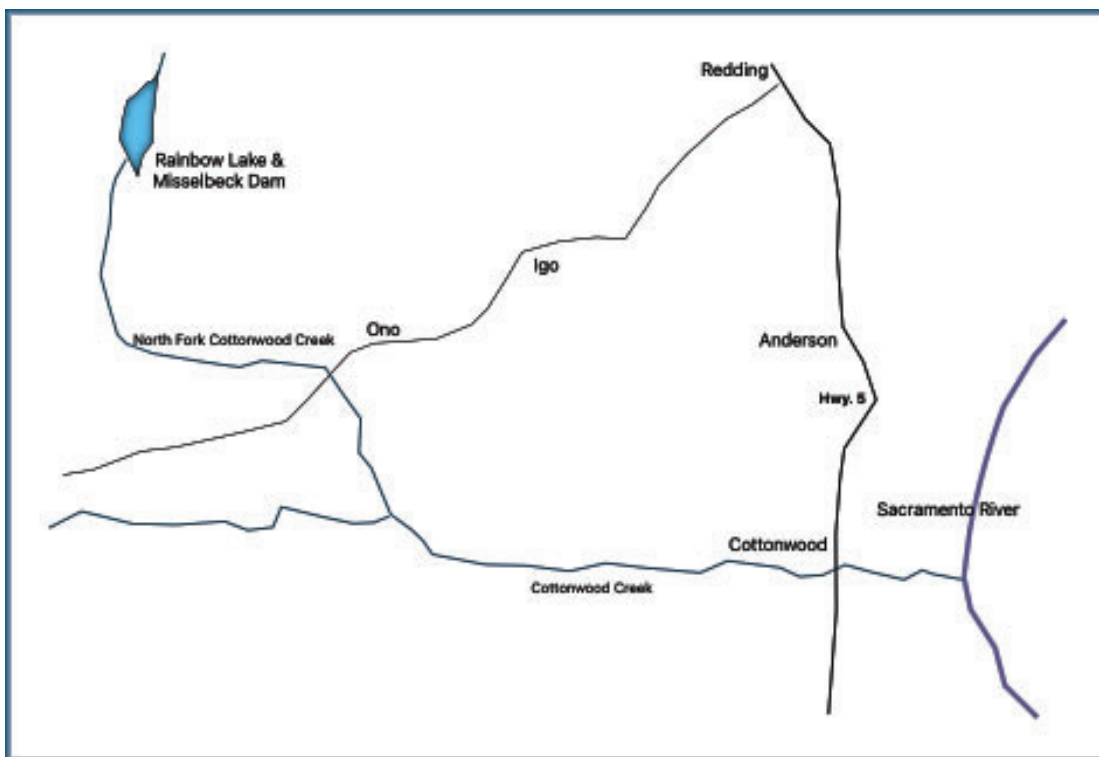
Then in 1989, the DSOD discovered more problems and considered revoking the dam's operating license due to structural deficiencies, notably seismic. The DSOD subsequently completed an environmental impact report that evaluated the risk of the dam failing during a "maximum credible earthquake" of 7.75 on the Gorda Plate, just 33 miles from the dam. After further studies, the DSOD determined the dam could withstand a large earthquake, and it allowed the dam license to continue on the condition that the district remove the siltation at the outlet pipes and repair hydrologic and structural deficiencies. Though the dam remains operational, many of its problems remain today.

The report explained that:

"Failure to correct the outlet pipe and spillway deficiencies would allow unsafe conditions to develop. The outlet pipes could become clogged with sediment and debris, which would eliminate any means of controlling water storage levels behind the dam, except from the spillway. Discharges through the aging spillway could result in

overtopping of chute walls and erosion of concrete lining and backfill materials during moderate surface runoff into the reservoir.”

The Igo-Ono Community Services District formed in the 1960s to obtain reliable water for the communities of Igo and Ono. The district purchased Misselbeck Dam and the 17-mile historic ditch and flume system from the Rainbow Water Company in 1989. The district owns the original 1914 water right to use water from the North Fork of Cottonwood Creek and store it at Rainbow Lake reservoir. The district serves approximately 70 water customers, who annually pay for water. Cottonwood Creek, which feeds the dam, then flows downstream from the dam for approximately 38 miles to the town of Cottonwood before entering the Sacramento River. Since Misselbeck Dam holds the only source of agricultural water for the area, restoring it is critical.



Map of Misselbeck Dam and nearby communities (not to scale).

METHODOLOGY

Documents

During its investigation, the grand jury reviewed numerous documents, including:

- Record Searchlight: *More Than 100 Turn Out for Meeting About Damaged Dam*, Damon Arthur, January 15, 2020; *Misselbeck Dam Emergency Declared Over*, Damon Arthur, March 31, 2020.

- Igo-Ono Community Services District agendas and meeting minutes, 2021-2023.
- *Municipal Service Review for Igo-Ono Community Services District*, May 2021, (conducted by Shasta Local Agency Formation Commission).
- *California Division of Dam Safety Dam Hazard and Condition Assessment*, 2022.
- California Department of Water Resources, *Final Environmental Impact Report on the Revocation of the Certificate of Approval for Misselbeck Dam and Reservoir*, December 1990.
- *Independent Forensic Team Report Oroville Dam Spillway Incident*, January 2018.

Board Meeting Attendance and Site Visits

The grand jury attended several district board meetings and conducted a site visit Misselbeck Dam and its associated water delivery systems.

Interviews

The grand jury interviewed several people, including local, county, and state officials in association with managing the Misselbeck Dam and district.

DISCUSSION

Managing a Dam and Irrigation District Is a Great Deal of Work

The board president, four other board members, and one employee manage the district. They meet monthly at a church in Igo and have a full agenda to discuss day-to-day dam, flume, and ditch operations; annual state dam licensing and fees; ongoing and planned projects; grant proposals; and finances. The ditch tender is the district's only full-time employee. The ditch tender provides a monthly ditch and dam report, an update on any active or planned contracts, and a report on the district finances to the board. Day to day, the ditch tender manages the dam and irrigation ditches, handles customer correspondence, receives and processes fees, and makes fee deposits. This is a great deal of work for a small district and the grand jury found some areas for improvement.



Rainbow Lake with restricted water level of 36 feet below spillway, October 2023. Photo taken from Misselbeck Dam.

After a review of the district's records, policies, and procedures, the grand jury found that a policies and procedures manual was yet to be completed. Creating a manual was a recommendation from the 2021 Municipal Service Review by the Shasta County Local Agency Formation Commission (LAFCO). A policies and procedures manual is more than a set of rules and regulations, it is a road map that guides the employees and management. It can also help protect the district from any employee compliance risks, which is especially important when managing a dam and water system.

As previously mentioned, the ditch tender has multiple duties, including processing and depositing fees. Regarding handling finances, the grand jury found that two recent financial audits of the district recommended that fiscal duties be separated from the sole employee to provide a check and balance for the district. The grand jury concurs with the auditor's findings and believes that the district would benefit from contracting with a business manager to handle district finances.

Another challenge facing the district is a lack of a permanent office location for conducting business and properly storing equipment and records. Presently, the district stores records and equipment at current and former members' homes.

How Much More Time Will Go by Before the District Fixes the Dam?

It has been decades since the DSOD cited deficiencies in Misselbeck Dam. The DSOD outlined long-standing issues facing the dam, including the need to fix the spillway, fix the outflow drain (that most recently plugged in 2020), remediate seismic concerns, and remove sediment that settled in the reservoir over the years. The district has repaired some problems. For example, in a 2020 letter to the district, the DSOD identified eight critical areas that needed immediate concrete repairs to protect the spillway foundation from eroding during any future spills. Though the district did complete the work, spillway issues and other serious problems still exist.

Of 1,239 dams regulated in California, Misselbeck Dam is one of only 23 cited with a “Poor” condition assessment in the 2022 DSOD Dam Hazard and Condition Assessment. Misselbeck Dam meets the definition of “Poor” due to its “multiple deficiencies,” “lack of maintenance,” and “lack of critical design information.”

For many years, the DSOD has put a seasonal restriction on the dam’s water level to maintain the dam’s integrity. Due to the poor condition of the spillway and dam safety concerns regarding the performance of the dam during a significant seismic event, the water level must remain 36 feet below the spillway.

The DSOD also assigns a downstream hazard condition for each dam, based solely on potential downstream impacts to life and property if the dam should fail when operating with a full reservoir. The Misselbeck Dam has a “High” downstream hazard classification, which means it could be expected to cause loss of at least one human life.

The reader may recall that in February 2017, the Oroville Dam spillway in Butte County eroded due to high water flows over the spillway, and the Butte County Sheriff’s Office issued an emergency evacuation order for nearly 200,000 residents living below the dam. Large communities do not live below Misselbeck Dam, but even the loss of one human life and impacts of flooding to communities, including the town of Cottonwood, are not worth ignoring.

Because of the long-standing issues, current hazard classification, and condition assessment of the dam, the DSOD requires an annual dam inspection. The conclusion from the 2023 DSOD dam inspection stated:

“From the known information and visual inspection, the dam, reservoir, and all appurtenances are judged safe for continued use at the restricted water surface elevation (36-feet below the spillway crest) and while the outlet remains unplugged, seismic and spillway structural deficiencies remain unresolved.”

The district was fortunate that during the 2020 Misselbeck Dam emergency, the outlets cleared themselves, and the dam did not fail. The district needs to repair the dam now to avert a future disaster.

Funding is Available, and the Time is Now

When the dam clogged with debris in 2020 and was declared a local emergency by the

Shasta County Board of Supervisors, it was recommended that the district get the Misselbeck Dam added to the County Hazard Mitigation Plan. Being a part of this plan is often a requirement to qualify for federal and state grant funding to fix the dam. Fortunately, in 2023, the county added the district to the plan, making it eligible for more grants. Fixing a 96-foot-tall and 470-foot-long dam that is over 100 years old requires technical expertise, money, and time. The district's small board of volunteers and one employee do not have the time nor expertise to address the highly technical infrastructure problems facing the district. The district will need staff or partners with specialized technical expertise to manage technically onerous grants and administer complex dam infrastructure projects. The district received more than \$2,000,000 from the 2021 Zogg Fire settlement. They now have available funds to make a change.

FINDINGS

- F1. The Misselbeck Dam is at risk of failure due to its poor condition, critical infrastructure problems, and seismic structural deficiencies.
- F2. The Igo-Ono Community Services District is managed by a small board of volunteers and one employee, who do not have the time or expertise to address Misselbeck Dam's highly technical infrastructure problems.
- F3. The Igo-Ono Community Services District's one employee and small board of directors have more duties than they can accomplish, leading to deficiencies, such as completing a policies and procedures manual as recommended by the Local Agency Formation Commission and required by California state law.

COMMENDATIONS

- C1. The Igo-Ono Community Services District ensured that the Shasta County Board of Supervisors added Misselbeck Dam to the Shasta County Hazard Mitigation Plan in 2023, which will enable it to apply for grants formerly unavailable to the district.
- C2. The Igo-Ono Community Services District's Board of Directors and one employee are dedicated and accomplish an enormous amount of work, especially considering the district's large area and age of the dam and canal. The Shasta County Grand Jury commends the district for its hard work, persistence, and dedication.

RECOMMENDATIONS

The Shasta County Grand Jury recommends:

- R1. The Igo-Ono Community Services District Board of Directors continue working with a grant writer who has the expertise to achieve grant funding for dam and irrigation canal needs.

- R2. The Igo-Ono Community Services District Board of Directors hire or contract with a person having technical skills to oversee the needed infrastructure repairs when grant money is secured.
- R3. The Igo-Ono Community Services District Board of Directors complete a policy and procedures manual for board members and its staff by December 31, 2024.
- R4. The Igo-Ono Community Services District Board of Directors assign, hire, or contract with a qualified business manager to oversee district finances by December 31, 2024.

REQUEST FOR RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05 from the following governing body within 90 days:

- The Igo-Ono Community Services District Board of Directors as to F1, F2, and F3.
- The Igo-Ono Community Services District Board of Directors as to R1, R2, R3, and R4.

DISCLAIMER

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.

To: Shasta County Grand Jury
From: Igo Ono Community Services District
Date: June 12, 2024
Subject: Response to Findings and Recommendations

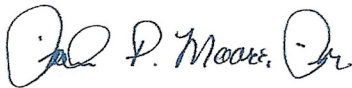
Findings Response:

- F.1. The District does not agree that the Misselbeck Dam is at risk of failing. The District agrees that the dam has spillway and outlet deficiencies that need to be addressed.
- F.2. The District agrees.
- F.3. The District agrees it has limited staff and personnel resources, which stresses the availability to complete necessary activities. While the District will work to complete a policies and procedures manual, the District is unaware of any California law that requires the completion of a policies and procedures manual.

Recommendations Response:

- R.1. The Board agrees with this recommendation and will continue its efforts to achieve grant funding as quickly as possible.
- R.2. The Board agrees it must retain experienced engineering services to design and oversee needed infrastructure repairs and improvements.
- R.3. The Board agrees to complete a policies and procedures manual and will seek legal assistance to complete the project by December 31, 2024.
- R.4. The Board agrees that the District should obtain qualified financial assistance to oversee District finances. This should be accomplished by December 31, 2024.

Respectfully,

A handwritten signature in blue ink that reads "John P. Moore". The signature is stylized with a large "J" and "M".

John Moore

Board Chairman

Igo Ono Community Services District

ENSURING ANDERSON-COTTONWOOD IRRIGATION DISTRICT AGRICULTURAL WATER FOR THE NEXT CENTURY

2023-2024 Shasta County Grand Jury
May 28, 2024

SUMMARY

The Shasta County Grand Jury initiated this investigation after multiple local news agencies reported that the 2022 drought and 2023 heavy rainfall caused unprecedented negative impacts on the Anderson-Cottonwood Irrigation District's system, its customers, and others in its sphere of influence.

The Anderson-Cottonwood Irrigation District (ACID) is an independent special district, which has provided agricultural irrigation to southern central Shasta County since 1917. In 2022, for the first time in its history, the district's board of directors elected not to purchase water from the United States Bureau of Reclamation (USBR). Consequently, the district's ranch and agricultural water customers could not access district water during a drought year. Then, 2023 proved to be a year of heavy rainfall. The succession of drought followed by excessive rain had devastating effects on the irrigation canal system, property of ACID water customers, and other properties adjacent to the canal, as well as native wildlife and habitat.

During the course of this investigation, the grand jury found that much of the district's infrastructure is not up to modern standards, and the district lacks a comprehensive long-range plan to modernize it. Water enters the ACID canal at the diversion dam at Redding's Caldwell Park. The grand jury found that the ACID diversion dam is hazardous to maintain, impedes endangered fish migrating to spawning habitat on the Sacramento River, and is no longer in compliance with current safe fish screening criteria. Grant funding is available to remove the diversion dam.

To ensure ACID viability for the next 100 years, the grand jury believes the district needs a comprehensive modernization plan. The district would be wise to seek guidance from experts in the field when creating this plan. The grand jury agrees with state and federal agencies that removal of the diversion dam should be part of that plan.

GLOSSARY

ACID	Anderson-Cottonwood Irrigation District
Board	Anderson-Cottonwood District Board of Directors
Cal Poly	California Polytechnic State University at San Luis Obispo
CDFW	California Department of Fish and Wildlife

District	Anderson-Cottonwood Irrigation District
ITRC	Irrigation Training and Research Center of California Polytechnic State University at San Luis Obispo
NMFS	National Marine Fisheries Service
USBR	United States Bureau of Reclamation

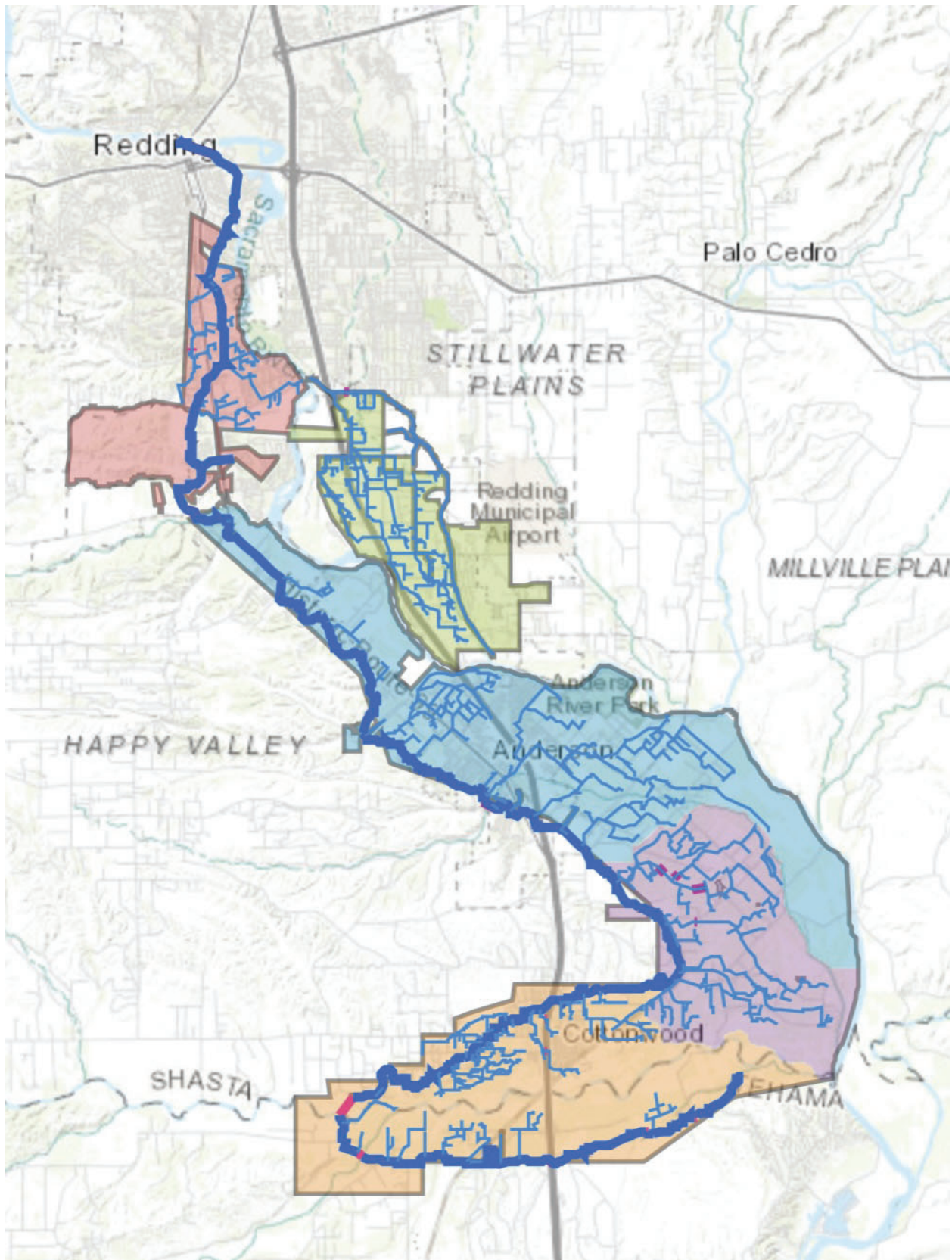
BACKGROUND

For more than 100 years, ACID has provided agricultural irrigation to southern-central Shasta County. Using pre-1914 water rights to the natural Sacramento River flow, water is diverted into the district's main canal at its diversion dam in Redding's Caldwell Park. Water moves south along the 35-mile mostly earthen canal primarily by gravity from April to October annually.

As the canal stretches from Redding toward Anderson, there are no ACID customers until it reaches the Bonnyview area, where few users remain. Over the past century, former ACID-irrigated pastures, orchards, and farms have transitioned to subdivisions, schools, and community enterprises receiving City of Redding water. An ACID pump station, located four miles down the Sacramento River from the diversion dam, supplies water to a district lateral for customers in Churn Creek bottom. Approximately 800 ACID customers irrigate 10,000 acres at this time. Interestingly, 75% of the district's water deliveries occur within the lower 40% of the main canal service areas south of Anderson. Ultimately, canal laterals, as depicted in map below, terminate in rural Cottonwood. There, approximately 3,000 acres of riparian vegetation incidentally benefit from ACID irrigation, laterals, or adjacent land. The canal is also a contributor to the Redding Groundwater Basin by system leakage or deep percolation.

