



**County of Inyo
Response
to 2015-2016
Final Grand Jury Report**

COUNTY RESPONSE
**2015-2016 INYO COUNTY
GRAND JURY REPORT**

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COUNTY RESPONSE
2015-2016 INYO COUNTY GRAND JURY REPORT
ON THE CONDITIONS AND MANAGEMENT OF
INCARCERATION FACILITIES WITHIN INYO COUNTY

—— INYO COUNTY JAIL ——

FINDINGS

Finding – “1) The Inyo County Jail facility was clean and appeared to be very well kept.”

County Response: Agree.

Finding – “2) As indicated by transferred inmates from the state prison system, the meals provided by the Inyo County Jail are superior to those provided in the state system.”

County Response: Unable to agree or disagree. While we appreciate the compliment and are flattered, this is a matter of opinion and personal taste.

Finding – “3) The Inyo County Jail now provides meals for the Inyo County Juvenile Center.”

County Response: Agree.

Finding – “4) New computer legal access programs are now in the jail library replacing law books and other legal documentation.”

County Response: Agree.

Finding – “5) Segregation of inmates as to risk classification has helped in making incarceration time safer for both inmates and correctional officers. Approximately 90 percent of the violence that occurs within Inyo County Jail is caused by 10 percent of the population. Inmates with mental health issues are those most often involved in physical confrontation. This past year, 6-8 inmates met the mental health classification at Inyo County Jail at any given time.”

County Response: Agree.

Finding – “6) Volunteer programs such as faith-based offerings, Alcoholics Anonymous, and General Equivalency Diploma are available to inmates. Moral Recognition Therapy is provided by Inyo County Health and Human Services personnel.”

County Response: Agree.

Finding – “7) The average incarceration time for local Inyo County inmates is 14 days. The biggest issue is alcoholism with over half of the incarcerations being ... due to alcohol. Recent records indicate that prison inmates are serving times within the range from 454 days to a high of 505 days in Inyo County Jail.”

County Response: Agree.

Finding – “8) The service belts worn by Sheriff’s Deputies and Correctional Officers, with all of their equipment attached, puts stress on their backs, resulting in chronic back problems for some officers.”

County Response: Disagree partially. Deputies and Correctional Officers have the option of wearing load-carrying vests instead of service belts.

Finding – “9) Inyo County encompasses in excess of 10,000 square miles, making it the second largest county in the United States – second only to San Bernardino County. Many times, one deputy is required to protect and serve a very large territory.”

County Response: *Disagree partially.* Inyo County is not the second largest county in the United States; that distinction belongs to Coconino County, Arizona. Inyo County is the second largest county in the State of California. And, while Sheriff's deputies may cover vast territories, much of this territory is unpopulated or sparsely populated due to land tenure patterns and land use designations (e.g., about 65% of Inyo County is designated as Wilderness). Also, we note that based on sworn staff approved in the County Budget as part of the County's Authorized Staffing, the County employs 39 sworn staff, or better than the equivalent of one deputy for every 500 residents.

Finding – "10) Over the past years some Inyo County Deputies, after serving as a Sheriff's Deputy, opted to join the Bishop Police Department or the Mammoth Police Department, as both have a better pay scale than the Inyo County Sheriff's Department."

County Response: *Disagree partially.* The pay scale may be better at the police departments for some positions, but that has not necessarily been a contributing factor every time a deputy has relocated to another department. Furthermore, because compensation and benefits packages vary wildly from agency to agency, it is difficult to accurately compare one compensation package to another. Some agencies may provide greater long-term benefits (e.g., Social Security or retiree healthcare) that are not reflected in an officer's paycheck check. For this reason, the County respectfully suggests the Grand Jury compare actual agency costs per deputy or officer (rather than paychecks) to gauge a truer comparison.

Finding – "11) With state funding assistance, the Sheriff's Department is able to send qualified deputy candidates to Riverside County Sheriff's Academy. This costs upwards of \$50,000 per candidate and involves close to 900 hours of training."

