



ADMINISTRATIVE OFFICE
County Administrative Officer
559-675-7703

200 West 4th Street
Madera, CA 93637

Board of Supervisors
BRETT FRAZIER
District 1
DAVID ROGERS
District 2
RICK FARINELLI
District 3
MAX RODRIGUEZ
District 4
TOM WHEELER
District 5

December 8, 2015

The Honorable Ernest J. LiCalsi
Presiding Judge
Madera County Superior Court
200 South "G" Street
Madera, CA 93637

Subject: Response to the 2014-15 Grand Jury Report entitled "Madera County Department of Corrections."

Honorable Judge LiCalsi:

Pursuant to the California Penal Code Section 933.05, the Madera County Board of Supervisors ("Respondent" or "Board") submits this response to the findings and recommendations in the above-entitled Grand Jury Report dated June 20, 2015 ("Report").

As an initial matter, Respondent notes that the Grand Jury failed to provide a copy of the Report to Respondent in the manner required by Penal Code Section 933.05(f). Despite the Grand Jury's failure to satisfy its legal requirements, Respondent hereby satisfies its legal requirements of responding to the findings and recommendations in the Report.

RESPONSES TO FINDINGS IN REPORT

Finding 1:

Unfilled CO positions, sick leave, training time and administrative leave necessitate mandatory overtime to comply with minimum staffing levels.

Response to Finding 1:

Respondent agrees with the finding. (Penal Code § 933.05 (a)(1).)

Finding 2:

Less overtime would be required if all open positions were filled.

Response to Finding 2:

Respondent agrees with the finding. (Penal Code § 933.05 (a)(1).)

Finding 3:

Mandatory overtime puts stress on the staff increasing the use of officer sick time.

Response to Finding 3:

Respondent disagrees with the finding. (Penal Code § 933.05(a)(2).) Respondent is not aware of, nor does the Grand Jury offer any facts in support of, any correlation between “stress” due to mandatory overtime and the increased use of sick leave. If the Grand Jury has studied this correlation or is aware of a relevant study or medical data to support this finding, Respondent invites the Grand Jury to share such data with Respondent.

Finding 4:

Over the last five years, CO vacancies have never been fully filled.

Response to Finding 4:

Respondent agrees with the finding. (Penal Code 933.05 (a)(1).)

Finding 5:

In the last three years the DOC hired 30 officers and lost 32, costing Madera County approximately \$576,000 in training costs.

Response to Finding 5:

Respondent disagrees partially with this finding. (Penal Code § 933.05(a)(2).) Respondent agrees that in the past 3 years 30 COs have been hired and 32 COs have left. Respondent acknowledges the competitive recruiting environment and disparity in salary set forth as Findings 6 and 7. However, the Grand Jury’s assertion that the 32 COs that left may have done so for better opportunities elsewhere is not supported by anything in the Report. It is also not clear from the Report whether the Grand Jury believes there is a point where the cost of training a CO is recouped. If so, how many years does a CO need to remain with the County before the Grand Jury believes the cost to train has been recouped by the County? Because the Report does not identify the years of service of each of the 32 COs that left in the last three years, it is not possible to reasonably approximate the training costs incurred by the County for those departures.

Finding 6:

The DOC competes for the recruiting and hiring of qualified CO’s with approximately 10 state and federal correctional institutions within a 100-mile radius.

Response to Finding 6:

Respondent agrees with the finding. (Penal Code § 933.05 (a)(1).)

Finding 7:

The Madera County DOC has the lowest salaries in the Central Valley and is 20 percent below the next highest county.

Response to Finding 7:

Respondent disagrees partially with this finding. (Penal Code § 933.05 (a)(2).) Respondent agrees that Madera County DOC is among the lowest in the Central Valley; however, the Grand Jury has not presented any facts in the Report to support this finding.

Finding 8:

The average daily DOC inmate population has increased 31.7% since 2003, but staffing has not increased. Due to Public Safety Realignment (2011 Assembly Bill 109) the jail houses more violent offenders today.

Response to Finding 8:

Respondent disagrees partially with this finding. (Penal Code § 933.05 (a)(2).) Respondent agrees generally that over time inmate population has increased, however, the Report presents no facts to support the finding that there has been a 31.7% increase in inmate population since 2003, or that staffing has not increased since 2003. Furthermore, while AB 109 makes more violent offenders *potentially* eligible to be housed in the jail rather than prison, the finding that the jail currently houses more violent offenders than in 2003 is not factually supported in the report.

Finding 9:

CO's are armed only with a chemical agent. When called to assist, outside law enforcement agencies cannot enter the jail with firearms.

Response to Finding 9:

Respondent agrees with the finding. (Penal Code § 933.05 (a)(1).)

Finding 10:

The inmate to officer ratio is even more excessive today, twelve years after the 2003 Security Audit Report, creating a safety risk to officers, inmates and the public.

Response to Finding 10:

Respondent disagrees partially with this finding. (Penal Code § 933.05(a)(2).) Respondent agrees that the inmate to officer ratio is higher now than in 2003. However, as noted in the Report, the daily staffing levels exceed the mandated minimum staffing level by 25%. Accordingly, Respondent disagrees that the current inmate to officer ratio creates a safety risk to officers, inmates and the public.

RESPONSES TO RECOMMENDATIONS IN REPORT

Recommendation 1:

Establish parity in pay with other local corrections agencies by increasing Correctional Officer salary 20 percent.

Response to Recommendation 1:

The recommendation requires further analysis. (Penal Code § 933.05(b)(3).) The County has recently completed a salary survey of other Counties, and the results of the survey have been presented to and discussed with the Board and the Correctional Officers' bargaining unit. The information from the survey, and Board's direction to County negotiators, will be discussed with the Correctional Officers' bargaining unit pursuant to Section 14.01.01 of the Memorandum of Understanding, which is a negotiation reopener on the subject of possible salary increases.

Recommendation 2:

Fund all authorized Correctional Officer positions for 2015-2016 fiscal year.

Response to Recommendation 2:

The recommendation requires further analysis. (Penal Code § 933.05(b)(3).) The 2015-2016 fiscal year budget has been approved and does not include funding all authorized Correctional Officer positions due to fiscal constraints. However, the annual budget is reviewed and amended throughout the year, and a discussion of a potential budget amendment to fund the positions will be part of the mid-year budget review.

The Board acknowledges the Grand Jury's review and time involved in this matter, and appreciates the opportunity to respond to the findings and recommendations.

Sincerely,



David Rogers
Chairman of the Board of Supervisors