A five-member volunteer board is elected to represent ACID's five geographical divisions. Board members serve as liaisons to local organizations, governmental water agencies, and their 14-16 employees' bargaining unit. Monthly board meetings include reports from the ACID General Manager, Operations Manager, and Finance Manager. District meetings are scheduled in accordance with the California open meeting laws. The board adopts an annual budget and oversees operations and expenditures throughout the fiscal year. The district's sources of income are primarily from the sale of delivered water to its customers.

The 2004-2005 Shasta County Grand Jury Final Report reported relations between subscribers and the district had been contentious for many years. The report states that grand jury members "witnessed arguing between board members and rudeness toward public attendees during board meetings; some of the public retaliated in kind." This year's grand jury found the current board stresses open communication with subscribers employing civility protocols during open meetings and enforcing them. The grand jury also heard public speakers voicing gratitude for ACID's website and texts regarding imminent canal news.



Map from the ACID website depicts ACID's five divisions, main canal and lateral ditches. Used with permission.

METHODOLOGY

Documents

During its investigation, the grand jury reviewed numerous documents, including:

- Information from the ACID website, andersoncottonwoodirrigationdistrict.org.
- Anderson-Cottonwood Irrigation District notes to financial statements, 2022.
- Shasta County Grand Jury Final Report 2004-2005, *Water, Water Everywhere; Anderson-Cottonwood Irrigation District*.
- California Department of Fish and Game, *Mouth of Cottonwood Creek Wildlife Area Final Land Management Plan*, June 2011.
- California Department of Water Resources, *Anderson-Cottonwood Irrigation District Main Canal Modernization Project - Water Use Efficiency Grant Final Report*, 2013.
- Irrigation Training and Research Center, California Polytechnic State University, *ACID Site Visit Report*, January 1, 2024.
- KRCR Channel 7, *Why is A.C.I.D. Canal Still Leaking? Half of Water Supply Lost Due to Leaks, Officials Say*, Mike Mangus and Adam Robinson, June 7, 2023.
- Record Searchlight: *Local Emergency Declared after Widespread Flooding in Shasta County*, Damon Arthur and Jessica Skropanic, March 15, 2023; *Leaky Canal Floods Properties, Neighbors Endure Damage*, Damon Arthur, December 12, 2023.
- Sacramento River Settlement Contractors, *Sacramento Valley Regional Water Management Plan*, March 2023.
- United States Department of Fish and Wildlife, *Anderson-Cottonwood Irrigation District Fish Passage Improvement Project*, 1999.

Meeting Attendance and Site Visits

The grand jury attended district and Shasta Local Agency Formation Commission meetings. The grand jury also conducted site visits of the diversion dam, a pump station, and various structures along the system.

Interviews

The grand jury interviewed local authorities and state officials relevant to the topic.

DISCUSSION

“Dinosaur,” “Stone Age” and “Antiquated” were words used to describe the ACID water delivery system to grand jury members during its investigation. Some of the infrastructure has not changed since it was constructed over 100 years ago. Consequently, the board and employees are forced to routinely address urgent system degradation issues instead of comprehensive long-range improvement. Employees and board members feel they are constantly “putting out fires.”

Too Little Water

In the 2022 drought year, the USBR reduced the ACID annual water allocation by 82%. The board voted against purchasing the unusually limited amount of water offered. Instead, the board chose to sell the remaining water rights for \$7.5 million. The grand jury does not condone nor condemn the decision. The resulting dry year caused emotional and financial stress for district customers as pastures, orchards, farmland, wild spaces, and even wells went dry. ACID water customers suffered losses of livestock, income and property due to the 2022 drought. Additionally, lack of ACID irrigation led to the demise of native vegetation, including 100-year-old oaks, and fauna, such as amphibians, in former wetlands incidentally supported by the canal.

Too Much Water

March 2023 brought record-setting rains to northern California. People living near the canal in Anderson experienced property damage when heavy rainfall and foothill runoff impacted the canal, causing overflow in multiple neighborhoods. The Shasta County Sheriff's Office declared a state of local emergency due to flooding. Some residents were forced to evacuate their homes. Historically, the City of Anderson has experienced incidents of canal overflow resulting in residential flooding, but the extent of flooding in 2023 was unprecedented. According to the Irrigation Training and Research Center (ITRC) of the California Polytechnic State University at San Luis Obispo (Cal Poly), the flooding was caused by numerous uncontrollable stormwater inflows into the system.

More property damage occurred in 2023 when river water was diverted to fill the canal. ACID water seeped through canal walls causing stagnant algae ponds, flooded septic systems, heavy mosquito populations, and the concern of contaminated wells. A geotechnical engineer determined lack of moisture during the 2022 drought had caused cracks and broken seals of the earthen canal. Cal Poly ITRC engineers, who have a long history of providing irrigation training and technical expertise to irrigation districts, made an ACID site visit in December 2023. The engineers concluded that the existing ACID infrastructure is inherently difficult and labor-intensive to operate. They also noted that deferred maintenance and other external conditions exacerbate operational difficulties.

Planning for the Future

In the fall of 2023, the ACID board established a Strategic Planning Committee which includes a representative from each division. So far, activation of the committee has been delayed due to personnel changes. At every board meeting in 2024, district staff has reported progress on projects repairing and improving problematic sections of the canal to prevent future flooding and seepage. What is lacking is a long-range modernization plan. The grand jury recommends the strategic planning committee start developing such a plan to ensure safe and reliable irrigation water to district customers for the next hundred years. The grand jury also recommends that the

committee utilize the expertise of subject matter experts from universities, government agencies, and other sources, as needed and available.

The Dam

At its northernmost boundary, ACID draws water into its canal system by operating a diversion dam that spans the Sacramento River in Redding's Caldwell Park. The dam has been identified as a potential liability for fish and humans alike. Two fish ladders erected to allow safe passage of the natural runs of Chinook Salmon, Steelhead Trout, Green Sturgeon, and White Sturgeon past the dam are no longer in compliance with current safe fish screening criteria, according to California Department of Fish and Wildlife (CDFW) and the National Marine Fisheries Service (NMFS). Erecting the diversion dam in the spring and dismantling it in the fall is expensive and perilous for ACID employees.



ACID employees erecting the diversion dam for another irrigation season. Photo used with permission by ACID Board of Directors.

Permanently dismantling the dam and introducing an alternative canal water intake further downriver to fill the canal was proposed in the past. That plan would eliminate maintenance of the dam and some of the canal in Redding where urbanization has made access for maintenance

difficult and where ACID customers no longer exist. Removal of the ACID diversion dam and accessory fish ladders would provide unimpeded fish passage for some of the most critical fish spawning habitat on the Sacramento River.

The 1999 Anderson-Cottonwood Irrigation District Fish Passage Improvement Project developed by engineers, fisheries biologists and planners from the then United States Department of Fish and Game, USBR, NMFS, CDFG, Redding's Department of Water Resources, and ACID referenced such a plan, but it was eliminated from further consideration, as it was considered financially infeasible under funding mechanisms available at the time. Now, however, officials from CDFW and the Sacramento River Settlement Contractors (SRSC) believe removal of the diversion dam is not only financially feasible, but imperative to avoid regulatory penalties. According to testimony at a recent district board meeting, grant money is available for active river restoration and locating a canal intake further south on the river that is closer to ACID customers and safe for fish.

The Bottom Line is Always Money

At a January 2024 ACID meeting, the board discussed the need to raise \$1 million in three years because a \$1.1 million deficit is projected. The district anticipates only \$60,000 from the Federal Emergency Management Agency as a result of 2023 flooding. Most of the \$7.5 million obtained by selling 2022 water rights has been spent repairing problematic areas of the canal in Anderson. The grand jury believes divestment of the diversion dam and associated property in Redding would be financially beneficial for the district and should be considered as part of an ACID comprehensive modernization plan. In the near term, the board should begin investigating applications for grant funding to dismantle ACID's diversion dam.

FINDINGS

- F1. The Anderson-Cottonwood Irrigation District lacks a long-range plan for canal modernization to ensure adequate agricultural irrigation for the future.
- F2. The Anderson-Cottonwood Irrigation District does not have sufficient funds to finance system modernization.
- F3. Removal of the Anderson-Cottonwood Irrigation District diversion dam can be accomplished with grant money and would bring Anderson-Cottonwood Irrigation District into compliance with federal mandates enabling passage for migrating fish on the Sacramento River.

COMMENDATIONS

- C1. The Shasta County Grand Jury commends the 2023–2024 Anderson-Cottonwood Irrigation District Board of Directors for improving district communications by implementing a user-friendly website and sending text alerts to water customers.
- C2. The Shasta County Grand Jury commends the 2023–2024 Anderson-Cottonwood Irrigation District Board of Directors for setting a tone of mutual respect during the district meetings.

RECOMMENDATIONS

The Shasta County Grand Jury recommends the Anderson-Cottonwood Irrigation District Board of Directors:

- R1. Direct the Strategic Planning Committee to start developing a comprehensive modernization plan by October 1, 2024, that includes removal of the diversion dam with an alternative draw downstream to ensure safe agricultural irrigation to south central Shasta County for decades to come.
- R2. Direct the Strategic Planning Committee by October 1, 2024, to utilize guidance from experts, such as the California Polytechnic Irrigation Training and Research Center, the United States Department of Fish and Wildlife, and the Sacramento River Settlement Contractor Non-Profit Corporation, for engineering expertise and funding sources.
- R3. Begin applying for grants by December 2025 to permanently remove the diversion dam.

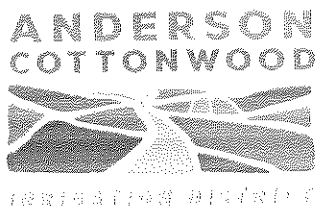
REQUEST FOR RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the following responses are required within 90 days from the following governing body:

- Anderson-Cottonwood Irrigation District Board of Directors as to F1, F2, and F3.
- Anderson-Cottonwood Irrigation District Board of Directors as to R1, R2, and R3.

DISCLAIMER

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.



Dan Woolery
President, Division 3

James Rickert
Vice President, Division 5

Ronnean Lund
Director, Division 1

Audie Butcher
Director, Division 2

Steve McCarley
Director, Division 4

Daniel Ruiz
General Manager

July 23, 2024

Shasta County Grand Jury
P.O. Box 992086
Redding, CA 96099-2086

Re: Anderson-Cottonwood Irrigation District Responses to Shasta County Grand Jury Report Dated May 28, 2024

Dear Shasta County Grand Jury,

On behalf of the Anderson-Cottonwood Irrigation District (ACID) Board of Directors, I wish to express our appreciation for the Shasta County Grand Jury's report dated May 28, 2024. Our Board of Directors has carefully considered the findings and recommendations expressed in your report, and we fully support its premise, "ensuring ACID agricultural water for the next century." ACID has been in existence for over 100 years, the Board appreciates the opportunity to exchange ideas as to how we can build a sustainable future for the next 100 years.

Please see our attached responses to your report.

Respectfully,

Dan Woolery
Chairman

Shasta County Grand Jury Report

Ensuring Anderson-Cottonwood Irrigation District Agricultural Water for the Next Century

Report Date: May 28, 2024

Required response to findings & recommendations within 90 days or August 28, 2024

FINDINGS:

F1: The Anderson-Cottonwood Irrigation District lacks a long-range plan for canal modernization to ensure adequate agricultural irrigation for the future.

Response: Partially disagree

A strategic planning committee established in late 2023 will be continuing to refine and improve its planning efforts to modernize the canal to ensure adequate irrigation for the future. Reliance on several previous studies for canal modernization and controls such as:

- Irrigation Training & Research Center (IRTC) ACID Site Visit Report - 2024
- Anderson-Cottonwood Irrigation District (ACID) Canal Modernization Proposal – 2022 (Rubicon)
- Anderson-Cottonwood Irrigation District Main Canal Modernization Project – Water Use Efficiency Grant Final Report – 2013 (CH2M Hill now Jacobs)
- Anderson-Cottonwood Irrigation District Main Canal Modernization Project Predesign – 2008 (CH2M Hill now Jacobs)

The committee will produce a written long-range modernization plan to present to the ACID Board for approval.

F2: The Anderson-Cottonwood Irrigation District does not have sufficient funds to finance system modernization.

Response: AGREE

In 2024 the District budgeted for professional engineering and consultant services associated with a potential new proposed benefit assessment (acreage charge) that, if adopted, will provide additional revenue to the District on a consistent and long-term basis. In addition, understanding the acreage charge concept will not provide the complete answer to the District funding a system modernization plan, leveraging existing District funds with cost-share grant opportunities will also assist for larger scale projects.

- Discussion and studies regarding an assessment/acreage charge are ongoing with the District counsel, an ad hoc committee, and consultant Provost Prichard Engineering Services. The timing of any proposed notice of landowner election on a proposed assessment is still undetermined, but expected within the next 12 months

F3: Removal of the Anderson-Cottonwood Irrigation District diversion dam can be accomplished with grant money and would bring Anderson-Cottonwood Irrigation District into compliance with federal mandates enabling passage for migrating fish on the Sacramento River.

Response: Partially Disagree

The District's current diversion facilities meet all state and federal laws and guidelines. However, efficiencies in District operations, environmental enhancement, and potential other benefits are possible should the District elect to relocate its point of water diversion. Progress on feasibility of relocating the point of diversion is already being made; in May of 2024 the District and Sacramento River Settlement Contractor group was awarded a grant from CDFW for \$200,000 to study the feasibility of relocating the District's point of diversion further downstream, in addition to studying the feasibility of improvements to the Churn Creek diversion pumps for future low river flows. The feasibility study will examine the potential positives of relocating the District's point of diversion:

"The feasibility study will explore alternatives that would eliminate upstream migration delays for anadromous fish, improve spawning utilization of upstream habitat above the District's diversion facilities and improve drought resiliency while ensuring reliability for continued water deliveries to customers in the future."

To the extent the concept is feasible, the District agrees that it can be accomplished only with grant proceeds (indeed, it would have to be funded through grant proceeds).

RECOMMENDATIONS:

R1: Direct the Strategic Planning Committee to start developing a comprehensive modernization plan by October 1, 2024, that includes removal of the diversion dam with an alternative draw downstream to ensure safe agricultural irrigation to south central Shasta County for decades to come.

Response: This concept is currently being implemented. The District's goal is to have a long-range modernization plan developed by January 1, 2025.

R2: Direct the Strategic Planning Committee by October 1, 2024 to utilize guidance from experts, such as the California Polytechnic Irrigation Training and Research Center, the United States Department of Fish and Wildlife, and the Sacramento River

Settlement Contractor Non-Profit Corporation, for engineering expertise and funding sources.

Response: This concept is currently being implemented. The District's goal is to have a long-range modernization plan developed by January 1, 2025.

R3: Begin applying for grants by December 2025 to permanently remove the diversion dam.

Response: An aspect of this recommendation is already being implemented, with the District having recently received a \$200,000 CDFW grant for feasibility analyses. Provided the concept is feasible, the District intends on pursuing other grant funding opportunities to further study, seek regulatory and legal approvals, and implement, as appropriate, for the resulting project. For clarification, the concept being analyzed is relocation of the District's point of water diversion on the Sacramento River. The District is not currently studying the removal of the diversion dam. Removal of the current diversion facilities will be part of a larger project and will be considered in future studies.

COST OF OUTSIDE LEGAL COUNSEL FOR SHASTA COUNTY

2023-2024 Shasta County Grand Jury
May 30, 2024

SUMMARY

The Shasta County Grand Jury received a complaint alleging the Shasta County Board of Supervisors spent an excessive amount of money for contracted outside legal counsel. The complaint was based on comments made during a Shasta County Board of Supervisors meeting on September 26, 2023, indicating the board had spent \$16,426,293.80 for outside legal counsel over 31 months.

The comment immediately raised concerns from members of the public, who did not believe that the board could spend \$12,000 per day for outside legal services. The complainant suggested this type of spending might be an indication of corruption and requested the grand jury provide information to the residents of Shasta County about how and why the board had spent this money.

The grand jury found the actual amount of funding by the county for outside legal counsel was in fact less than reported in the board meeting, and the time span for the reported expenditures was longer than was stated. There were a series of errors in the data collection and the reporting of that data to the board, which resulted in an overstatement of the costs of outside legal counsel. This report presents the data over a four-year period and dispels the misconception that the board spent \$16.4 million on outside legal counsel over 31 months.

METHODOLOGY

Documents

During its investigation, the grand jury reviewed numerous documents, including:

- The Shasta County Board of Supervisors meeting video, agenda, and minutes of September 26, 2023.
- Emails of various Shasta County departments.
- Budget documents and data compiled by the office of the chief executive officer.

Interviews

The grand jury interviewed three people, including the subject of the complaint and two county employees knowledgeable about Shasta County budgets.

DISCUSSION

During the Shasta County Board of Supervisors meeting on September 26, 2023, a supervisor stated the county spent over \$16.4 million on outside legal counsel over a 31-month period from January 1, 2021, through July 31, 2023. This information was the result of a request from a concerned citizen under the Public Records Act (PRA).

The grand jury found that the original data that staff collected regarding the cost of outside legal counsel had two main errors that created misinformation.

The first issue was that the PRA request asked for data over a 31-month period, but the actual data provided and reported by the county was for 43 months, and the total funding was for a full year longer. This discrepancy was discovered after the board meeting, and a press release was issued to correct the misinformation. The press release noted that \$16.4 million was spent on outside legal counsel over 43 months, one more year than was reported at the September 26, 2023, meeting.

The second issue was that total costs reported by county departments for outside legal counsel were wrong. The dollar amount reported during the board meeting incited the curiosity of a county employee who has knowledge about county budgeting. The employee chose to analyze the data again, because they knew from past experience that costs are often charged to different line items by departments. Additionally, the analyst determined that some of the same costs for outside legal services were reported by multiple departments.

Once completed, fiscal control staff reviewed the second analysis of the costs for outside counsel and agreed this deeper query resulted in better data.

During the investigation, the grand jury discovered that the county utilizes outside legal services for many different purposes, such as labor union contract negotiations, public hearings or appeals, workers' compensation issues, and conflict public defender services, to name a few. These types of legal services are part of the annual budget but are not discretionary on the part of the board. They are normal and customary legal costs. Outside legal services are also contracted for litigation of specialty issues the board directs, such as the Fountain Wind Project, the Record Searchlight lawsuit, or ongoing negotiations with the Redding Rancheria. These types of outside legal services are often for advice that requires expertise beyond county counsel's normal legal guidance.

The chart on the following page outlines the funding spent on outside legal counsel over four fiscal years. The county fiscal year is from July 1 through June 30. The cost for outside counsel for four years from July 1, 2019, through June 30, 2023, was \$12,765,577.69.

OUTSIDE LEGAL COUNSEL COSTS: 7/1/2019 – 6/30/2023

INCIDENT NAME/ LABEL	2019/2020	2020/2021	2021/2022	2022/2023	TOTAL
Complaint Investigations	0	0	0	\$28,338.50	\$28,338.50
Conflict Public Defender	\$1,878,232.17	\$1,888,327.50	\$1,946,791.33	\$2,011,307.52	\$7,724,658.52
Dept Specific Matters	\$27,228.37	\$6,506.29	\$3,096.51	\$325.26	\$37,156.43
Elections	0	\$3,664.00	\$45,581.18	\$7,253.00	\$56,498.18
Fountain Wind	0	0	\$2,226.78	\$12,494.00	\$14,720.78
Impact Fees	\$1,463.67	0	\$7,196.39	\$853.81	\$9,513.87
Labor Negotiations	\$95,467.01	\$74,795.64	\$91,707.52	\$176,681.00	\$438,651.17
Other Agencies	\$36,148.68	\$21,953.55	\$9,252.00	\$12,213.92	\$79,568.15
Personnel	\$2,360.19	0	\$255.00	\$80,923.59	\$83,538.78
PRA	0	\$35,091.50	0	\$364.00	\$35,455.50
Public Hearings/Appeals	\$14,526.17	\$7,990.50	\$18,489.56	\$13,727.50	\$54,733.73
Record Searchlight	0	0	0	\$125,837.69	\$125,837.69
Redding Rancheria	\$58,574.50	\$25,334.50	\$31,141.00	\$32,987.00	\$148,037.00
Risk Management	\$419,457.18	\$614,482.41	\$1,090,614.49	\$1,804,315.31	\$3,928,869.39
Grand Total	\$2,533,457.94	\$2,678,145.89	\$3,246,351.76	\$4,307,622.10	\$12,765,577.69

The county budget is large and complex, which can make it difficult to be sure all of the parameters are equal when different departments report expenses that have not been reconciled until the close of the fiscal year. Departments may account for outside legal costs in different budget line items, which is acceptable, but can make it difficult to quickly identify all of the expenses in a specific category. Departments may also duplicate some costs, because some report their budget amount and others report their actual expenditures.