County Response: *Agree.*

Finding – "12) An immediate concern involving the Inyo County Sheriff's Department and the Inyo County Health and Human Services Department involves the issue of the response to severe mental illness or severe abuse situations. These situations require that as promptly as possible, a mental health evaluation be conducted while the subject is still symptomatic and acting out before the symptoms change. A health care professional needs to respond promptly, day or night, not the next morning or after the mental illness episode has worn off or changed, so that the health care professional can see and evaluate the physical condition and mental symptoms the victims and law enforcement were faced with at the time they responded to the episode. We are told that the Welfare & Institutions Code Section 5150 episodes are not being attended to until the next day, if the incarceration took place during non-business hours for the health professionals, by which time the symptoms may have dissipated or changed."

County Response: *Disagree partially.* Sheriff's Department and Health and Human Services staff is making strides to improve response times and their efforts have resulted in improvement thus far.

Finding – "13) Gainful fulltime employment and housing opportunities are not easily accessible to former inmates in Inyo County. The same holds true for all unemployed citizens, including recently graduated High School students."

County Response: *Disagree partially.* The County can only respond to the Finding as it relates to the Inyo County Jail, and agrees that it can be challenging for inmates to transition back into the community upon their release because of housing and employment issues. The Board of Supervisors is, however, being proactive in addressing this issue. On February 23, 2016, the Board of Supervisors directed the Chief Probation Officer and Health and Human Services Director to develop and present a joint plan to ultimately establish a co-managed and co-located Area Resource Center for adult offenders as well as juveniles. To date, the Board has received and approved an Area Center Plan for juveniles, but is still waiting to receive the plan for developing an Area Resource Center where adults, adult offenders on probation, or adults leaving the jail can receive life skills services that will assist them in securing jobs and housing and becoming contributing members of the community. The Board looks forward to receiving and considering this plan sometime this year, and is hopeful that an adult Area Resource Center can be developed as part of the Consolidated County Office Building Project (previously endorsed by the Grand Jury) or at a stand-alone location that would co-locate Probation and Health and Human Services staffs and reduce the size needed for the Consolidated County Office Building.

RECOMMENDATIONS

Recommendation – “1) The Grand Jury recommends a technological upgrading of the electronic control panel in the Panel in the Pod observation tower of the Jail.”

County Response: *This recommendation requires further analysis.* The County has provided \$12,000 in funding in the Fiscal Year 2016-2017 Budget for a Jail repair and replacement evaluation. This funding could be used to evaluate the need to upgrade the electronic control panel if determined to be a priority by the Public Works Director and the Sheriff relative to other facility evaluation needs at the Jail. Otherwise, funding for such an evaluation and possible upgrades to the control panel will need to be identified in future budgets.

Recommendation – “2) The Grand Jury recommends consideration be given whereby deputies have the option of wearing vests or belts in carrying the 30+ pounds of equipment that they are required to carry.”

County Response: *This recommendation will not be implemented as it is unwarranted.* The Sheriff’s Office has authorized Deputy Sheriff’s to wear load-bearing vests since 2012 and authorized Correctional Officers to wear load-bearing vests since August 13, 2015. Currently, they must be purchased by the Deputy or Correctional Officer (and the County provides employees with a uniform) and meet Departmental specifications.

Recommendation – “3) The Grand Jury recommends improved coordination between Health and Human Services and the Sheriff’s Department when addressing mental illness and severe substance abuse cases and responding time by Health and Human Services personnel.

County Response: *This recommendation is being implemented.* The Sheriff’s Office and Health and Human Services staff has been meeting regularly to discuss and coordinate mental health and substance abuse response protocols. The County has already seen improvement in this area as a result of these meetings.

COMMENDATION

Commendation – “1) The Grand Jury commends all Inyo County Sheriff’s Department personnel, from deputies, correctional officers, clerical staff, support staff and Sheriff, for dedication to the work responsibilities required in maintaining an efficient and well maintained jail facility – all on a budget that is deficient commensurate to the workload required.”