The grand jury is pleased to report the amount of spending for outside legal counsel over a four-year period by the county was less than reported. The grand jury was also able to define the types of services that are paid in this budget category and found many of them are normal and customary expenses in the approved budget and are not just under the discretion of the board.

This report does not attempt to determine if the amount of funding spent by Shasta County on outside legal expenses is excessive, insufficient, or appropriate. Instead, the goal is to get the correct information into the public record.

While this instance appears to be related to budget spending, it is also an example of how misinformation can create public mistrust. Over the past few years, some in the community have become skeptical about many board decisions and discussions. The board can demonstrate integrity by ensuring the information shared with the public is accurate and transparent.

FINDING

F1. The amount of funding spent by Shasta County for contracted outside legal services was overstated in a Shasta County Board of Supervisors meeting which elicited strong reactions from the public and further undermined public confidence in the board's judgements.

RECOMMENDATION

The 2023-2024 Shasta County Grand Jury recommends:

R1. The Shasta County Board of Supervisors identify and enroll in an annual training program focused on improving communication and transparency during board meetings. The first annual training is to be completed by January 31, 2025.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the following responses are required from the following governing body within 90 days of this report:

- The Shasta County Board of Supervisors as to F1.
- The Shasta County Board of Supervisors as to R1.

DISCLAIMERS

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury do not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

When there is a perception of conflict of interest involving a member of the Grand Jury, that member has been required to recuse from any aspect of the investigation involving such a conflict and from voting on the acceptance of or the rejection of that report. Two members of the Grand Jury recused themselves from all aspects of the investigation.



Superior Court of California County of Shasta

ADAM B. RYAN
Presiding Judge

TAMARA L. WOOD
Assistant Presiding Judge

August 22, 2024

Kevin Crye, Chairman
Shasta County Board of Supervisors
1450 Court Street, Suite 308B
Redding, CA 96001-1680

Re: Grand Jury Report re: "Cost of Outside Legal Counsel for Shasta County"

Dear Mr. Crye:

This is to acknowledge receipt of your response dated August 20, 2024, to the 2023-2024 Grand Jury report regarding "Cost of Outside Legal Counsel for Shasta County".

I would like to thank you for your response to the Grand Jury Report. Pursuant to the provisions of Penal Code §933, I shall transmit your response to the Office of the County Clerk to be maintained on file there. An additional copy shall be provided to the Clerk of the Court also to be maintained on file.

Thank you again for your response.

Sincerely,

A handwritten signature in blue ink, appearing to be "A. Ryan", with a long horizontal stroke extending to the right.

Adam B. Ryan
Presiding Judge

cc: Office of the County Clerk (original response)
Melissa Fowler-Bradley, Clerk of the Court (for Admin file)
Grand Jury



Shasta County

BOARD OF SUPERVISORS

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TIMOTHY GARMAN, DISTRICT 2
MARY RICKERT, DISTRICT 3
PATRICK H. JONES, DISTRICT 4
CHRIS KELSTROM, DISTRICT 5

August 20, 2024

The Honorable Adam Ryan
Presiding Judge, Shasta County Superior Court
1515 Court Street, Room 610
Redding, CA 96001

Dear Judge Ryan:

**Re: Response of Board of Supervisors to Fiscal Year 2023-24 Grand Jury Report:
"Cost of Outside Counsel to Shasta County"**

The Shasta County Board of Supervisors appreciates the time and dedication which the Fiscal Year 2023-24 Grand Jurors contributed to their charge. The findings and recommendations contained in the report are under serious consideration and discussions are being held regarding solutions to any unresolved problems.

FINDINGS

The Grand Jury findings:

F1. The amount of funding spent by Shasta County for contracted outside legal services was overstated in a Shasta County Board of Supervisors meeting which elicited strong reactions from the public and further undermined public confidence in the board's judgements.

Response: The Board of Supervisors partially disagrees with the finding.

The Board of Supervisors agrees the amount of funding spent by Shasta County for contracted outside legal counsel services was overstated at the September 26, 2023, Board of Supervisors meeting.

The Board of Supervisors disagrees that this overstatement of funds spent by Shasta County for contracted outside legal services elicited strong reactions from the public and further undermined public confidence in the board's judgements.

The Honorable Adam Ryan
Shasta County Superior Court
August 20, 2024
Page 2

RECOMMENDATIONS

The Grand Jury recommends:


R1. *The Shasta County Board of Supervisors identify and enroll in an annual training program focused on improving communication and transparency during board meetings. The first annual training is to be completed by January 31, 2025.*

Response: The recommendation will not be implemented because it is not warranted or is not reasonable.

The Board of Supervisors are individually and independently elected officials and cannot be required to identify or enroll in an annual training program focused on improving communication and transparency during board meetings. However, Board of Supervisors are required to complete Ethics trainings bi-annually in accordance with AB 1234 Ethics Training. Additional training courses are available to individual Board members upon request.

This concludes the responses of the Shasta County Board of Supervisors to the Fiscal Year 2023-24 Grand Jury Report entitled "The Cost of Outside Counsel to Shasta County."

Sincerely,



Kevin Crye, Chairman
Board of Supervisors
County of Shasta

CITIZEN OVERSIGHT OF SHASTA COUNTY ELECTIONS

2023-2024 Shasta County Grand Jury
June 4, 2024

SUMMARY

The Shasta County Grand Jury launched an investigation into alleged violations of elections codes prompted by a complaint submitted to the grand jury by a concerned citizen. The complainant alleged that on Tuesday, October 24, 2023, elections officials of the Shasta County Elections Office violated elections codes when staff did not allow election observers to “see the ballot envelopes nor challenge the signature verification” of mail-in ballots. The grand jury feels it is important to clarify any lingering misconceptions within the community about election observations.

The grand jury conducted interviews with elections management, toured the elections office, and reviewed pertinent elections laws. The investigation found that the elections officials adhered to the requirements of the relevant sections of the California Elections Code. This code allows observers to view the verification process, with limitations.

BACKGROUND

Since 2022, mail-in ballots have been sent to every active registered voter in California. In recent elections, approximately 80% of all voters in Shasta County have cast their vote by mail, rather than in person.

For signature verification, the elections officials must compare the signature on each mail-in ballot to the voter’s signature in the voter’s registration record. Signature validation begins with the presumption that the signature on the ballot envelope is the voter’s signature. Exact matches are not required for an elections official to confirm a valid signature. As an example, a signature may look different because the voter may have had a medical condition, such as a stroke, that may cause the ballot signature to appear different.

Elections officials do their utmost to ensure the signatures are valid before allowing the ballot to be counted. If an individual's ballot signature does not compare to the registration form, a letter is sent to them as outlined in the Elections Code:

“Except as provided in subparagraph (D), on or before the next business day after a determination that a voter's signature does not compare pursuant to subdivision (c), but not later than eight days prior to the certification of the election, the elections official shall send by first-class mail notice to the voter of the opportunity to verify the voter's signature no later than 5 p.m. two days prior to the certification of the election. The notice shall include a return envelope, with postage paid, for the voter to return a signature verification statement.” California Code, Elections Code - ELEC § 3019 (2) (d)(1)(A)

METHODOLOGY

Documents

During the investigation, the grand jury reviewed the following documents:

- California Code, Election Code - ELEC § 3019 (2) (d)(1)(A).
- California Elections Code 15104 (a) to (e).
- California Elections Code ELEC 2194 (b) (2).
- California Code, Election Code-ELEC 2300.
- California Code of Regulations Chapter 8.2, Election Observation: Rights and Responsibilities.

Site Visit

The grand jury toured the Shasta County Elections Office.

Interviews

The grand jury interviewed two Shasta County elections officials. The grand jury reached out to speak with the complainant, but the complainant did not respond.

DISCUSSION

During the Shasta County elections held in the fall of 2023, two election observers requested that elections office personnel allow them to closely observe and challenge signatures on mail-in ballots. The observers were told that they could not challenge signatures; they could only observe the process of signature verification.

In the past, observers were allowed in the signature verification room. However, recent disruptions by some observers made it more difficult for elections staff to do their job. As a result, elections officials no longer allow observers in the room. On October 24, 2023, observers watched the process through windows and on video screens in a room adjacent to the verification room. The screen clearly showed how elections employees compared ballot signatures with voter registration signatures.

The complainants wished to challenge some signature comparisons, but they were informed that they did not have the ability nor the authority to challenge the signatures. They only could challenge the process. California elections code specifically states that observers may challenge “the manner” in which the ballots are handled. It does not allow for the challenging of signatures.

California Elections Code states:

“An election observer shall have the right to observe the processing of vote-by-mail identification envelopes and vote-by-mail ballots. Observers shall be allowed sufficiently close access to enable them to observe the vote-by-mail identification envelopes, the

signatures and dates thereon, and the manner in which vote-by-mail ballots are handled.” California Elections Code Section 15104 (c)

The observers also requested that elections employees slow down so that they could more easily see the signatures, but this would have disrupted the process and delayed signature validation, which is against elections code.

The California Bill of Rights informs observers:

“You have the right to ask questions about election procedures and observe the election process. You have the right to ask questions of the precinct board and elections officials regarding election procedures and to receive an answer or be directed to the appropriate official for an answer. However, if persistent questioning disrupts the execution of their duties, the precinct board or elections officials may discontinue responding to questions.”
California Code, Election Code-ELEC2300

The California Elections Code further explains that interfering with the election process is not permitted:

“A vote by mail voter observer shall not interfere with the orderly processing of vote by mail ballot return envelopes or the processing and counting of vote by mail ballots, including the touching or handling of the ballots.” Ca Elections Code 15104 (d)

The grand jury found the Shasta County elections officials followed the election laws and codes as they pertain to observations of mail-in ballots, and the complainant did not have the right to challenge signatures or have the staff members slow down the process.

FINDING

F1. The Shasta County Grand Jury found that the Shasta County elections officials adhered to the relevant sections of the California Elections Codes and California Bill of Rights on Tuesday, October 24, 2023.

INVITED RESPONSES

The Shasta County Grand Jury invites the Registrar of Voters and Shasta County Board of Supervisors to respond to F1 within 60 days of the release of this report.

DISCLAIMER

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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SHASTA COUNTY ELIGIBILITY WORKERS ARE UNDERVALUED

2023-2024 Shasta County Grand Jury
June 6, 2024

SUMMARY

Eligibility Workers are the first contacts for the underserved population needing assistance in Shasta County. The Shasta County Grand Jury found the Shasta County Health and Human Services Agency (HHSA) entry-level Eligibility Worker position has a high vacancy rate and decided to investigate the problem. In the course of its investigation, the grand jury found that Eligibility Workers express a high job satisfaction rate but leave because of low wages and job stress. “Eligibility Worker 1” (EW1) is defined as an entry level position, but the career has changed over the past few years and now requires complex special skills. The current job description has not been updated to include the complexity of the current position, nor the time and training required to learn and master the job.

Though an upper management HHSA employee proposed a comprehensive reclassification almost 18 months ago, the county has not approved it. The grand jury recommends that the county reclassify the EW1 position to reflect the true complexity of the job.

The high vacancy rates for EW1s have resulted in EW staff working excessive overtime, which contributes to staff burnout and causes workers to resign or transfer to other county jobs that are less stressful. The county would benefit from doing a cost analysis to more clearly understand how the agency spends limited funds.

In addition, HHSA lacks a permanent training space. The current training center is too small to train a sufficient number of new employees to fill vacancies, complicating the problem. In spite of an adequate applicant pool, only 16 new hires can be trained every four months. The grand jury recommends that the county secure a larger permanent training facility to accommodate more trainees.

BACKGROUND

Eligibility Workers are the employees who interact person-to-person with public assistance applicants of all ages, genders, ethnicities, and low economic levels. The duties of EW1s are varied and numerous. It is the EW1’s job to connect clients with needed federal and state benefit programs in a timely manner. They must learn the different programs designed for aid in Shasta County, check the eligibility of clients applying for aid, and be certain to enroll clients in some programs within a three-day period. Each program has different qualifications for aid, whether it is for a single person with or without children or a family needing housing, medical help, or food. These employees spend nine weeks learning rules, regulations, and numerous systems before they are prepared to interact with clients. EW1s are also required to attend classes in de-

escalation procedures so that they are competent to compassionately support difficult clients. EW1s are responsible to enroll clients for benefits and must be well trained, empathetic, and tireless in their efforts.

METHODOLOGY

During its investigation, the grand jury reviewed numerous documents including:

- Personnel rosters.
- Customer Service Center data.
- Graph of wait time for phone queues.
- Expedited Service Benefits chart.
- Reclassification proposal for EW positions.

Site Visits

The grand jury conducted a site visit of the EW training facility.

Interviews

The grand jury interviewed 16 people including:

- Current HHSA Eligibility Workers.
- HHSA Eligibility Worker trainers.
- Shasta County administrative and management staff.

DISCUSSION

Throughout the grand jury's investigation, it became clear that the major reason for EW1s to leave their positions is the low wage, which contributes to the high vacancy rate. The EWs who were interviewed expressed high job satisfaction and appreciation of their supervisors and colleagues, but the low pay makes it hard to make ends meet. Increasing complexity of the job, burnout from overtime, and ongoing stress to meet the needs of their clients are additional challenges for EW1s. As a result, some of these well-trained employees seek better positions elsewhere or move into different county positions at the same classification and pay scale, but with less stressful duties that do not require working with a sometimes-challenging public.

Job Description

Another factor contributing to the vacancy rate is that the job description has not been updated to reflect the greater complexity of the job. Applicants are often not aware of the requirements of the position, the complicated forms and programs they must master, and the sometimes adverse client reactions they may experience. Once the workers receive their first paychecks, many are not willing to stay through the intensive training and accompanying stress, and they drop out. According to records kept for the four 2023 induction training classes, 26% of trainees were lost in the first six months and 32% by twelve months. Attracting and retaining workers is

challenging. Better documentation of the actual job duties might attract more people and benefit both applicant and county.

Complexity of the Work

The job description for an EW1 is currently listed as an entry level position, and the wages are commensurate with that description. The job has become more complex due to increased federal and state mandates. The training knowledge and skill level needed for this job have increased significantly. EW1s train for nine weeks and then are supervised by a mentor for four to six additional months. EW1s are now required to learn new plans through Covered California.

EW1s are also required to operate multiple computer systems. They need to interface between separate systems while learning to troubleshoot and do workarounds when the systems do not mesh.

The California Department of Health Care Services (DHCS) and the California Department of Social Services (CDSS) release program updates to the counties, sometimes three in a week, and the county must implement the changes within a specific time to ensure clients receive their benefits in a timely manner.

Programs Available in Shasta County

Cal Fresh	Medical Services
Cal Works	Cooking and Nutrition
Government Assistance	In Home Health Services
Housing Programs	Child Care
WIC	Housing
Cash Aid	Comprehensive Perinatal Services Program
Job Skills	Maternal Depression and Anxiety
Mental Health Support	Disability Resources

The Population Requiring Services Continues to Increase

Since 2017, the number of CalWORKS and CalFresh programs increased from 66 to 127, and Health Care Programs increased from 63 to 73. In addition, the overall caseloads of the combined programs have grown from 32,290 in 2013-2014 to 55,344 in 2022-2023. The total caseload has grown 66%, while the staffing level has increased only 11% during the same time period. Processing some of the aid programs, like expedited CalFresh, requires completion within three days, or the county faces penalties. A new state mandate requires EWs to staff a 24-hour crisis center for emergency calls. Because there are not enough workers to place in that position, the current EW staff fills those slots, leading to more job-related stress and additional overtime.

Chronic Understaffing

HHSA has state funding for 160 full time Eligibility Workers 1 and 2, but it has never been fully staffed. According to personnel rosters from 2023, the number of vacant EW1 and EW2 positions ranged from 38 to 60, which results in the vacancy rate of 24% to 38% of primarily EW1s and contributes to overtime, stress, and burnout. The grand jury found that HHSA has not done a cost analysis to calculate the loss of investment due to training and probation dropouts, frequent movement of the training facility, and the cost of overtime. With a cost analysis, the county would have more data to make informed decisions.

The starting salary for EW1s has not kept up with the increases in California minimum wage. For instance, in April 2024, the minimum wage for fast food workers increased to \$20.00 per hour. The EW1 starting wage is \$18.99 per hour. Fast food restaurants train their new employees three to five days. EW1s train for nine weeks and spend an additional four to six months with a mentor.

Compliance Requirements

The shortage of EW1s delays HHSA from meeting the needs of clients and complying with state mandates to address client needs in a timely manner. Required compliance of some state mandates is 90%, but HHSA is chronically at about 70%. The state can fine HHSA for not meeting the state mandates.

Insufficient Training Space

To compound the problem, HHSA does not have a permanent EW training center. In the past, they rented buildings for training, but on two different occasions, those facilities were rendered useless due to flood damage. Over the past six years, the training center has relocated five times.

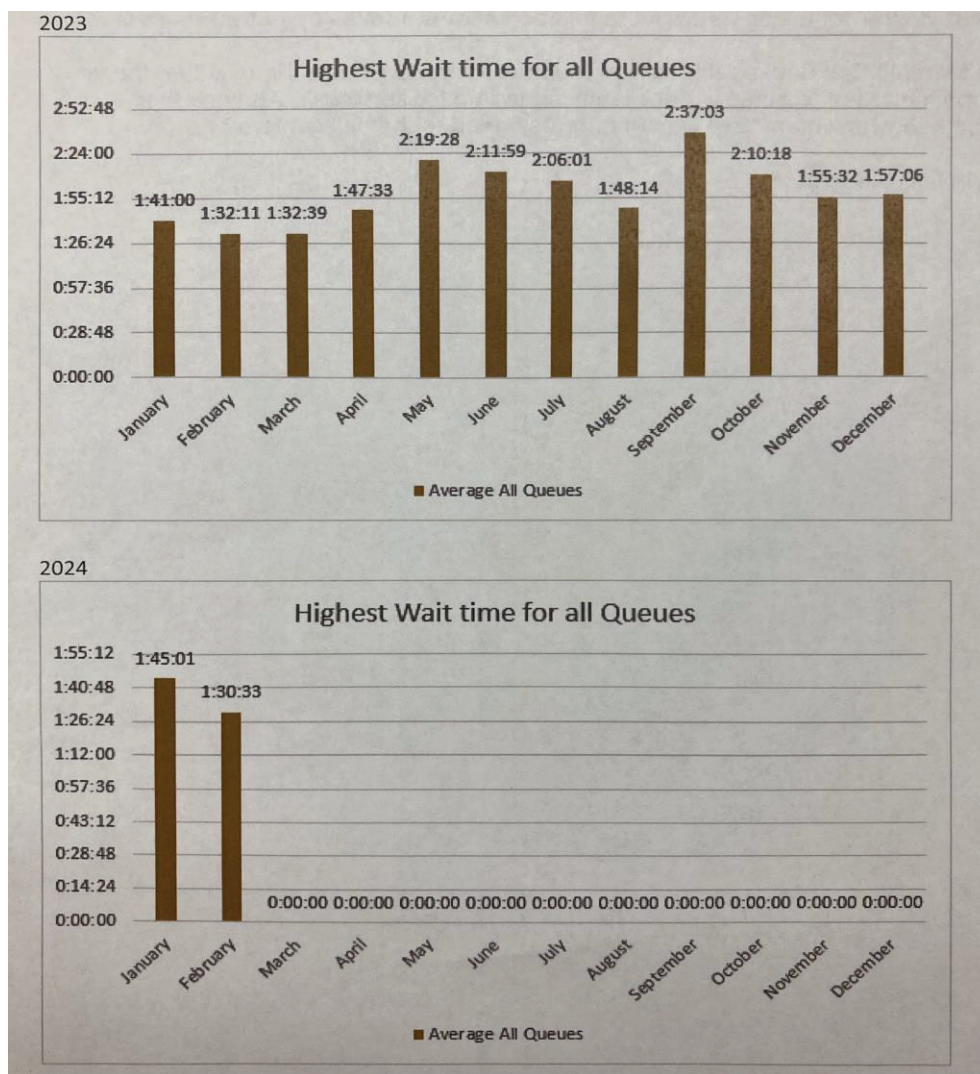
During a visit to the latest training area, the grand jury found employees using two small side-by-side rooms, requiring the trainer to move back and forth between the classrooms. Additionally, inadequate training space limits HHSA's ability to train more than 16 new hires in a single session. Optimally 30 applicants should be trained at a time due to the attrition that occurs before, during, and after training. The eligibility worker position has never been fully staffed, but a dedicated facility to train a larger number of new hires would be a step in the right direction to correct that problem.