County Response: Agree. The dedicated men and woman of our Sheriff’s Office deserve praise for rising to the occasion to ensure our jail operations run smoothly, safely, and in compliance with state and federal law. However, as evidenced by the commendation itself, the budget is clearly sufficient to get the job done. And the Board joins the department and its dedicated employees in wishing the County had more funds to budget, allowing even greater accomplishments.

COUNTY RESPONSE
2015-2016 INYO COUNTY GRAND JURY REPORT
ON THE CONDITIONS AND MANAGEMENT OF
INCARCERATION FACILITIES WITHIN INYO COUNTY

———— INYO COUNTY JUVENILE DETENTION FACILITY ————

FINDINGS

Finding – “1) The Juvenile Center Policy and Procedure manual is outdated and needs to be updated.”

County Response: *Disagree partially.* The Department has been working on updating the policy and procedure manual; however as a component of the inspections completed by Board and State of Community Corrections, the policy manual is reviewed and was found in compliance to standards.

Finding – “2) Fire alarm system appears to be in need of updating. While inspected yearly, the system fails to operate properly, especially when humidity is high. The alarm sounds, sometimes for hours at a time.”

County Response: *Disagree partially.* The alarm does at times go off due to humidity, but it does not fail to perform. The system is inspected annually and is found to be in compliance with regulations. Furthermore, the Fiscal Year 2016-2017 County Budget includes over \$25,000 to improve the fire alarm system.

Finding – “3) The back-up generator does not always operate when needed and is checked by Public Works periodically. The generator needs to work when it is needed, and needs to be replaced or operable.”

County Response: *Disagree partially.* The generator is an older model and has at times not started automatically, however the manual start is operable. Building and maintenance tests the generator monthly during summer months and weekly during the winter months.

Finding – “4) Per capita cost of detainees stay is \$95 per day for stays under 90 days in length; for stays longer than 90 days, the cost drops to \$75 per day.”

County Response: *Disagree.* The numbers that are quoted by the Grand Jury are actually for outside contracts with other counties for the detention of youth. The County’s actual per capita cost per day for detainees in Fiscal Year 2015-2016 was \$1,031.58. These extremely high costs factored heavily into the recent decision by the Board of Supervisors to restructure the County’s provision of juvenile services in Inyo County to expand services while more efficiently using taxpayer money.

Finding – “5) Occasionally, Mono County minors are detained in the Inyo County Juvenile Facility.”

County Response: *Agree.* Inyo and Mono Counties have an MOU to house Mono County youth ordered by Court to be detained.

Finding – “6) Detainee and staff meals are received from the Inyo County Jail Kitchens, resulting in a cost savings.”

County Response: *Agree.* In an effort to be more efficient, the Juvenile Facility receives all meals from the Inyo County Jail Kitchen. This program has proven to be successful in reducing costs at the Juvenile Facility.

Finding – “7) Sally-Port area is not secure.”

County Response: *Agree.*

RECOMMENDATIONS

Recommendation – “1) Policy and Procedure manual needs updating.”

County Response: *This recommendation will be implemented.* The policy and procedure manual will undergo evaluation and updates by policy and procedure on an as needed basis throughout the year.

Recommendation – “2) Fire alarm system needs updating and possibly a new system installed, using up to date technology. The alarm sounds, often for long periods of time, especially when humidity is high.”

County Response: *This recommendation has not been implemented but will be implemented in the future.* The system is tested and inspected annually and is in compliance. However, a quote to update the system has been received and is being evaluated. As noted above, funding to accomplish improvements that are deemed necessary has been included in the County’s Fiscal Year 2016-2017 Budget.

Recommendation – “3) Back-up generator needs repair or a new generator installed. Currently, the generator does not always power the building when electricity fails.”

County Response: *This recommendation will not be implemented because it is not warranted.* The system is tested and inspected routinely. The generator does work when started manually. As funding becomes available the Juvenile Center can consider upgrades to the generator so it can be reliably started automatically.