Eligibility Worker Training Center, March 2024

Call Center

HHSA has a call center, which it staffs with EWs, to receive inquiries and make appointments for benefits. In 2023, the center received from 4,980 to 9,630 calls monthly, averaging 600 a day. Callers abandoned the calls at a rate of 14% to 40%, due to excessive wait time, which can be as long as two and a half hours. HHSA budgeted for a fully staffed call center of 63 employees. As of March 2024, there were only 47. Long wait times have contributed to delays for clients.



Existing Proposal

During the course of its investigation, the grand jury became aware of a proposal to reclassify the Eligibility Worker position, as well as update the job description. This would increase the starting wages. This proposal, which was drawn up by an upper management HHSA employee, was presented to the county administration over a year ago, but no action was taken. The proposal was evaluated to be a true reclassification, which would address the issues of job

complexity and low wage. If implemented, the reclassification would begin to remedy the high vacancy rate and low retention rate of entry level EW1s.

FINDINGS

- F1. Reclassification of the Eligibility Worker 1 position to match the current complexity of the job is necessary to increase wages.
- F2. Increasing the wages of the Eligibility Worker 1 position to match the current complexity of the job would improve retention and lower vacancy rates.
- F3. Inadequate staffing leads to additional stress for the workers and delays services for clients.
- F4. The small training facility limits the number of trainees per class, which contributes to the insufficient number of new hires.
- F5. As a result of not tracking the cost of overtime or the loss of Eligibility Workers during training, the county is not able to calculate the investment lost every time a worker leaves.

RECOMMENDATIONS

The 2023-2024 Shasta County Grand Jury recommends:

- R1. The Shasta County Board of Supervisors approves and implements the existing reclassification proposal of the Eligibility Worker position by December 31, 2024.
- R2. The Shasta County Board of Supervisors establishes a permanent training center, large enough to supply a full contingent of new Eligibility Workers by December 31, 2024.
- R3. By June 30, 2025, the Shasta County Board of Supervisors conducts a cost analysis of overtime and attrition of the Eligibility Worker 1 position during training and during the first year of employment.

REQUEST FOR RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the following responses are required within 90 days from the following governing body:

- The Shasta County Board of Supervisors as to F1, F2, F3, F4, and F5.
- The Shasta County Board of Supervisors as to R1, R2, and R3.

DISCLAIMER

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury do not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.



**Superior Court of California
County of Shasta**

ADAM B. RYAN
Presiding Judge

TAMARA L. WOOD
Assistant Presiding Judge

August 22, 2024

Kevin Crye, Chairman
Shasta County Board of Supervisors
1450 Court Street, Suite 308B
Redding, CA 96001-1680

Re: Grand Jury Report re: "Shasta County Eligibility Workers are Undervalued"

Dear Mr. Crye:

This is to acknowledge receipt of your response dated August 20, 2024, to the 2023-2024 Grand Jury report regarding "Shasta County Eligibility Workers are Undervalued".

I would like to thank you for your response to the Grand Jury Report. Pursuant to the provisions of Penal Code §933, I shall transmit your response to the Office of the County Clerk to be maintained on file there. An additional copy shall be provided to the Clerk of the Court also to be maintained on file.

Thank you again for your response.

Sincerely,

A handwritten signature in blue ink, appearing to be "A. Ryan", is written over a horizontal line.

Adam B. Ryan
Presiding Judge

cc: Office of the County Clerk (original response)
Melissa Fowler-Bradley, Clerk of the Court (for Admin file)
Grand Jury



BOARD OF SUPERVISORS

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MARY RICKERT, DISTRICT 3
PATRICK H. JONES, DISTRICT 4
CHRIS KELSTROM, DISTRICT 5

August 20, 2024

The Honorable Adam Ryan
Presiding Judge, Shasta County Superior Court
1515 Court Street, Room 610
Redding, CA 96001

Dear Judge Ryan:

**Re: Response of Board of Supervisors to Fiscal Year 2023-24 Grand Jury Report:
"Shasta County Eligibility Workers are Undervalued."**

The Shasta County Board of Supervisors appreciates the time and dedication which the Fiscal Year 2023-24 Grand Jurors contributed to their charge. The findings and recommendations contained in the report are under serious consideration and discussions are being held regarding solutions to any unresolved problems.

FINDINGS

The Grand Jury findings:

F1. *Reclassification of the Eligibility Worker 1 position to match the current complexity of the job is necessary to increase wages.*

Response: The Board of Supervisors agrees with this finding.

Reclassification of the Eligibility Worker classifications are currently scheduled to come before the Board of Supervisors on August 27, 2024.

F2. *Increasing the wages of the Eligibility Worker 1 position to match the current complexity of the job would improve retention and lower vacancy rates.*

Response: The Board of Supervisors agrees with this finding.

F3. *Inadequate staffing leads to additional stress for the workers and delays services for clients.*

Response: The Board of Supervisors agrees with this finding.

F4. *The small training facility limits the number of trainees per class, which contributes to the insufficient number of new hires.*

Response: The Board of Supervisors agrees with this finding.

The Board agrees there is a small training facility, limiting the number of trainees per class. The Board acknowledges this is one of many factors contributing to the insufficient number of new hires. Currently, recruitment rates match the size of the training facility.

F5. *As a result of not tracking the cost of overtime or the loss of Eligibility Workers during training, the county is not able to calculate the investment lost every time a worker leaves.*

Response: The Board of Supervisors agrees with this finding.

RECOMMENDATIONS

The Grand Jury recommends:

R1. *The Shasta County Board of Supervisors approves and implements the existing reclassification proposal of the Eligibility Worker position by December 31, 2024.*

Response: The recommendation has not yet been implemented but will be implemented in the future.

Shasta County's Health and Human Services Agency, Personnel, and County Administrative Office have been working on the reclassification of the Eligibility Worker position to match the technical nature of the position. This proposal is expected to come before the Board of Supervisors for discussion and approval on August 27, 2024. If approved, the reclassification will be completed within the recommended timeframe.

R2. *The Shasta County Board of Supervisors establishes a permanent training center, large enough to supply a full contingent of new Eligibility Workers by December 31, 2024.*

Response: The recommendation will not be implemented because it is not reasonable.

The Board agrees that establishing a permanent training center would be ideal. However, the County continues to struggle to find property for many existing needs and locating a facility that would accommodate this need would not only be difficult but likely very costly.

Additionally, if recruitment and retention rates improve following the proposed reclassification, there will be a smaller number of newly hired Eligibility Workers requiring training and, therefore, no need for a larger training center.

R3. *By June 30, 2025, the Shasta County Board of Supervisors conducts a cost analysis of overtime and attrition of the Eligibility Worker I position during training and during the first year of employment.*

Response: The recommendation has not been implemented but will be implemented in the future.

Staff within the Health and Human Services Agency will conduct a cost analysis of overtime and attrition of the Eligibility Worker I position during the first year of employment for Fiscal Year 2023-24. The analysis will be completed no later than June 30, 2025.

This concludes the responses of the Shasta County Board of Supervisors to the Fiscal Year 2023-24 Grand Jury Report entitled “**Shasta County Eligibility Workers are Undervalued.**”

Sincerely,



Kevin Crye, Chairman
Board of Supervisors
County of Shasta

ADDRESSING AND ARRESTING MRSA BEHIND BARS: Shasta County Jail Management of MRSA Poses Risk to Inmates and Those Who Look After Them

2023-2024 Shasta County Grand Jury
June 13, 2024



Shasta County Jail. Photo by grand jury, May 11, 2024.

SUMMARY

A complaint from a concerned citizen prompted the Shasta County Grand Jury to investigate the medical treatment of Shasta County Jail inmates. The complainant's son was an inmate with a skin infection and a history of methicillin-resistant *Staphylococcus aureus* (MRSA). The complainant alleged that initially there was delay in addressing her son's condition, followed by incorrect treatment, which led to additional and unnecessary suffering. The complainant alleged that many other inmates were also suffering with MRSA.

Skin and soft tissue infections are common in correctional facilities, including the Shasta County Jail. The overwhelming majority of these infections are caused by MRSA. Medical personnel, working in correctional facilities, must have sufficient medical knowledge to control and treat MRSA infections.

The Shasta County Sheriff's Office (SCSO) is responsible for the health and safety of inmates. Shasta County contracts with an outside healthcare organization, Wellpath, to provide healthcare services in the jail. Wellpath's policies and procedures for infectious disease prevention and control do not address the control and treatment of MRSA skin and soft tissue infections. Wellpath and the SCSO correctional staff inconsistently follow standard practices for the reduction of MRSA transmission, putting inmates and staff at risk for developing infections.

While interviewing the Wellpath medical staff and reviewing medical records of three inmates with skin or soft tissue infections, the grand jury found some staff members had insufficient knowledge of MRSA and the proper treatment of skin and soft tissue infections.

The grand jury determined that deficiencies of policies and procedures to minimize MRSA transmission and unreliably following standard medical practices to treat skin and soft tissue infections lead to unsafe and unsanitary conditions and put inmates and staff at increased risk for MRSA.

Though both SCSO and Wellpath need to address these shortcomings, the grand jury discovered that Wellpath is not fully meeting several of its contractual obligations to Shasta County. By meeting these terms of the contract, Wellpath would remedy many of the present problems regarding MRSA skin and soft tissue infections within the jail.

BACKGROUND

Wellpath

Wellpath is a healthcare company based in Nashville, Tennessee and one of the nation's largest for-profit healthcare providers for prisons and correctional facilities. Over half the counties in California, including Shasta County, contract with Wellpath to provide medical services in their jails. Wellpath staffs the clinic with a physician assistant (PA) during business hours, four days a week, and with registered nurses (RNs) and licensed vocational nurses (LVNs) 24 hours a day, seven days a week. The medical director is in charge of supervising the practice of medical personnel; however, the medical director is not on-site. No physician physically oversees the care jail medical staff provides. If employees have questions regarding treatment of an inmate, they can consult a Wellpath physician via telemedicine.

MRSA

Skin and soft tissue infections are prevalent in jails and prisons. Incarceration, homelessness, intravenous (IV) drug use, and living in close quarters are risk factors for these infections. The overwhelming majority of these infections are due to MRSA, which is spread by skin-to-skin contact with an infected individual or with contaminated personal items, such as towels, common surfaces, and athletic equipment.

MRSA is resistant to certain antibiotics, such as penicillin and cephalosporins, including Keflex. MRSA was rarely seen outside the hospital setting until it was reported in IV drug users in the early 1980s. Community-acquired MRSA has since become the most frequent cause of skin and

soft tissue infections presenting to hospital emergency rooms and out-patient clinics in America. Proper mitigation of the spread and treatment of MRSA is important in keeping infections under control in our crowded jails and prisons.

METHODOLOGY

Documents

During its investigation, the grand jury reviewed numerous documents, including:

- Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS), National Institute for Occupational Safety and Health (NIOSH); *NIOSH Fact Sheet: Managers: Protect Correctional Staff from MRSA*.
- Infectious Disease Society of America; “*Clinical Practices Guidelines for Diagnosis and Management of Skin and Soft Tissue Infections*,” *Clinical Infectious Diseases*, July 15, 2014.
- Mayo Clinic website, *MRSA Infection*.
- Medical records of the three interviewed inmates at Shasta County Jail.
- *Personal Services Agreement Between the County of Shasta and California Forensic Medical Group, INC (now Wellpath)*, June 29, 2021.
- Shasta County Sheriff’s Office Policies 301, 508, 600, 703, 704, and 903.
- UpToDate (an online evidence-based, peer-reviewed medical resource), *MRSA Articles: “Epidemiology,” “Prevention and Control,” “Treatment of Skin and Soft Tissue Infections,”* 2024.
- Wellpath Shasta County California Policies & Procedures, *Infectious Disease Prevention and Control*, June 30, 2021.

Site Visits

The grand jury conducted three site visits to the Shasta County Jail.

Interviews

The grand jury conducted 12 interviews:

- Complainant.
- Three inmates: subject of complaint and two randomly selected inmates with skin or soft tissue infections.
- Four Wellpath employees, including administrative and clinical staff.
- Four Shasta County Jail employees, including upper and middle management.

DISCUSSION

Effective control and treatment of MRSA, especially in jails, require thorough intake procedures, standard practices to control the spread of MRSA, and effective medical treatment. The grand jury found that Wellpath and SCSO practices and processes are incomplete.

The grand jury interviewed three inmates with skin infections. One was the subject of the complaint, and two were randomly selected inmates with active skin infections. The grand jury also reviewed their respective medical records.

Inmate #1 entered jail under the influence of fentanyl, and claimed he informed the intake staff he had abscesses on his groin and knee areas. The Wellpath nurse documented, “Skin, unremarkable,” on the screening form. Twelve days later, after recovering from fentanyl withdrawals, a nurse saw him and approved him for work duty. As will be explained later, this inmate’s experience revealed shortcomings with the intake process, choice of treatment, and accurate record keeping.

Inmate #2 entered jail with a draining abscess on the inner portion of his left elbow for which he was taking antibiotics prescribed by a physician at a local clinic. Medical records show that in this instance, Wellpath did not follow its standard practices to cover draining wounds nor continue previously prescribed, necessary medications.

Inmate #3 entered jail with no skin infections. Nine months into his incarceration, he developed the first of many recurring skin infections. The inmate said his cellmate had a staph infection and this was how he believed he got it.



Photo shows one of Inmate #3’s many recurring MRSA infections.
Photo by grand jury, April 15, 2024.

Intake

“You’re under arrest.” Three little words nobody ever wants to hear. For those arrested and brought to jail, intake begins with the booking process. When inmates arrive at jail, they undergo

a medical pre-screening whereby a Wellpath employee asks them a list of scripted questions relating to issues, including but not limited to, housing, suicidal risk, current illicit drug use, disabilities, wounds or skin infections, and any current prescription medication.

Medical staff informed the grand jury it is their standard practice, when inmates are found to have a draining wound, to immediately see the inmate for treatment and to cover the wound with a dressing. Wellpath staff said it has a medication verification procedure to ensure inmates receive the necessary medications they were taking prior to incarceration.

MRSA is common in jails and prisons. Many inmates arrive to jail with active skin infections. Since living in close quarters increases the risk of spreading MRSA, prompt identification and treatment to prevent the spread of the disease is of significant importance. According to the National Institute for Occupational Safety and Health (NIOSH):

“MRSA outbreaks have occurred at several correctional facilities. Two factors contributing to this are the high prevalence of MRSA among inmates compared to the general public and crowded living conditions.”

Upon review of two inmate cases, the grand jury discovered flaws in the intake process to identify and treat skin and soft tissue infections. In the case of Inmate #1, the grand jury learned that deficiencies during intake allow skin infections to go unnoticed. Unless inmates report having a wound or skin issue, medical staff is not prompted to perform a complete skin exam.

In the case of Inmate #1, the inmate recalls having abscesses on his knees and groin; however, the nurse documented, “Skin: unremarkable.” What actually was true at the time, we cannot know for certain. If inmates have infections in areas covered by clothing, and they answer at pre-screening that they do not have wounds or skin infections, the medical staff does not know they have an infection.

Inmates arriving to jail have many reasons for being unreliable historians, including mental illness, distraction, intoxication, or uncooperativeness. To have the inmates routinely examined unclothed while changing into their jail garments would be a solution to promptly identify and begin treatment of abscesses, which occur frequently in skin folds of groin, knees, elbows, and underarms.

A similar problem exists when inmates are cleared for work duty. As in Inmate # 1’s case, if they do not tell staff they have a skin infection and are not unclothed at exam to verify they do not have skin infections, they could be cleared for work duty and more readily infect others. Inmate #1 was approved for food and laundry services.

During intake, Inmate #2 reported he had a draining abscess on the inside of his elbow. The nurse documented an abscess but did not describe it. The nurse also documented he was taking an antibiotic and sent a request for information to the pharmacy that had filled it. The nurse did not cover the wound nor did the inmate receive the necessary antibiotic he was taking before incarceration. He was placed in general population with a cellmate, thereby putting those with whom he came in contact at increased risk for developing infection. He was not seen again by

medical staff for four days. When seen, the provider noted he had a small abscess on his left arm, with no further description. The provider prescribed a new 10-day course of Bactrim. Wellpath did not follow its practice of continuing previously prescribed medication. For four days, he did not receive a necessary medication he was on prior to incarceration, thereby delaying treatment. Wellpath needs to analyze why these systems failed and then, make corrections.

Standard Practices to Control the Spread of MRSA

From both a financial standpoint and that of human suffering, avoiding sickness is far better than later needing treatment. SCSO Policy 903 on communicable diseases does not address MRSA. Wellpath's Policy and Procedure for Infectious Disease Prevention and Control also does not address MRSA. However, Section 5.2.1 of the Wellpath document states the responsible physician/medical director approved a written exposure control plan to address the management of many contagious diseases, including MRSA. The section also states, "The plan is reviewed and updated at least annually..." When the grand jury asked to see the Exposure Control Plan, Wellpath staff told the grand jury the staff could not produce it and it "did not exist." Wellpath needs to immediately address this critical shortcoming.

An Ounce of Prevention Is Worth a Pound of Cure

The grand jury researched the standard practices to reduce the risk of MRSA transmission. NIOSH emphasizes adopting a system-wide culture of safe practices with continual reinforcement of best practices. Best practices include:

- Educating staff members and inmates on proper hand washing and encouraging inmates to shower each day.
- Educating inmates not to share personal items, such as clothing, razors, or towels. Personal items should be kept away from others' personal items.
- Instructing inmates not to "pop" sores.
- Covering draining wounds.
- Restricting inmates with open wounds from participating in activities involving skin-to-skin contact or using gym equipment.
- Promptly laundering and thoroughly drying clothing, towels, and bedding coming into contact with wound drainage.
- Routinely cleaning environmental surfaces that come into contact with bare skin with a cleaner that acts against MRSA, paying special attention to shower handles, toilet knobs, banisters, and exercise equipment.

Personal Hygiene and Personal Belongings

Hand washing is the most important way to stop the spread of MRSA. Wellpath should be reliably educating inmates with skin infections on the importance of frequent hand washing and showering, linen and clothing changes, and sharing of personal items. Only one of the three inmates had any documentation of hand washing education in the record. Sharing of personal items was not addressed in any inmate records reviewed.

Inmate #2 arrived at the jail with a draining wound that was not covered at intake. He reported that after his showers the wound would weep and then get crusty, until he showered again the next day. He showers every day and not having been told otherwise, hangs his towel on a hook inside his cell. Per NIOSH protocol, given his active MRSA infection, the towel should have been immediately laundered, not left in his cell where it could infect his roommate.

According to inmate interviews, Wellpath staff did not educate those inmates that using fresh towels, sheets, and clothing helps reduce the spread of MRSA, nor did correctional staff give them more than the standard weekly change of towels, linens, and clothing (2 uniforms, 4 shirts, 4 underwear, 4 pairs of socks).

Wellpath routinely needs to inform correctional staff when an inmate has an active MRSA infection and give correctional staff the instructions to provide the inmate with daily changes of clean towels, linens, and clothing. The used towels, linens, and clothing promptly should be sent to the laundry for cleaning and sanitizing.

Environmental Surface Cleaning

The grand jury learned that inmates are responsible for cleaning their own cells and common areas. They are provided with rags, mops and buckets and an ammonia-based solution, which is effective against MRSA. Per SCSO policy, correctional staff is responsible to maintain facility cleanliness. However, the grand jury found there is no record or log kept of when cleaning is done, and correctional staff gives no guidance or definition of what is considered clean. And, if inmates do not clean, there are no provisional plans to ensure the work is accomplished. The grand jury witnessed a sink clogged with dirty water, a mop and bucket filled with dirty water, and a banana peel in the women's shower. With this level of visual uncleanliness, one can only imagine the level of microscopic contamination.

Standard Medical Treatment

There is agreement within the medical literature that incision and drainage is the primary treatment for skin abscesses.

There is disagreement regarding the necessity to use antibiotics in addition to incision and drainage to treat abscesses. For example, UpToDate recommends antibiotic treatment for all patients undergoing an incision and drainage. The Infections Disease Society of America recommends adding antibiotics only if there are signs of more widespread infection, such as fever or surrounding redness.

Importantly, there is agreement that when antibiotics are used, it is necessary to choose an antibiotic to which MRSA is susceptible, since MRSA is the predominant cause of skin and soft tissue infections. MRSA is susceptible to antibiotics such as Bactrim and doxycycline, whereas MRSA is resistant to Keflex.

In the case of Inmate #1, Wellpath staff chose an incorrect antibiotic to treat the inmate's skin infection. This inmate told the grand jury he had abscesses on his groin and knees when he was booked. If present then, Wellpath staff did not document the abscesses. Whether he had them and staff did not see them because he was clothed on exam, or whether he did not have them at intake is unclear. Nevertheless, on day 13 of incarceration, a nurse assessed the inmate for worker clearance. On the worker clearance form's line item: "Open sores or rash noted on hands, arms, face, or neck," the nurse wrote, "No." The nurse approved the inmate for food and laundry service. The very next day, the inmate was started on Keflex, with no clinical exam documentation and no explanation as to why medical staff ordered Keflex. Five days later, a wound care note documented multiple reddened areas on both knees and that the inmate reported current antibiotic treatment.

When the grand jury interviewed the employee who prescribed the Keflex, the employee stated that in the setting of skin and soft tissue infections, they would choose any of the following: Bactrim or Keflex or doxycycline or clindamycin. When asked, what is the most common cause of skin and soft tissue infections in the jail setting, the Wellpath employee did not identify MRSA. Wellpath needs to correct this employee's gaps in knowledge and treatment of a common ailment in the jail setting.

Inmate #3's case is also concerning. Nine months into incarceration, he developed a bump on his left arm, which worsened. This history is a standard presentation of an abscess. He reported it to medical staff using the I-Pad available to inmates in the common area of the cell block. It took three days for medical staff to see the inmate. The nurse documented, "A painful, red pustule that is warm to touch on forearm." Medical staff prescribed Bactrim but did not open the wound for drainage.

The inmate took matters into his own hands and popped the wound while in his cell. Subsequently, he was seen multiple times for newly acquired abscesses developing over the course of several weeks. The staff prescribed more antibiotics and performed dressing changes, but never performed the standard accepted practice of incision and drainage and did not explain in the medical records why they were not performing the procedure. Upon interviewing the employees, some said they knew how to perform the procedure, but could not explain under what circumstances they would perform the procedure.

Wellpath's Contractual Shortcomings

On several levels, Wellpath is not fully meeting its contractual obligations to Shasta County. The following are specific examples of non-compliance within the "Personal Services Agreement" between Shasta County and Wellpath.

Section 1.A.3) states:

"[Wellpath] must possess and maintain a working knowledge of the current best practices and a comprehensive understanding of the issues related to comprehensive health care services to inmates at the Jail."

Upon interviewing Wellpath employees and reviewing their documentation, the grand jury found gaps in their knowledge of MRSA and understanding of standard treatment for skin and soft tissue infections. Wellpath needs to educate its employees on these subjects.

Section 1.D.1) states:

“[Wellpath] shall update and continue to develop policy and procedures manuals, in conjunction with Sheriff’s Office, relative to the duties of [Wellpath] and Sheriff staff with respect to health care in the Jail.”

Since the policy Wellpath has on infectious diseases does not adequately address MRSA, the grand jury finds the need for Wellpath to develop policies and procedures with respect to MRSA in the jail.

Section 2.D. states:

“[Wellpath] shall have a Medical Director who will be responsible to assure the quality of medical care provided...and who will also supervise the practice of nurse practitioners or other ancillary personnel, should such personnel be utilized.”

Yet, none of the clinical Wellpath employees interviewed has met the overseeing physician in person. One employee thought they may have spoken on the phone with the medical director once. The grand jury asked about chart review, and it was told it is not performed. Wellpath needs to correct the lack of oversight by the medical director.

Section 2.Q. states:

“[Wellpath] shall provide in-service training for its personnel. Topics will be identified by [Wellpath’s] Program Manager who will also maintain records on subject matter and employee participation.”

The grand jury finds Wellpath staff needs training on prevention, assessment, treatment, and documentation of MRSA skin and soft tissue infections. In-service training, preferably by a local physician with expertise in wound care, is an achievable method to provide the needed education.

Medical Records

“If It Wasn’t Documented, It Didn’t Happen”

Medical records are meant to communicate a patient’s medical issues and condition in an organized manner. This communication is important to the next provider caring for the patient.

Wound care flowsheet notes for Inmate #3 showed documentation of the exact same description five days in a row as follows, “0.5 [sic] circular open wound presenting with mild surrounding erythema and inflammation. Entire wound bed presents with yellow slough.” On day 6, the Wellpath employee did not describe the skin examination and documented only, “Wound care no longer necessary.” A medical staff member who reviewed the documentation during an interview said it appeared the wound had “miraculously healed overnight.”

Of the medical records the grand jury reviewed, documentation of wounds and wound care was inconsistent and, in some cases, not documented at all. Medical records using the SOAP (Subjective/Objective/Assessment/Plan) note structure all consistently lacked assessment, i.e. diagnosis. Records appeared to show evidence of defaulting to auto-filled information and lack of vocabulary to describe wounds. On more than one occasion, the grand jury heard from Wellpath employees, “If it wasn’t documented, it didn’t happen.” Based on this statement, Wellpath employees need to improve the way they document in the health record to reflect the actual condition of the inmates’ issues.

Closing Thoughts

The grand jury observed Wellpath staff and correctional staff exhibit collegiality. With the understanding that well over 50% of inmates suffer from mental illness and other disabilities, the grand jury appreciates it is a challenging population to manage.

Given that MRSA is more common in the population that becomes incarcerated compared to the general public and that living in close quarters is a risk factor for MRSA, the grand jury realizes staff likely will not be able to completely eradicate MRSA skin and soft tissue infections within the jail. However, by adopting a system-wide culture of safe practices with continual reinforcement of best practices, Wellpath and SCSO can address and more readily arrest MRSA behind our jail’s bars.

FINDINGS

F1. As a result of inadequate policies and procedures for MRSA prevention and control, staff and inmates at the Shasta County Jail are at increased risk for developing skin and soft tissue infections.

F2. As a result of inmates not being routinely examined unclothed at intake and prior to work clearance, skin and soft tissue infections are not reliably identified.

F3. As a result of the Wellpath staff unreliably following intake policies and procedures, identification and treatment of inmates arriving to jail with infections is delayed, thus putting staff and other inmates at risk of becoming infected.

F4. As a result of Shasta County Jail correctional staff not monitoring and ensuring adequate inmate cleaning of common areas and cells, unsafe and unsanitary conditions exist that enable the spread of MRSA.

F5. As a result of some Wellpath staff having insufficient knowledge of MRSA and standards to treat active skin infections, staff is putting infected inmates at increased risk of delayed healing.

RECOMMENDATIONS

The Shasta County Grand Jury recommends:

R1. By December 31, 2024, the Shasta County Sheriff-Coroner direct Wellpath to develop and implement facility-wide policies and procedures for standard practices, delineated by NIOSH, for the prevention and control of MRSA skin and soft tissue infections.

R2. By December 31, 2024, the Shasta County Sheriff-Coroner direct Wellpath to develop a policy and procedure by which inmates entering jail and being cleared for work duty have their skin fully examined.

R3. By December 31, 2024, the Shasta County Sheriff-Coroner direct Wellpath to create a system-wide policy whereby every inmate with an open skin infection receives a daily change of clean clothing, bedding, and towels to reduce the spread of MRSA.

R4. By December 31, 2024, the Shasta County Sheriff-Coroner update the policies and enforce daily environmental cleaning of all surfaces in common areas and cells to reduce the spread of MRSA, and to regularly inspect and document the cleaning to ensure it was performed to standards.

R5. By December 31, 2024, the Shasta County Sheriff-Coroner direct Wellpath to provide in-service training, preferably by a local physician with expertise in wound care, on standard practices for the prevention, assessment, treatment, and documentation of MRSA skin and soft tissue infections.

REQUIRED RESPONSES

Pursuant to Penal Code section 933 and Penal Code 933.05 the following responses are required within 60 days from the following elected official:

The Shasta County Sheriff-Coroner shall respond as to F1, F2, F3, F4, and F5.

The Shasta County Sheriff-Coroner shall respond as to R1, R2, R3, R4, and R5.

DISCLAIMER

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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SHASTA COUNTY SHERIFF

Michael L. Johnson
SHERIFF - CORONER

July 17, 2024

To: The Honorable Adam Ryan
Presiding Judge, Shasta County Superior Court
1515 Court Street
Redding, California 96001

From: Michael L. Johnson, Sheriff-Coroner
300 Park Marina Circle
Redding, California 96001

Re: Response of the Shasta County Sheriff's Office to FY 2023-2024 Grand Jury Report.

Dear Honorable Judge Ryan,

First, I would like to express my gratitude and appreciation for the 2023-2024 Grand Jury members. I appreciate their volunteerism and valuable feedback regarding the operation of our local government agencies.

Upon receiving the Grand Jury Report, I reviewed the document in its entirety. The report focused on certain communicable diseases, specifically methicillin-resistant staphylococcus aureus, commonly referred to by the acronym MRSA.

MRSA, a type of staph bacteria that has become resistant to many forms of modern antibiotics, is a serious concern. I agree with the report that the offender population is at a higher risk of contracting MRSA than the public due to the disease's mode of transmission through touching infected skin or surfaces.

After reviewing the recommendations from the Grand Jury, I met with the Custody Division Commander Captain Stonehouse and Wellpath personnel to discuss the report. After a series of meetings on that topic, a response to the findings in the Grand Jury's report was drafted and attached to this letter. I want to emphasize the importance of the Grand Jury's recommendations, which will have a role in shaping our future response to mitigate the spread of MRSA in the Shasta County Jail.

Respectfully,

Michael L. Johnson, Sheriff-Coroner

Shasta County Jail Grand Jury Report 2023-2024

“Addressing and Arresting MRSA Behind Bars: Shasta County Jail Management of MRSA Poses Risk to Inmates and Those Who Look After Them”

Findings, Recommendations, and Responses

Findings:

F1. As a result of inadequate policies and procedures for MRSA prevention and control, staff and inmates at the Shasta County Jail are at risk for developing skin and soft tissue infections.

Response to F1: The Sheriff-Coroner partially disagrees with this finding. Wellpath has policy and procedures established for MRSA prevention and control. The policy and procedures are titled IC-100_A-12 Control and Treatment of MRSA found in the category of Clinical Manuals was effective 09/12/2023 and HCD-110_B-02 Infectious Disease Prevention and Control was effective 11/11/2023. See attached policy and procedure for detailed information. The policy and procedure IC-100_A-12 Control and Treatment of MRSA was not provided to the Grand Jury during the investigation, due to it being under the corporate policies and not under Wellpath policies in Shasta County. Policy IC-100_A-12 Control and Treatment of MRSA has since been made into a hard copy to be kept at the Shasta County Jail. The Shasta County Jail and Wellpath have added the procedure of additional documentation of incarcerated individuals with skin infections that are open and draining in the form of a medical treatment order. The medical treatment order will be provided to the classification officer, an alert (flag) will then be created within the jail management system under the incarcerated individual's inmate record, indicating the medical treatment order with a brief synopsis of the treatment order.

F2. As a result of inmates not being routinely examined unclothed at intake and prior to work clearance, skin and soft tissue infections are not reliably identified.

Response to F2: The Sheriff-Coroner disagrees with this finding. During the intake process, every individual has a medical pre-screening questionnaire completed prior to entering the facility. During the intake questionnaire, not every individual entering the facility is truthful about their medical issues or concerns. Sometimes, it is not until the individual is advised they are staying in custody that they then may fully divulge medical conditions to either correctional or medical personnel. However, once those medical issues are disclosed those conditions can be addressed by medical personnel. Visual observations of the individual are conducted while fully clothed, after outer layers of clothing and shoes are removed before entry into holding, booking, or to safety cells. The Shasta County Jail cannot legally examine any intake unclothed, per California Penal Code 4030(e), for the purposes listed in F2.

F3. As a result of the Wellpath staff unreliably following intake policies and procedures, identification and treatment of inmates arriving to jail with infections is delayed, thus putting staff and other inmates at risk of becoming infected.

Response to F3: The Sheriff-Coroner disagrees with this finding. Per Wellpath, their staff are following intake policies and procedures with identification and treatment of incarcerated individuals arriving with infections. This is outlined in the Wellpath policies and procedures of HCD-110_B-02 Infectious Disease Prevention and Control. As similarly outlined in the earlier response in F1, the policy IC-100 A-12 Control and Treatment of MRSA has since been made into a hard copy to be kept at the Shasta County Jail. See attached policies for detailed information.

F4. As a result of Shasta County Jail correctional staff not monitoring and ensuring adequate inmate cleaning of common areas and cells, unsafe and unsanitary conditions exist that enable the spread of MRSA.

Response to F4: The Sheriff-Coroner partially disagrees with this finding. The Shasta County Jail Correctional Deputies supply each housing unit daily with cleaning supplies such as Mar-V-Cide and One Step Detergent/Disinfectant. Replenished cleaning supplies are provided by Correctional Deputies at the request of the incarcerated individuals. Additional cleaning items are generally in the form of Ajax and Scotch-Brite scrub pads. The incarcerated population have been directed to maintain their sleeping area and surrounding common areas in a clean, orderly, and sanitary fashion as outlined in the Inmate Orientation Manual.

Incarcerated individuals will continue to maintain responsibility for cleanliness within their assigned cell for safety and security reasons. However, a cleaning solution log will be created to identify when cleaning supplies are issued/received for each housing unit. This will enable a tracking system for what cleaning supplies enter each housing unit and exit each housing unit. Moving forward, our personnel will also monitor cleaning of the common areas and dayroom by making a log-entry in our Spillman Jail Management System (TMS) when those areas are cleaned by inmate work crews on a nightly basis. These additions will be added to our current policy and a training bulletin will be issued.

F5. As a result of some Wellpath staff having insufficient knowledge of MRSA and standards to treat active skin infections, staff is putting infected inmates at increased risk of delayed healing.

Response to F5: The Sheriff-Coroner disagrees with this finding. The Wellpath staff providing treatment are licensed as either a Licensed Vocational Nurse, a Registered Nurse, or Physician's Assistant. Each license is maintained by the Board of Vocational Nursing, the Board of Registered Nursing, and the Physician's Assistant Board through the state of California.

Recommendations:

R1. By December 31, 2024, the Shasta County Sheriff-Coroner direct Wellpath to develop and implement facility-wide policies and procedures for standard practices, delineated by NIOSH, for the prevention and control of MRSA skin and soft tissue infections.

Response to R1: The recommendation has been implemented. As similarly outlined in the earlier response to F1, Wellpath policies and procedures have been developed and implemented.

R2. By December 31, 2024, the Shasta County Sheriff-Coroner direct Wellpath to develop a policy and procedure by which inmates entering jail and being cleared for work duty have their skin fully examined.

Response to R2: The recommendation will not be implemented because it is neither warranted nor reasonable. As similarly outlined in the earlier response to F2, the Shasta County Jail cannot legally examine all intakes unclothed, per California Penal Code 4030(e), for purposes listed in F2 and R2.

R3. By December 31, 2024, the Shasta County Sheriff-Coroner direct Wellpath to create a system-wide policy whereby every inmate with an open skin infection receives a daily change of clean clothing, bedding, and towels to reduce the spread of MRSA.

Response to R3: The recommendation will not be implemented because neither warranted nor reasonable. However, as similarly outlined in the earlier response to F1, a medical treatment order will be created by Wellpath based off the medical evaluation conducted of the incarcerated individual. The medical treatment order will contain whether clothing exchange is required based on each individual medical evaluation.

R4. By December 31, 2024, the Shasta County Sheriff-Coroner update the policies and enforce daily environmental cleaning of all surfaces in common areas and cells to reduce the spread of MRSA, and to regularly inspect and document the cleaning to ensure it was performed to standards.

Response to R4: The recommendation will not be implemented because its neither warranted nor reasonable. As similarly outlined in the earlier response to F4, incarcerated individuals will maintain responsibility for cleanliness of their assigned cells due to safety and security reasons. However, a cleaning solution log will be created to identify when cleaning supplies are issued/received for each housing unit. This will enable a tracking system to identify and record what cleaning supplies enter and exit the housing units. Moving forward, our personnel will also monitor cleaning of the common areas and dayroom by making a log-entry in our Spillman Jail Management System (TMS) when those areas are cleaned by inmate work crews on a nightly basis. These additions will be added to our current policy and a training bulletin will be issued.

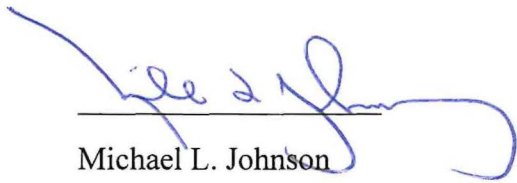
R5. By December 31, 2024, the Shasta County Sheriff-Coroner direct Wellpath to provide in-service training, preferably by a local physician with expertise in wound care, on standard practices for the prevention, assessment, treatment, and documentation of MRSA and MRSA skin and soft tissue infections.

Response to R5: The recommendation has been implemented. In-service training will be provided to Wellpath staff on wound care, standard practices for prevention, assessment, treatment, documentation of MRSA and MRSA soft tissue infections. The in-service training will be conducted by Kelly A. Kynaston, DO and Matthew Miles, MD of Mercy Medical Center. At the time of this response, the date has not been determined; however, it will be completed by December 31, 2024.


Additional Remarks:

The Shasta County Sheriff's Office respects the Grand Jury's review of infectious disease control within the Shasta County Jail. The Grand Jury's review, constructive criticism, and suggestions for improvement are aimed at lowering the spread of contagious diseases in the jail. The revisions and implementations will better assist the offender population while making the Custody Division a safer place to work. Although the Sheriff's Office did not implement each recommendation, the Grand Jury's input helped improve the organization's service, efficiency, and future approach to mitigating the spread of infectious disease among the inmate population.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Mike L. Johnson", is written over a horizontal line.

Michael L. Johnson
Sheriff - Coroner

	<p style="text-align: center;">Wellpath Shasta County California Policies & Procedures</p>	
<p>TITLE: HCD-110_B-02 Infectious Disease Prevention and Control --Shasta CA</p>	<p>REFERENCE: 77153</p>	
	<p>PAGE: 1 OF 6 VERSION:4</p>	
<p>APPROVER: Kinton, Damon</p>	<p>SUPERSEDES: v.3 HCD-110_B-02 Infectious Disease Prevention and Control --Shasta CA EFFECTIVE: 11/11/2023 REVIEWED: 11/11/2023</p>	

PURPOSE

This policy is intended to ensure that there is a comprehensive institutional program that includes surveillance, prevention, and control of communicable disease.

1. APPLICABILITY

This policy applies to health care staff and other persons providing services at the request of Wellpath.

2. POLICY

Wellpath will maintain an effective Infection Control program that focuses on the prevention, diagnosis, and treatment of infectious and communicable diseases. The Infection Control Committee is a subcommittee of the CQI committee. Infection control issues, including recommendations to control and prevent the spread of infectious diseases, are addressed at the scheduled CQI Committee and Medical Audit Committee meetings. A multidisciplinary team that includes clinical, security, and administrative representation meets at least quarterly to review and discuss communicable disease and infection control activities and about confidentiality and special supervision.

Special procedures, including the use of a translation service, ensure that patients who have difficulty communicating understand how to access health care services. Any special procedure used shall be documented in the health record to demonstrate effective communication.

3. INTERPRETATION / RESPONSIBILITY

This policy is to be interpreted by the Wellpath Chief Clinical Officer or designee, and it is the responsibility of the Responsible Health Authority or designee to ensure implementation and adherence.



Wellpath
Shasta County California
Policies & Procedures

TITLE: HCD-110_B-02 Infectious Disease Prevention and Control --Shasta CA

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4. DEFINITIONS

Health Care Staff – Qualified health care professionals as well as administrative and supportive staff (e.g., health records administrators, laboratory technicians, nursing and medical assistants, and clerical workers)

PPE – Personal Protective Equipment

RHA/HSA – Responsible Health Authority / Health Services Administrator

5. PROCEDURE

5.1. Surveillance

5.1.1. The RHA/HSA ensures surveillance to detect patients with serious infections and communicable diseases is effective.

5.1.2. Patients are screened for communicable diseases during any or all of the following:

- Initial booking process / receiving screening
- Health Assessment / communicable disease screening
- Sick Call

5.1.3. All patients will receive a skin test for tuberculosis during the initial intake or within __14__ days of admission to the facility.

- If patient returns to custody within 30 days of documented negative tuberculin test and negative symptom screen then repeat skin test may be deferred until the next annual screening is due

5.1.4. Tuberculosis testing will be repeated annually, at a minimum, for patients remaining in custody.

5.2. Control



Wellpath
Shasta County California
Policies & Procedures

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- 5.2.1. There is a written Exposure Control Plan approved by the Responsible Physician / Medical Director. The plan addresses the management of, at a minimum, tuberculosis, HIV, MRSA, sexually transmitted diseases, outbreaks of common respiratory and gastrointestinal disturbances and Hepatitis A, B, and C. The plan is reviewed and updated at least annually and is consistent with the current requirements and published guidelines of the Centers for Disease Control (CDC), the National Institute of Occupational Safety and Health (NIOSH), and the Occupational Safety and Health Administration (OSHA).
- 5.2.2. Patients found to have an infectious disease which has not been treated will either be seen and treated immediately by qualified health care staff or referred to the hospital emergency department.
- 5.2.3. If appropriate, patients with contagious diseases are segregated until a medical evaluation can be completed.
- 5.2.4. Patients requiring respiratory isolation are housed in a functional negative pressure room.
- If the facility is equipped with negative air pressure rooms used to house patients requiring respiratory isolation, a procedure is followed to ensure daily checks of rooms are conducted.
 - For facilities not equipped with negative pressure rooms, the procedure requires transport to a community hospital where the patient can be appropriately isolated.
- 5.2.5. Effective ectoparasite control procedures are used to treat infected patients and disinfect bedding and clothing. The patient's bedding and clothing infected with ectoparasites are disinfected. Prescribed treatment is given to the infected patient and is ordered only by providers taking into account all conditions including pregnancy, open sores, and rashes. If the facility routinely delouses patients, only over-the-counter medications, such as those containing pyrethrin are used.

5.3. Prevention



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- 5.3.1. Patients are encouraged to utilize the daily sick call for any medical conditions which might appear contagious.
- 5.3.2. Immunizations are provided to prevent diseases when appropriate.
- 5.3.3. Standard Precautions, including but not limited to Personal Protective Equipment (PPE), are always used by health care staff to minimize the risk of exposure to blood and bodily fluids of potentially infected patients. Health care staff utilize needle safety devices during the course of their duties.
- 5.3.4. Training is provided annually on Bloodborne Pathogens and Standard Precautions.
- 5.3.5. The RHA/HSA or designee is the Infection Control Nurse who is responsible for maintaining proper record keeping and serving as an advisor in the area of infection control.
- 5.3.6. Appropriate medical, dental, and laboratory equipment/instruments are appropriately cleaned, decontaminated, and sterilized per applicable recommendations and/or regulations.
- 5.3.7. Sharps and bio-hazardous wastes are disposed of properly on a routine basis. All Biohazard waste is properly stored and appropriately labeled per OSHA requirements. Functional, accessible, and visible sharps disposal containers are available.
- 5.3.8. All custodial, sanitation, and inmate workers are trained in appropriate methods for handling and disposing of biohazardous materials and spills.

5.4. Reporting

- 5.4.1. Health care staff shall report all appropriate communicable diseases to the County Health Department in accordance with federal, state, and local laws and regulations.
- 5.4.2. The RHA/HSA or designee ensures there is analysis and trending of data specific to infection control issues and/or focus studies.

5.5. Discharge

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5.5.1. Health care staff work to ensure that patients who are released with communicable or infectious diseases are given community referrals.

5.6. Environmental Inspection

5.6.1. A monthly environmental inspection is conducted of areas where health services are provided to verify that:

- Equipment is inspected and maintained
- The unit is clean and sanitary
- Measures are taken to ensure the unit is occupationally and environmentally safe

6. REFERENCES

NCCHC Standards for Health Services in Jails 2018

- Section: Health Promotion, Safety, and Disease Prevention: J-B-02 Infectious Disease Prevention and Control (E)

NCCHC Standards for Health Services in Prisons 2018

- Section: Health Promotion, Safety, and Disease Prevention: P-B-02 Infectious Disease Prevention and Control (E)

NCCHC Standards for Mental Health Services in Correctional Facilities 2015

- Section: Safety: MH-B-01 Infection Prevention and Control Program (E)

IMQ Standards for Adult Detention Facilities 2013

- 310 – Communicable Diseases (E)

Title 15 Minimum Standards for Local Detention Facilities

- §1206.5. Management of Communicable Diseases in a Custody Setting
- §1208.5. Health Care Maintenance

ACA Standards / 2016 Standards Supplement

- 4-ALDF-4C-14 Communicable Disease and Infection Control Program (M)
- 4-ALDF-4C-15 Communicable Disease and Infection Control Program - Tuberculosis
- 4-ALDF-4C-16 Communicable Disease and Infection Control Program (M) - Hepatitis
- 4-ALDF-4C-17 Communicable Disease and Infection Control Program (M) - HIV
- 4-ALDF-4C-18 Communicable Disease and Infection Control Program (M) - Waste
- 1-HC-1A-11 Communicable Disease and Infection Control Program (M)
- 1-HC-1A-12 Communicable Disease and Infection Control Program - Tuberculosis



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- 1-HC-1A-13 Communicable Disease and Infection Control Program (M) - Hepatitis
- 1-HC-1A-14 Communicable Disease and Infection Control Program (M) - HIV
- 1-HC-1A-15 Communicable Disease and Infection Control Program (M) - Waste

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Housing Unit Operation

508.1 POLICY

The inmate housing areas will be maintained in a clean and orderly manner.

Specific services will be provided to the extent possible, on a regular and timely basis consistent with the provisions of Title 15 and the needs of the institution.

It is the responsibility of all employees to assist in ensuring that inmates follow all rules given to them as a part of the intake process.

508.2 MOD CONTROL

The mod control room will be off-limits to inmates at all times except when painting or cleaning under a supervised program.

Visitor access to the mod control room will be limited to prearranged tours and other instances authorized by the Watch Commander or higher authority.

The rear security door of the mod control room will be opened only for security staff.

Inspections of the inmate living areas for cleanliness and rule compliance will be a shared responsibility of:

- * The mod control deputy.
- * The housing unit deputies.
- * The Watch Commander, on at least a monthly basis.
- * The Facility Manager, on a quarterly basis.
- * The Undersheriff on an annual basis.

The prowler officers will also share responsibility to solve inmate problems in the housing area before referral to a more formal process.

The inmate grievance procedure will be considered as a second step for problems which the officers are unable to resolve.

Inmates will not be allowed in the visiting area or on the back stairs unless transacting necessary business or going to or coming from a visit.

Due to the sensitive nature of the mod control position, the mod control deputy will remain on post until properly relieved.

During the day shift watch, it is the responsibility of the mod control deputy to make the initial check of all reported alarms and relay the status to Central Control.

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It is the responsibility of the day shift Watch Commander to insure the timely delivery of inmate mail.

For ADA Work Requests refer to Policy 216: Maintenance Engineering.

508.3 LOCK DOWN

In housing areas where an inmate is in lock down status, a cell check record will be completed by the assigned mod control deputy. The cell check record will reflect, but not be limited to, the following information:

- * The amount of hours or days the inmate is to be locked down.
- * Shower and recreation time.
- * Attorney visits.
- * Probation or Parole visits.
- * Any court movements.
- * Movements to the medical unit.

The cell check record will be attached to the inmates booking sheet and retained.

Lock down inmates who can be mixed with the population of their pods may be allowed shower and recreation time during the normal business day.

The inmates who present unique safety or discipline problems and who cannot be allowed to mix, will be allowed shower and recreation time which may, at the discretion of the officer assigned to that area, be after the evening lock down.

Facility lock down times, as established by the institution, will be the responsibility of the officer assigned to each living area.

Lock down time may be extended by the Watch Commander for worker pods.

Day room lights are to be left on 24 hours a day.

508.4 SHOWERS

Inmates in a non-lock down status will be allowed unrestricted access to the showers on a daily basis during their day room usage time.

508.5 ACCESS TO DAYROOM WRITING SURFACE

In order to provide a reasonable accommodation for inmates housed in a dormitory cell to have access to a writing surface, the following procedure shall be followed. This accommodation is in addition to the inmates' normal out of cell time schedule.

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- (a) The inmate must be housed in an ADA Dormitory cell.
- (b) The inmate can ask any correctional deputy for access to the dayroom writing surface.
- (c) These accommodations shall only be made between the hours of 0600 hours and 2200 hours, and shall not interfere with meal services, medication distribution, or during any period determined by the deputy to be safety concern such as a facility lockdown or other emergency.
- (d) Accommodations shall not interfere with the out of cell time schedule of those inmates on administrative separation.
- (e) Inmates that are found to be abusing this accommodation shall be returned to their cell for the day. For example, an inmate using this time to shower, use the phone, watch television, or video visit would be considered to be abusing the accommodation.
 - (a) A log entry shall be made in Spillman for any abuse of this accommodation. (Log Entry Type = "Abuse of Writing Surface Accom")
 - (b) Watching television, showering, using the phone, and using the video visitation will not prohibit the inmate from being eligible for future writing surface accommodations.

508.6 INMATE PROVISIONS

Dispensing of the following items is a responsibility of the housing unit deputies:

- * Miscellaneous forms.
- * Hand soap.
- * Toilet paper.
- * Feminine napkins, tampons, panty liners
- * Hair cutting equipment.
- * Pod/cell cleaning tools.
- * Other designated items.

508.6.1 ITEM PICK-UP

The housing unit deputies on each shift will have the responsibility to pick up the following items:

- * Outgoing Mail.
- * Other related items for distribution.

Cleaning gear and related items will be placed into each pod and picked up on a daily basis.

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508.7 MEALS

The mod control deputy is required, when requested, to provide an accurate count to the kitchen.

Inmate housing area meals will be supervised by the housing unit deputies who are responsible for verifying the count of eating utensils placed into and removed from each housing area.

508.8 CELL INTEGRITY

The following policy is designed to be pro-active in dealing with the ongoing problem of vandalism and destruction of jail property (i.e. housing units).

The housing unit deputy will perform a cell inspection prior to the assigned inmate being placed in or removed from any cell. The housing unit deputy and the inmate will inspect the assigned room for damages and the housing unit deputy will verify and note damage. When the inmate moves to another area, the room condition will again be checked for damage.

Whenever an inmate is released, the housing unit deputy and the inmate will check the room for damages against the Cell Inspection Check List.

If there are no damages, the housing unit deputy will close the room door and ensure that it is locked.

In the cells where double occupants are housed, both inmates will have responsibility for keeping the room undamaged.

Inmates who vandalize or damage their cells will be given disciplinary sanctions as necessary and in some cases, charged criminally.

Medical cells shall be cleaned daily.

Medical cells shall be cleaned and sanitized between uses or additionally as necessary.

Rooms with infectious waste shall be locked down unoccupied for 24 hours before being cleared and sanitized between uses.

508.9 SPECIALIZED HOUSING AREAS

Specialized housing areas are maintained for:

Administrative Separation / Detoxification / Medical safety usage.

These areas are to ensure the protection of inmates and staff.

Careful control will be used to prevent arbitrary and indiscriminate placement of inmates in these areas.

508.9.1 UTILIZATION

Placement in a specialized housing area will require the classification officer or Watch Commanders approval.

Inmate placement in a lock down or medical safety cell will also require a jail incident report.

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Medical or safety cell placement shall additionally require ongoing medical staff review.

For the policy on mobility-disabled inmates retention of HCA/DME/AD refer to Policy 503 Safety and Sobering Cells

Intermittent direct supervision shall be provided at least twice every thirty (30) minutes with no more than 15 minutes between each check, for the following specialized housing areas:

- Booking level cells (when used in a medical capacity).
- Sobering/observation cell.
- Medical/Booking safety cell.

These records are to be attached to the inmates booking file and retained.

Inmates in specialized housing areas will be provided living conditions and privileges approximately those available to the general population.

Usually available items may be withheld to ensure the individuals safety, as well as that of staff and other inmates.

A jail incident report will be written and submitted to the Watch Commander for approval where circumstances warrant the removal of any items.

Inmates housed in specialized areas will receive the same meals as those served to the general population. Inmates housed in safety cells shall be provided with liquids on a regular basis or as requested.

Inmates housed in specialized areas will only be reassigned by the Watch Commander or classification deputy, with input from medical staff when appropriate.

508.10 CLEANING POLICY

508.10.1 CLEANING SUPPLIES

- The Correctional Plant Manager shall ensure that an appropriate amount of sanitation items are available for distribution.
- Sanitation supplies will be distributed to the levels by the Correctional Plant Manager or designee
- Custody Staff will ensure cleaning equipment is used in the proper manner. Correctional deputies will make this part of their daily inspections.
- Cleaning equipment such as brooms, mops, toilet brushes will be exchanged by the Correctional deputies daily.
- Supervision of the requisition of supplies will be provided by the Correctional Plant Manager to ensure proper amounts of items are ordered and excess of materials and equipment is avoided.

508.11 HOUSEKEEPING - HOUSING UNIT DEPUTY RESPONSIBILITIES

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508.11.1 INSPECTIONS

Correctional deputies shall conduct daily sanitation inspections to ensure that:

- All housing unit and work areas are clean and orderly.
- Trash is not thrown anywhere except in the trash containers provided in each unit.
- Inmates do not leave towels, blankets, clothing, or any personal belongings in the common area.
- Lighting, heating, and ventilation equipment are working and repair requests are timely submitted.
- All plumbing equipment, including toilets and showers are working and repair requests are timely submitted.
- Fire or health hazards are appropriately corrected.
- Locking mechanisms operate without restrictions.
- The floors are clean, dry and free of substances that could pose safety hazards.
- There is an adequate supply of cleaning supplies and equipment.

508.11.2 HOUSING UNIT DETAIL CLEANING

1) Inmates in their housing units shall clean all cellblock common areas to include but not be limited to:

- Pod entrance;
- Floors (tiers and other common areas, areas as assigned);
- Walls in the common area will be kept clean and free of writing;
- Showers;
- Collecting food trays;
- Ready trash for dumping;
- Correctional deputies shall ensure that high-traffic, high-use areas of the pods, including the showers, shower floors, entry ways and day rooms, are cleaned on a constant basis.
- Any other condition that the correctional deputy feels needs to be corrected in order to maintain good sanitary conditions can be assigned.

508.11.3 CELL ENTRANCE AND EXIT INSPECTIONS

- No inmate shall be assigned to a cell before a correctional deputy and the inmate inspect the cell, and no inmate shall be released from a cell without an exit inspection of the cell conducted by the correctional deputy.

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- Correctional deputies shall monitor cell conditions on a daily basis and inspect the cell before inmate moves.

508.11.4 HOUSEKEEPING - INMATES/INDIVIDUAL CELLS

- A. Each inmate and every correctional deputy shall be responsible for ensuring that housing units are clean.
- B. Each correctional deputy shall ensure that each inmate has the following supplies to clean his/her cell daily.
 - A spray bottle containing an authorized cleaning solution
 - Broom
 - Mop
 - Mop Bucket
 - Bucket with authorized cleaning solution for toilet use only
 - Toilet brush
 - Cleaning cloths
- C. Each inmate shall be responsible for the following in his/her cell:
 - Clean and sanitize toilet/sink unit.
 - Clean and sanitize the desk and neatly arrange every item.
 - Sweep and clean the floor, removing dirt from floor corners.
 - Ensure that all walls are clean and free of graffiti, pictures, calendars photos and toothpaste (inmates generally attempt to use toothpaste as an adhesive to hang papers on the walls).
 - Hazardous and combustible materials such as boxes, newspapers and magazines will not be allowed to accumulate within the cells.
 - Refrain from placing paper and other objects inside of and over lights and light covers.
 - Refrain from placing paper and other objects inside and over the air vents.
 - Use bed linen and towels for their intended purpose only.
 - Clean bed platforms and rails as needed.
 - Neatly store all personal belongings.
 - Inmates shall not be allowed to store any perishable foods or other items which entice vermin or produce unsanitary conditions in their living units.
- D. Sanctions. Any inmate failing to adhere to the above rules and regulations shall be subject to disciplinary which may result in loss of Commissary, visiting, recreation and/or lockdown time.

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508.12 FOOD TRAYS

- Mod Deputies shall submit an accurate count of inmates to the Kitchen so that a correct number of meals are delivered.
- Correctional deputies shall ensure that *no* food trays are left in the housing unit for inmates who are not present at the time the meal arrives.
- Correctional deputies shall count incoming trays, cups, and utensils to ensure that a sufficient number are delivered to the housing unit.
- Correctional deputies shall count trays upon completion of meal service to ensure that the same amount of trays, cups, and utensils have been returned.

508.13 TRASH AND WASTE REMOVAL

Trash and garbage collection procedures shall be as follows:

- A. Correctional Officers shall ensure his/her level is clear of all trash from his/her areas pursuant to the below schedule for trash and garbage removal.
- B. Inmate interior workers are responsible for the orderly removal of garbage from each Level after each meal.
- C. Collection of trash and garbage shall begin on the third floor, and then continue down the second and first floors including Medical and Booking.
- D. Disposal. Trash and garbage shall be removed as follows:
 - 6:30 am- Correctional deputies shall begin removing trash and garbage from the breakfast meal.
 - 1:30 pm- - Correctional deputies shall begin removing trash and garbage from the lunch meal.
 - 6:00 pm- Correctional deputies shall begin removing trash and garbage from the dinner meal.
 - 10:30 pm- - Correctional deputies shall remove all remaining trash from each floor.
- E. Trashcan Cleaning, - Correctional deputies shall ensure that interior inmate workers wash all trashcans at least once a week.

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1. PURPOSE

This policy is intended to reduce the spread of Methicillin-Resistant Staphylococcus Aureus (MRSA) through identification, isolation, and treatment consistent with the guidelines and recommendations from the Centers for Disease Control and Prevention (CDC).

2. SCOPE

This policy applies to all workforce members of Wellpath Holdings, Inc. and all of its subsidiaries (collectively, "Wellpath"), including, but not limited to, all employees, contractors, volunteers, students, trainees, and other persons providing services at the request of Wellpath (collectively, "team members").

3. POLICY

Wellpath follows the CDC guidelines related to prevention of MRSA infections in health care settings. In addition to Standard/Universal Precautions, contact precautions are to be followed.

4. RESPONSIBILITY

This policy is to be interpreted by the Wellpath Chief Clinical Officer or designee, and in cooperation with facility administration and local public health departments.

It is the responsibility of the Responsible Health Authority / Health Services Administrator (RHA/HSA) or designee to ensure implementation and adherence to minimize incidences of infectious and communicable diseases among patients and staff, and that patients receive health care in a clean, safe, and healthy environment.

5. DEFINITIONS

Methicillin-Resistant Staphylococcus Aureus (MRSA) – A type of bacteria that is resistant to several antibiotics. MRSA is usually spread in the community by contact with infected people or things that are carrying the bacteria. This includes through contact with a contaminated wound or by sharing personal items, such as towels or razors, that have touched infected skin. Skin and soft tissue infections, specifically furuncles (abscessed hair follicles or "boils"), carbuncles

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(coalesced masses of furuncles), and abscesses, are the most frequently reported clinical manifestations.

6. PROCEDURE

- 6.1. Clinicians are encouraged to consider MRSA in the differential diagnosis of skin and soft tissue infections (SSTIs) compatible with *S. aureus* infections, especially those that are purulent (fluctuant or palpable fluid-filled cavity, yellow or white center, central point or "head," draining pus, or possible to aspirate pus with needle or syringe). A patient's presenting complaint of "spider bite" should raise suspicion of an *S. aureus* infection.

Diagnosis

- 6.2. Diagnosis is confirmed through culture to identify *Staphylococcus aureus* bacteria.
- 6.3. Obtain the culture prior to starting any antibiotics.

Treatment

- 6.4. Incision and drainage remains the primary therapy for purulent skin infections. Empiric antimicrobial coverage for MRSA may be warranted in addition to incision and drainage based on clinical assessment (e.g., presence of systemic symptoms, severe local symptoms, immune suppression, extremes of patient age, infections in a difficult to drain area, or lack of response to incision and drainage alone).
- 6.5. Antibiotic treatment, if indicated, shall be guided by the susceptibility profile of the organism. Obtaining specimens for culture and susceptibility testing is useful to guide therapy, particularly for those with more severe infections and those who fail to respond adequately to initial management.
- 6.6. MRSA skin infections can develop into more serious infections. It is important to discuss a follow-up plan with patients in case they develop systemic symptoms or worsening local symptoms, or if symptoms do not improve within 48 hours.

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6.7. Inmate Workers

- 6.7.1. Inmates with open wounds can continue to work if wounds are not draining and wounds can be adequately covered. However if work environment might cause wound dressings to become wet, another work environment will be recommended. Inmates with draining wounds will not be allowed to work in any setting.

6.8. Patients with infected wounds that can be adequately contained by dressings (Cellulitis, Infected pressure sores, Wound infections):

- 6.8.1. Standard/Universal Precautions will be utilized, per Wellpath *Infection Prevention and Control Program* policy "A-02 Barrier Techniques for Reduction of Infection Risk".

- 6.8.2. Can share rooms with patients with medical or surgical conditions who have wounds contained by dressings or closed drainage systems and patients with uncontained wound infections with the same organism.

6.9. Patients with large major draining wounds that cannot be covered or adequately contained by dressing:

- 6.9.1. Contact Precautions will be utilized, per Wellpath *Infection Prevention and Control Program* policy "A-02 Barrier Techniques for Reduction of Infection Risk".

- 6.9.2. Private room or can share rooms with patients with wounds infected with the same organism.

6.10. Wounds, indwelling urinary catheters, sputum, etc., infected with resistant bacteria judged to be significant:

- 6.10.1. Contact precautions will be utilized, per Wellpath *Infection Prevention and Control Program* policy "A-02 Barrier Techniques for Reduction of Infection Risk".

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- 6.10.2. Private room or can share room with roommate infected with the same organism for the duration of infection.

Housekeeping

- 6.11. Clean and disinfect surfaces. Use a disinfectant registered as effective against MRSA by the Environmental Protection Agency (EPA) or chlorine bleach solution with a concentration of 1000–5000 ppm (5–25 tablespoons of household bleach [5.25%] per gallon of water).
- 6.11.1. Clean and disinfect all clinic areas and equipment between patients including but not limited to: exam tables, chairs, counters, and stethoscopes.
 - 6.11.2. Clean and disinfect all high contact surfaces multiple times during the day including light switches, telephone handsets, radios, and door knobs.
 - 6.11.3. Immediately clean and disinfect contaminated surfaces.
- 6.12. Wash laundry thoroughly.
- 6.12.1. Immediately remove and wash clothes or linens that may be contaminated with exudate from wounds.
 - 6.12.2. Handle soiled items carefully without agitating them.
 - 6.12.3. Wear disposable gloves while handling soiled items and wash hands after.
 - 6.12.4. Wash the items with detergent at the maximum available cycle and then machine dry.

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7. REFERENCES

NCCHC Standards for Health Services in Jails 2018

- Section: Health Promotion, Safety, and Disease Prevention: J-B-02 Infectious Disease Prevention and Control (E)

NCCHC Standards for Health Services in Prisons 2018

- Section: Health Promotion, Safety, and Disease Prevention: P-B-02 Infectious Disease Prevention and Control (E)

NCCHC Standards for Health Services in Juvenile Detention & Confinement Facilities 2022

- Section: Health Promotion, Safety, and Disease Prevention: Y-B-02 Infectious Disease Prevention and Control (E)

ACA Standards / 2016 Standards Supplement

- 4-ALDF-4C-14, 15, 16, 17, and 18 Communicable Disease and Infection Control Program
- 3-JDF-4C-37 Infectious Diseases
- 3-JDF-4C-38 Communicable Diseases
- 4-JCF-4C-22 Communicable and Infectious Disease Management (M)
- 4-JCF-4C-26 MRSA (M)

Safety and Cleanliness

306.1 POLICY

The Watch Commander on each shift is responsible for a level of safety and cleanliness which will insure the health and safety of inmates, staff, and the general public. (Section 1280, Title 15, California Code of Regulation)

306.2 GENERAL

Specific areas of responsibility shall include, but are not limited to:

- The booking area
- All office areas
- The front lobby and rest room areas
- All inmate housing areas

The graveyard Watch Commander shall additionally insure the cleanliness of the following areas:

- The classrooms
- Staff Bathrooms
- Conference room
- The staff locker rooms
- Heavy cleaning of all areas
- The court overpass and holding areas
- All interview rooms
- Stairwells
- Phase 4
- Search Sally
- Vehicle Sally

All staff members shall be responsible for ensuring the cleanliness of their assigned duty stations.

Inspections will be required in specified areas to insure cleanliness and the correction of maintenance problems at the earliest possible opportunity, as follows:

- The Correctional Plant Manager is responsible for checking the kitchen and storage areas on a daily basis.
- The supervising cook will inspect the kitchen and staff dining area on each shift.

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- The laundry operator is responsible for and shall inspect the laundry room.
- Engineering personnel are responsible for the maintenance office and related storage areas.
- Engineering personnel shall inspect the maintenance and boiler areas on a regular basis to insure they are in a clean and safe condition.
- Engineering personnel shall inspect the emergency generator and fire pump on a weekly basis to insure it is in a safe and operable condition.
- The Facility Manager shall inspect on a regular basis to insure the standards of health and safety are maintained.
- Each Watch Commander will be responsible for facility cleanliness.

The facility is subject to additional inspections by the following:

- The State Board of Corrections
- The Environmental Health Department
- The Environmental Health Services
- The Juvenile Justice Commission
- The State Fire Marshal
- The County Grand Jury
- The County Board of Supervisors
- The U.S. Marshal Service
- The U.S. Border Patrol

306.3 ASSIGNED DUTY STATIONS

All staff members shall be responsible for ensuring the cleanliness of their assigned duty stations.

Inspections will be required in specified areas to insure cleanliness and the correction of maintenance problems at the earliest possible opportunity, as follows:

- The Correctional Plant Manager is responsible for checking the kitchen and storage areas on a daily basis.
- The supervising cook will inspect the kitchen and staff dining area on each shift.
- The laundry operator is responsible for and shall inspect the laundry room.
- Engineering personnel are responsible for the maintenance office and related storage areas.

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- Engineering personnel shall inspect the maintenance and boiler areas on a regular basis to insure they are in a clean and safe condition.
- Engineering personnel shall inspect the emergency generator and fire pump on a weekly basis to insure it is in a safe and operable condition.
- The Facility Manager shall inspect on a regular basis to insure the standards of health and safety are maintained.
- Each Watch Commander will be responsible for facility cleanliness.

Contraband and Searches

310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide clear direction on maintaining the safety and security of the facility by conducting searches, in balance with protecting the rights afforded by the United States Constitution.

The introduction of contraband, intoxicants, or weapons into the Shasta County Sheriff's Office facility poses a serious risk to the safety and security of staff, incarcerated persons, volunteers, contractors, and the public. Any item that is not available to all incarcerated persons may be used as currency by those who possess the item, and will allow those in possession of the item to have control over other persons. Any item that may be used to disengage a lock, other electronic security devices, or the physical plant itself seriously jeopardizes the safety and security of this facility. Carefully restricting the flow of contraband into the facility can only be achieved by thorough searches of incarcerated persons and their environment.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an incarcerated person/arrestee.

310.1.1 DEFINITIONS

Definitions related to this policy include:

Contraband - *Contraband is any item possessed by inmates that is declared illegal by law or not specifically approved for inmate possession. Examples of contraband include weapons, escape devices; drugs and/or drug paraphernalia; or authorized items that are possessed in excessive quantities or altered to be utilized in a manner not intended.*

Pat-down search - *A pat down search is a search where staff performs a physical search of a detainee while the detainee is fully clothed.*

CLOTHING SEARCH - *A clothing search is a search of the detainees clothing, including a search of jackets, shirts, pants, pockets, cuffs, etc. while the detainee is fully clothed.*

METAL DETECTOR SEARCH - *A metal detector search involves the detainee passing through a metal detector, or correctional staff waving a metal detector wand over and around a detainee while the detainee is fully clothed.*

Physical body cavity search - *A physical body cavity search involves the physical intrusion into a body cavity or orifice for the purpose of discovering an object concealed in the body cavity.*

Strip search - *A strip search is any search which requires a person to remove or arrange some or all of his/her clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia of such person for contraband.*

REASONABLE SUSPICION - *Reasonable suspicion is knowledge sufficient to induce an ordinarily prudent and cautious person under the circumstances to believe criminal activity is or has taken place. A hunch or a guess, without more, does not constitute reasonable suspicion.*

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Concerning strip searches, reasonable suspicion must be based upon specific and articulate facts that the newly arrested detainee is concealing a weapon or contraband, and a strip search will reveal it.

310.2 POLICY

It is the policy of this office to ensure the safety of staff, incarcerated persons, and visitors by conducting effective and appropriate searches of incarcerated persons and areas within the facility in accordance with applicable laws (15 CCR 1029(a)(6)).

Searches shall not be used for intimidation, harassment, punishment, or retaliation.

310.2.1 GENERAL

All employees shall share the responsibility to prevent the introduction of contraband into the facility.

Contraband/search procedures shall be implemented and promoted to insure the safety of inmates, staff, and the general public.

310.2.2 PRECAUTIONS

In a custodial environment, searches are an everyday occurrence. Staff members will be in contact with inmates, their clothing and other items that may bring the staff member into contact with inmate body fluids. Staff must avoid complacency during searches. The risk of injury from a sharp object is significant and places the staff member at an extremely high risk of infection. Staff members, while conducting a physical search, shall look before touching when possible. Staff members shall pat down blind areas and not run hands over the blind area. Staff members shall squeeze pockets before placing hands into them. Staff members shall use mirrors when possible.

310.3 CONTRABAND

Allowed items are those:

- Medically cleared
- Issued by the facility
- Provided for in policy
- Purchased from commissary
- Cleared by the Watch Commander or higher authority

Other items or those allowable items found in excessive quantities or being misused may be declared as contraband. All contraband within the facility is subject to seizure.

310.4 PAT-DOWN SEARCHES

Pat-down searches will be performed on all incarcerated persons/arrestees upon entering the secure booking area of the facility. Additionally, pat-down searches shall occur frequently within the facility. At a minimum, the staff shall conduct pat-down searches in circumstances that include:

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- (a) When incarcerated persons leave their housing units to participate in activities elsewhere in the facility (e.g., exercise yard, medical, program, visiting) and when they return.
- (b) During physical plant searches of entire housing units.
- (c) When incarcerated persons come into contact with other incarcerated persons housed outside of their housing units, such as work details.
- (d) Any time the staff believes the incarcerated persons may have contraband on their persons.

Except in emergencies, staff members may not conduct a pat-down search on an incarcerated person of the opposite gender. Absent the availability of a same gender staff member, it is recommended that a witnessing staff member be present during any pat-down search of an individual of the opposite gender. All cross-gender pat-down searches shall be documented (28 CFR 115.15).

310.5 MODIFIED STRIP SEARCHES, STRIP SEARCHES, AND PHYSICAL BODY CAVITY SEARCHES

Correctional Deputies will generally consider the reason for the search, the scope, intrusion, manner, and location of the search, and will utilize the least invasive search method to meet the need for the search.

310.5.1 STRIP SEARCHES PRIOR TO PLACEMENT IN A HOUSING UNIT

Strip searches prior to placement in a housing unit shall be conducted as follows:

- (a) No person held prior to placement in a housing unit shall be subjected to a modified strip search or strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the person has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include but are not limited to:
 - 1. The detection of an object during a pat-down search that may be a weapon or contraband and cannot be safely retrieved without a modified strip search or strip search.
 - 2. Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
 - 3. Custody history (e.g., past possession of contraband while in custody, assaults on staff, escape attempts).
 - 4. The person's actions or demeanor, such as refusal to submit to a pat-down search.
 - 5. Criminal history (e.g., level of experience in a custody setting, including convictions for escape, possession of drugs or weapons, crimes of violence, or being a fugitive or detainee for any of those offenses).

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6. An alert by a metal detector or drug detection device.
7. Other reliable information that the person possesses drugs, weapons, or contraband.
- (b) Except in the case of a medical emergency, no modified strip search or strip search of an incarcerated person shall be conducted prior to admittance to a housing unit without prior written authorization from the Watch Commander.
- (c) The staff member conducting the modified strip search or strip search shall:
 1. Document the name and gender of the person subjected to the strip search.
 2. Document the facts that led to the decision to perform a strip search.
 3. Document the reasons less intrusive methods of searching were not used or were insufficient.
 4. Document the supervisor's approval.
 5. Document the time, date, and location of the search.
 6. Document the names, gender, and roles of any staff present.
 7. Itemize in writing all contraband and weapons discovered by the search.
 8. Process all contraband and weapons in accordance with the office's current evidence procedures.
 9. If appropriate, complete a crime report and/or disciplinary report.
 10. Ensure the documentation is placed in the incarcerated person's file. A copy of the written authorization shall be retained and made available to the incarcerated person or other authorized representative upon request.

310.5.2 NEWLY ARRESTED DETAINEES TO BE HOUSED IN THE JAIL

Newly arrested detainees who are unable to post bail or who do not qualify for own recognizance release and are classified for housing in the Main Jail may be subject to a strip search only under the following conditions:

- The detainee was booked for an offense involving weapons, controlled substances or violence;
- The detainee was booked under California Penal Code section 3056 or booked with a State Parole hold;
- The detainee was booked under California Penal Code section 1203.2 and there are specific articulable facts (i.e. past criminal history), and/or current crime committed.
- The detainee was booked on a charge other than a weapons offense, controlled substance, or violence; however, authorized jail staff determines that reasonable suspicion exists to conduct a strip search;

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- As set forth above, the reasonable suspicion must be based upon specific and articulate facts that the newly arrested detainee is concealing a weapon or contraband, and a strip search and will reveal it;
- Prior to such a search, a Strip Search Authorization Form will be completed as to cause and signed by a jail supervisor;
- All persons conducting or otherwise present during the search shall be the same sex as the detainee being searched;
- The authorized jail personnel conducting the strip search shall not touch the breast, buttocks, or genitalia of the arrestee during the search; and
- The search shall be conducted in an area where the detainee cannot be observed by any person (including staff and inmates) not participating in the search.

310.5.3 POST-ARRAIGNMENT INMATES, SENTENCED INMATES, NEW COMMITS, AND INMATES FROM OTHER CORRECTIONAL FACILITIES

To maintain the security of the Main Jail and provide protection for inmates and staff, authorized Correctional Deputies may search post-arraignment detainees, sentenced inmates, new commits, and inmates from other correctional facilities at the time they enter the Shasta County Main Jail.

The searches of post-arraignment detainees, sentenced inmates, new commits, and inmates from other correctional facilities shall be carried out in compliance with the procedures set forth below.

DEFINITIONS

All jail personnel shall be familiar with the types of searches described below:

POST-ARRAIGNMENT INMATE: *An inmate who has been transported to court to be arraigned, or for a court appearance following his or her arraignment, and thereafter has been transported back to the Main Jail without being released.*

SENTENCED INMATE: *An inmate who has been sentenced to either County incarceration or for a term of imprisonment in State Prison, and thereafter has been transported to the Main Jail without being released. A sentenced inmate does not include a person on parole or probation who is subsequently arrested for either a new offense or a parole/probation violation.*

NEW COMMIT: *An inmate who has been sentenced to either County incarceration or for a term of imprisonment in State Prison and who arrives at the Main Jail for the first time following such commitment. A new commit includes a person who has been allowed some form of release from incarceration between the time he or she received the commitment until the time he or she re-enters*

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the Main Jail following that release.

INMATE FROM ANOTHER CORRECTIONAL FACILITY: *An inmate who has been incarcerated at another correctional facility as either a pre-sentenced detainee or sentenced prisoner and who is transported to the Main Jail for any reason (including overnight confinement as part of an inter-correctional facility transfer process)*

GENERAL POLICY REGARDING INTAKE SEARCHES

All searches of post-arraignment inmates, sentenced inmates, new commits, and inmates from other correctional facilities shall be conducted only for the purpose of ensuring facility security and the safety of staff and inmates. Under no circumstance shall any form of intake search be performed based on a request from another agency. No search shall be conducted as a disciplinary measure or for harassment purposes. All searches shall be conducted in a professional manner, affording the detainee as much privacy as possible consistent with jail security. Under no circumstance shall the intake showering process be utilized to conduct a search of any detainee.

Types of Searches That May be Conducted on Post-Arraignment Inmates, Sentenced Inmates, New Commits, and Inmates From Other Correctional Facilities:

All post-arraignment inmates, sentenced inmates, new commits (other than a civil commitment), and inmates from other correctional facilities entering the Main Jail may be subject to a pat down search, a metal detector search if warranted, a thorough clothing search, a strip search prior to being placed into a booking cell or permanent housing. Inmates under the custody of the Sheriff who are engaged in Alternative Custody functions and who are subsequently rolled up while in custody are sentenced inmates and subject to the provisions below.

In the event that a strip search is conducted on a post-arraignment inmate, a sentenced inmate, a new commit (other than a civil commitment), or an inmate from another correctional facility when he or she enters the Main Jail, the following conditions shall apply:

- A Strip Search Authorization Form will be completed as to cause and signed by a jail supervisor.
- All persons conducting or otherwise present during the search shall be the same sex as the inmate being searched, with the exception of licensed health services clinicians.
- The authorized jail personnel conducting the strip search shall not touch the breast, buttocks, or genitalia of the inmate during the search.
- The search shall be conducted in an area where the detainee cannot be observed by any person (including staff and inmates) not participating in the search.

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Persons entering the Shasta County Jail as a civil commitment shall not be strip searched upon entry unless the following conditions apply: the civil commitment presents a serious threat to himself, other inmates, or to jail security and jail staff have reasonable suspicion to believe that he or she is secreting contraband in a manner that requires a strip search or such a search may be performed under the following circumstances:

- Prior to such a search, a Strip Search Authorization Form will be completed as to cause and signed by a jail supervisor;
- All persons conducting or otherwise present during the search shall be the same sex as the detainee being searched; and
- The authorized jail personnel conducting the strip search shall not touch the breast, buttocks, or genitalia of the detainee as during the search.

The search shall be conducted in an area where the detainee cannot be observed by any person (including staff and inmates) not participating in the search.

Physical Body Cavity Searches of Post-Arrestment Inmates, Sentenced Inmates, New Commits, and Inmates From Other Correctional Facilities:

A physical body cavity search of a post-arrestment inmate, a sentenced inmate, a new commit, or an inmate from another correctional facility may be authorized only with the written approval of the Main Jail Commander and under the direction of a valid search warrant. A physical body cavity search shall be conducted by licensed health services clinicians at a licensed medical facility.

Physical body cavity searches shall not be conducted by medical staff unless there exists a serious medical emergency.

All persons entering the Main Jail who do not meet the definition of a post-arrestment inmate, a sentenced inmate, a new commit, or an inmate from another correctional facility shall be searched in accordance to the Policy for **Intake Searches of Newly Arrested Detainees**.

310.5.4 MODIFIED STRIP SEARCHES AND STRIP SEARCHES OF INCARCERATED PERSONS IN A HOUSING UNIT

A strip search of an incarcerated person in a housing unit should be conducted when the person has entered an environment where contraband or weapons may be accessed. This includes but is not limited to the following:

- (a) Upon return from contact visits
- (b) Upon leaving the kitchen, shop, or farm
- (c) Upon return to the housing unit from outside the confines of the facility (e.g., court, work-release, work detail, medical visits)

Incarcerated persons returning from court with release orders shall not be subject to modified strip searches or strip searches unless the reasonable suspicion exists based on specific and articulable facts that the person is concealing a weapon or contraband. The incarcerated person

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should not be returned to the housing unit, except to retrieve their personal property under the direct visual supervision of staff.

Staff members may conduct modified strip searches and strip searches of incarcerated persons outside the above listed circumstances only with supervisor approval. Staff members and supervisors must make a determination to conduct a strip search by balancing the scope of the particular search, intrusion, the manner in which it is conducted, the justification for initiating it, and the place in which it is conducted. Less invasive searches should be used if they would meet the need for the search. For example, a pat-down or modified strip search may be sufficient as an initial effort to locate a larger item, such as a cell phone.

The staff member conducting a modified strip or strip search outside the above listed circumstances shall:

- Document in writing the facts that led to the decision to perform a strip search of the incarcerated person.
- Document the reasons less intrusive methods of searching were not used or were insufficient.
- Document the supervisor's approval.
- Document the time, date, and location of the search.
- Document the names of staff present, their gender, and their roles.
- Itemize in writing all contraband and weapons discovered by the search.
- Process all contraband and weapons in accordance with the office's current evidence procedures.
- If appropriate, complete a crime report and/or disciplinary report.
- Ensure the completed documentation is placed in the incarcerated person's file. A copy of the written authorization shall be retained and made available to the incarcerated person or other authorized representative upon request.

310.5.5 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be completed as follows:

- (a) No person shall be subjected to a physical body cavity search without the approval of the Captain or the authorized designee and only with the issuance of a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the incarcerated person or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician may conduct a physical body cavity search. Except in exigent circumstances, only a physician who is not responsible for providing ongoing care to the incarcerated person may conduct the search (15 CCR 1206(o)).

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- (c) Except for the physician conducting the search, persons present must be of the same gender as the person being searched. Only the necessary staff needed to maintain the safety and security of the medical personnel shall be present (Penal Code § 4030).
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the incarcerated person.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Captain's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date, and location of the search.
 - 6. The medical personnel present.
 - 7. The names, gender, and roles of any staff present.
 - 8. Any contraband or weapons discovered by the search.
- (f) Completed documentation should be placed in the incarcerated person's file. A copy of the written authorization shall be retained and made available to the incarcerated person or other authorized representative upon request.
- (g) All contraband and weapons should be processed in accordance with the office's current evidence procedures.
- (h) If appropriate, the staff member shall complete a crime report and/or disciplinary report.

310.6 TRANSGENDER SEARCHES

Staff shall not search or physically examine a transgender or intersex incarcerated person for the sole purpose of determining genital status (see the Prison Rape Elimination Act Policy for transgender and intersex definitions). If genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or, if necessary, by obtaining that information as part of a broader medical examination conducted in private by a qualified health care professional (28 CFR 115.15).

310.6.1 TRANSGENDER STRIP SEARCH

On July 6, 2017, The Office of the Attorney General published an opinion that states a person's "sex" as used in Penal Code section 4030, subdivision (K) refers to the searched person's gender, including the person's gender identity and gender expression. [See attachment: PC Code 4030 - Attorney General opinion.pdf](#)

The following is the procedure for complying with the the Attorney Generals opinion during a strip search of a transgender inmate.

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- The booking officer shall ask each intake if they identify as a male or female during the booking process.
- The booking officer shall make sure the gender listed in booking management system matches the inmates response.
- The booking folder used will be color appropriate to match the inmates gender.
- If the inmate will remain in custody and meets the criteria to be strip searched, the booking officer will advise the inmate they will be strip searched by an officer of the same sex. If the inmate is in the process of transitioning, the officer will ask the inmate if they preferred to be searched by a male or female Deputy.
- Two Deputies of the same sex should be present during a the strip search of a transitioning inmate.
- A jail incident report documenting the search shall be written prior to completion of the the Deputy's shift.

310.7 USE OF FORCE TO REMOVE CLOTHING

In the event a newly arrested detainee or a housed inmate refuses to comply with the strip search policy set forth above, force *shall not* be utilized unless each of the following conditions are met:

- The non-compliant inmate, if he or she does not pose a significant threat to self, to jail staff, or jail security, shall be placed in a holding cell, counseled, and provided a cool down period;
- The Main Jail Watch Commander shall talk with the inmate and thereafter make the determination whether force shall be utilized to insure search policy requirements; and
- All staff involved in the use of force shall submit timely and appropriate documentation concerning the incident by way of a Jail Incident Report.

NOTE: The above policy applies when a newly arrested detainee or a housed inmate refuses to comply with the strip search/visual body cavity search policy and no other problems exist. This policy does not supersede or limit the policy relating to safety cell placements, in which, under certain circumstances, the inmates clothing may be removed.

310.8 HOUSING UNIT SEARCHES

REFERENCE:

Title 15, Section 1280, Policy 527.6: Facility Sanitation, Safety, and Maintenance

PURPOSE

To establish a consistent method to conduct routine, random searches of inmate housing units to promote safety, security and order; to prevent and/or reduce contraband, and to recover unauthorized issue, including excessive clothing and linens.

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Housing unit searches shall occur as directed by a supervisor. These searches should include all of the living spaces occupied by inmates. Housing unit searches should be scheduled in a manner that does not create a pattern where the inmates can predict such search. The primary purpose of the search is to detect and prevent contraband, deter window and wall coverings, detect attempts to alter the cell in support of escape or self-harm, and remove extra issue.

During a housing unit search

- The on duty Watch Commander shall be notified of all housing unit searches. Since each situation is unique, the Correctional Deputy assigned to the housing unit will be in charge of staff participation and supervising the search, unless the Watch Commander is on scene. The Correctional Deputy in charge of the housing unit will provide the Watch Commander with their plan and/or system for completing the search in an appropriate and timely manner;
- The Correctional Deputy in charge of the housing unit search will brief the Watch Commander with their plan designating a separate area where strip searches are conducted;
- After the Watch Commander has given the approval for the search, the Correctional Deputy in charge of the housing unit search will provide all assisting Correctional Deputies with the final plan for conducting the housing unit search;
- All Correctional Deputies conducting individually pat search, strip search, or metal detector use on inmates, shall be done by the same sex as the inmate;
- All inmates should vacate their living areas;
- Inmates should be escorted to a separate holding area, such as the recreation yard or booking holding cells;
- Staff shall search the living areas of the inmates, including bedding, personal storage areas, bunks and other areas with inmate access;
- A search of the cell will consist of conducting an inventory of all clothing and linens; Any extra issue will be confiscated.
- Cells shall be clean. No window coverings are permitted. No storage of fruit or food items issued at meal times will be allowed to remain in the housing units as these items must be eaten within 15 minutes of being issued at meal time.
- Other common restrictions include: 2 books, 1 magazine, 1 newspaper, and 1 religious book;
- Any contraband items found during the search will be confiscated and placed on the inmates property or discarded;

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- Any weapons or contraband located shall be processed in accordance with the current evidence procedures. Staff shall attempt to identify the inmate who possessed the contraband and file appropriate inmate disciplined and/or criminal report;
- Any alcoholic beverage possessed by inmates shall be seized and the appropriate inmate disciplined and/or criminal charges filed;
- Any authorized item found in excess of the limited quantity (e.g. food items, newspapers) shall be seized and placed on the inmate's property.

At the conclusion of the housing unit search, closely supervised inmate workers should clean the unit. All authorized inmate personal property shall be respected and living areas should be returned to an orderly condition. The Watch Commander will be notified immediately following the search and made aware of any significant items found such as weapons, dangerous contraband, or safety or security issues. The Correctional Deputy assigned to the housing unit, will complete an Incident Report. All inmate names housed in the unit at the time of the search, will be listed in the report.

Attachments

PC Code 4030 - Attorney General opinion.pdf

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL
State of California

XAVIER BECERRA
Attorney General

OPINION	:	No. 17-302
	:	
of	:	July 6, 2017
	:	
XAVIER BECERRA	:	
Attorney General	:	
	:	
CATHERINE BIDART	:	
Deputy Attorney General	:	
	:	

THE HONORABLE VICKI L. HENNESSY, Sheriff of the City and County of San Francisco, has requested an opinion on the following question:

Penal Code section 4030, subdivision (k), specifies that any person (other than medical staff) who conducts, or is present at, or is within sight of, a strip search, body cavity search, or body scan of specified prearrest detainees must be the “same sex” as the person searched. Does the term “sex,” as used in this provision, refer to the searched person’s gender, including the person’s gender identity and gender expression?

CONCLUSION

“Sex” as used in Penal Code section 4030, subdivision (k) refers to the searched person’s gender, including the person’s gender identity and gender expression.

ANALYSIS

Penal Code section 4030¹ governs strip searches, body cavity searches, and body scans conducted on prearrest detainees, including specified minors, arrested for an infraction or misdemeanor.² Subdivision (k) of the statute provides that any person (other than medical staff) who conducts, is present at, or is within sight of, the search, must be the “same sex” as the person being searched. We have been asked whether the term “sex,” as used in subdivision (k), refers to the gender of the person searched, including the person’s gender identity and gender expression. For the reasons that follow, we conclude that it does.

Subdivision (k) states:

(1) A person conducting or otherwise present or within sight of the inmate during a strip search or visual or physical body cavity search shall be of the same sex as the person being searched, except for physicians or licensed medical personnel.

(2) A person within sight of the visual display of a body scanner depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.³

To ascertain the Legislature’s intent, we first look to the ordinary meaning of the words of the statute.⁴ Although section 4030 and case law do not define the term, we find that the word “sex” is consistently defined throughout the codes to mean “gender,” and “gender” is consistently defined to mean “sex” and includes “gender identity and gender expression.”⁵

The Penal Code itself defines “gender” as “sex,” including “gender identity and gender expression;” “gender expression” means “a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at

¹ All subsequent undesignated section references are to the Penal Code.

² Pen. Code, § 4030, subds. (b), (k).

³ Pen. Code, § 4030, subd. (k).

⁴ *Wilcox v. Birtwhistle* (1999) 21 Cal.4th 973, 977; Pen. Code, § 7, subd. (16).

⁵ E.g., Civ. Code, §§ 51, subd. (e)(5); Ed. Code, §§ 210.766260.7; Gov. Code, § 12926, subd. (r)(2); Ins. Code, §§ 10140, subd. (h); Pen. Code, § 422.56, subd. (c).

birth.”⁶ This definition applies throughout the Penal Code “unless an explicit provision of law or the context clearly requires a different meaning.”⁷ We find no contrary provision or context here.

In addition, the legislative history of section 4030 strongly supports a conclusion that “sex” means “gender.” Section 4030 has been amended twice since its enactment in 1984.⁸ Legislative committee analyses of the first bill that amended the statute reveal an intent⁹ that “sex” means “gender.”¹⁰ The bill language, like the statute, sets forth a same-sex search requirement, but the analyses invariably describe it as a “same-gender” search requirement: a person who conducts, is present, or within sight of the search must be the same gender as the person searched.¹¹ As the committee analyses consistently interpret the term “sex” to mean “gender,” we believe the intent for “sex” to mean “gender” is clear. And again, in the Penal Code, “gender” means “sex” and includes “gender identity and gender expression,” unless clearly indicated otherwise.¹²

⁶ Pen. Code, § 422.57.

⁷ Pen. Code, § 422.57.

⁸ Stats. 2016, ch. 162, § 1 (authorizing use of visual body scanner); Stats. 2015, ch. 464, § 1 (persons present during search include persons within view of search); Stats. 1984, ch. 35, § 2 (enacting Penal Code section 4030).

⁹ *Southland Mechanical Constructors Corp. v. Nixen* (1981) 119 Cal.App.3d 417, 427 (committee reports presumed to evidence legislative intent).

¹⁰ Neither the legislative history of section 4030 as enacted, nor that of the second bill that amended the statute, shed light on the intended meaning of “sex.”

¹¹ See, e.g., Off. of Sen. Floor Analysis, 3d reading of Assem. Bill 303 (2015–2016 Reg. Sess.), August 31, 2015, p. 5 (“bill maintains the existing practice of permitting strip searches of inmates prior to them entering the general population and simply specifies that all persons within view of the search must also be of the same gender”); Sen. Comm. on Pub. Saf., analysis of Assem. Bill 303 (2015–2016 Reg. Sess.), June 9, 2015, p. 8 (same); Assem. Comm. on Approps., analysis of Assem. Bill 303 (2015–2016 Reg. Sess.), April 29, 2015, p. 2 (“bill mandates that these searches be conducted out of view of all persons not of the same gender as the person being searched”); Assem. Comm. on Pub. Saf., analysis of Assem. Bill 303 (2015–2016 Reg. Sess.), April 21, 2015, pp. 4-5 (describing bill as “small modification of existing law, which already requires that persons conducting strip searches of persons in police custody must be of the same gender as the person being searched,” and explaining “bill simply specifies that all persons within view of the search must also be of the same gender”).

¹² Pen. Code, §§ 422.56, subd. (c), 422.57.

Accordingly, we conclude that “sex” as used in Penal Code section 4030, subdivision (k) refers to the searched person’s gender, including the person’s gender identity and gender expression.

State of California

PENAL CODE

Section 4030

4030. (a) (1) The Legislature finds and declares that law enforcement policies and practices for conducting strip or body cavity searches of detained persons vary widely throughout California. Consequently, some people have been arbitrarily subjected to unnecessary strip and body cavity searches after arrests for minor misdemeanor and infraction offenses. Some present search practices violate state and federal constitutional rights to privacy and freedom from unreasonable searches and seizures.

(2) It is the intent of the Legislature in enacting this section to protect the state and federal constitutional rights of the people of California by establishing a statewide policy strictly limiting strip and body cavity searches.

(b) The provisions of this section shall apply only to prearrest detainees arrested for infraction or misdemeanor offenses and to any minor detained prior to a detention hearing on the grounds that he or she is a person described in Section 300, 601, or 602 of the Welfare and Institutions Code alleged to have committed a misdemeanor or infraction offense. The provisions of this section shall not apply to a person in the custody of the Secretary of the Department of Corrections and Rehabilitation or the Director of the Division of Juvenile Justice in the Department of Corrections and Rehabilitation.

(c) As used in this section the following definitions shall apply:

(1) "Body cavity" only means the stomach or rectal cavity of a person, and vagina of a female person.

(2) "Physical body cavity search" means physical intrusion into a body cavity for the purpose of discovering any object concealed in the body cavity.

(3) "Strip search" means a search which requires a person to remove or arrange some or all of his or her clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia of such person.

(4) "Visual body cavity search" means visual inspection of a body cavity.

(d) (1) Notwithstanding any other law, including Section 40304.5 of the Vehicle Code, if a person is arrested and taken into custody, that person may be subjected to patdown searches, metal detector searches, body scanners, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband substances prior to being placed in a booking cell.

(2) An agency that utilizes a body scanner pursuant to this subdivision shall endeavor to avoid knowingly using a body scanner to scan a woman who is pregnant.

(e) A person arrested and held in custody on a misdemeanor or infraction offense, except those involving weapons, controlled substances, or violence, or a minor detained prior to a detention hearing on the grounds that he or she is a person described in

Section 300, 601, or 602 of the Welfare and Institutions Code, except for those minors alleged to have committed felonies or offenses involving weapons, controlled substances, or violence, shall not be subjected to a strip search or visual body cavity search prior to placement in the general jail population, unless a peace officer has determined there is reasonable suspicion, based on specific and articulable facts, to believe that person is concealing a weapon or contraband, and a strip search will result in the discovery of the weapon or contraband. A strip search or visual body cavity search, or both, shall not be conducted without the prior written authorization of the supervising officer on duty. The authorization shall include the specific and articulable facts and circumstances upon which the reasonable suspicion determination was made by the supervisor.

(f) (1) Except pursuant to the provisions of paragraph (2), a person arrested and held in custody on a misdemeanor or infraction offense not involving weapons, controlled substances, or violence, shall not be confined in the general jail population unless all of the following are true:

(A) The person is not cited and released.

(B) The person is not released on his or her own recognizance pursuant to Article 9 (commencing with Section 1318) of Chapter 1 of Title 10 of Part 2.

(C) The person is not able to post bail within a reasonable time, not less than three hours.

(2) A person shall not be housed in the general jail population prior to release pursuant to the provisions of paragraph (1) unless a documented emergency exists and there is no reasonable alternative to that placement. The person shall be placed in the general population only upon prior written authorization documenting the specific facts and circumstances of the emergency. The written authorization shall be signed by the uniformed supervisor of the facility or by a uniformed watch commander. A person confined in the general jail population pursuant to paragraph (1) shall retain all rights to release on citation, his or her own recognizance, or bail that were preempted as a consequence of the emergency.

(g) A person arrested on a misdemeanor or infraction offense, or a minor described in subdivision (b), shall not be subjected to a physical body cavity search except under the authority of a search warrant issued by a magistrate specifically authorizing the physical body cavity search.

(h) A copy of the prior written authorization required by subdivisions (e) and (f) and the search warrant required by subdivision (g) shall be placed in the agency's records and made available, on request, to the person searched or his or her authorized representative. With regard to a strip search or visual or physical body cavity search, the time, date, and place of the search, the name and sex of the person conducting the search, and a statement of the results of the search, including a list of items removed from the person searched, shall be recorded in the agency's records and made available, upon request, to the person searched or his or her authorized representative.

(i) Persons conducting a strip search or a visual body cavity search shall not touch the breasts, buttocks, or genitalia of the person being searched.

(j) A physical body cavity search shall be conducted under sanitary conditions, and only by a physician, nurse practitioner, registered nurse, licensed vocational nurse, or emergency medical technician Level II licensed to practice in this state. A physician engaged in providing health care to detainees and inmates of the facility may conduct physical body cavity searches.

(k) (1) A person conducting or otherwise present or within sight of the inmate during a strip search or visual or physical body cavity search shall be of the same sex as the person being searched, except for physicians or licensed medical personnel.

(2) A person within sight of the visual display of a body scanner depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.

(l) All strip, visual, and physical body cavity searches shall be conducted in an area of privacy so that the search cannot be observed by persons not participating in the search. Persons are considered to be participating in the search if their official duties relative to search procedure require them to be present at the time the search is conducted.

(m) A person who knowingly and willfully authorizes or conducts a strip search or visual or physical body cavity search in violation of this section is guilty of a misdemeanor.

(n) This section does not limit the common law or statutory rights of a person regarding an action for damages or injunctive relief, or preclude the prosecution under another law of a peace officer or other person who has violated this section.

(o) Any person who suffers damage or harm as a result of a violation of this section may bring a civil action to recover actual damages, or one thousand dollars (\$1,000), whichever is greater. In addition, the court may, in its discretion, award punitive damages, equitable relief as it deems necessary and proper, and costs, including reasonable attorney's fees.

(Amended by Stats. 2016, Ch. 162, Sec. 1. (AB 1705) Effective January 1, 2017.)