COMMENDATION

Commendation – “1) The interior of the facility is very well maintained and very clean. The classroom for detainees is unsurpassed in it’s up to date technology, visual aids and overall learning environment, as compared to other public school environments. The teaching staff is to be commended for their daily dedication to student learning.”

County Response: *Agree.* All of the Administrators, Supervisors, Group Counselors, Support Staff, Cooks, and Teachers should be commended for their dedication and hard work to keep the youth, detained at the Juvenile Center, safe and secure. The County notes, however, that the operation of the court school (aka the Keith Bright School) and the teachers employed there is the responsibility of the Bishop Unified School District by agreement with the Inyo County Superintendent of Schools.

COUNTY RESPONSE
2015-2016 INYO COUNTY GRAND JURY REPORT
ON TOXIC SUBSTANCES BEING RELEASED
INTO THE ENVIRONMENT BY CG ROXANE
AT THE OLANCHA/CARTAGO BOTTLING PLANT

FINDINGS

Finding – “1) Inyo County issued original Conditional Use Permit in 1980.”

County Response: *Disagree.* The overall Crystal Geysers Roxane Bottling Facility was approved administratively at a time when no conditional use permit was required for such facilities.

Finding – “2) CG Roxane constructed an Arsenic Pond in 2003.”

County Response: *Unable to agree or disagree.* The County does not have any records related to the construction of the Arsenic Pond and therefore cannot be sure when or why the arsenic pond was constructed.

Finding – “3) The arsenic pond was constructed to handle arsenic waste extracted from the water to meet FDA requirements for bottled water.”

County Response: *Unable to agree or disagree.* The County does not have jurisdiction in this matter and, as noted in the preceding response, the County does not have any records related to the construction of the Arsenic Pond, and therefore cannot be sure when or why the arsenic pond was constructed.

Finding – “4) Inyo County admitted to issuing a grading permit for the pond but doesn’t have a copy of the permit.”

County Response: *Disagree wholly.* It is unclear as to why the Grand Jury indicates the County has admitted issuing a grading permit for the arsenic pond. The County has no record of ever issuing a grading permit, is unaware of ever issuing a grading permit, or of making any such admission that it had issued a grading permit. The Public Works department is responsible for issuing County grading permits, and the Public Works department has no record of a grading permit being issued for the arsenic pond. The County is not, and cannot be responsible for the actions of individuals or entities that construct facilities without the benefit of permits or approvals if and when required.

Finding – “5) The grading permit should have triggered CEQA/EIR due to the arsenic ponds potential for impacts to the environment.”

County Response: *Disagree wholly.* There is no record of a grading permit being issued. And, had a grading permit been issued, it would not have automatically triggered the California Environmental Quality Act, or the preparation of an Environmental Impact Report, because the issuance of grading permits in Inyo County is ministerial (non-discretionary) and is therefore statutorily exempt from CEQA.

Finding – “6) Inyo County did not require CEQA/EIR at this time.”

County Response: *Agree.* There is no record of a grading permit being issued for the arsenic pond. Furthermore, as noted above, the issuance of grading permits in Inyo County is ministerial (non-discretionary) and is therefore statutorily exempt from CEQA review.

Finding – “7) CG Roxane did not obtain Hazardous Waste Discharge permits for the pond from the Department of Toxic Substances.”

County Response: *Unable to agree or disagree.* The County does not have jurisdiction in this matter and is not in a position to affirm possible inactions on the part of CG Roxane relative to the requirements of the Regional Water Quality Control Board.

Finding – “8) CG Roxane did not obtain or provide a plan for Water Quality Monitoring from Lahontan Regional Water Quality Control Board which is required for waste discharge.”

County Response: *Unable to agree or disagree.* The County does not have jurisdiction in this matter, and is not in a position to affirm possible inactions on the part of CG Roxane relative to the requirements of the Regional Water Quality Control Board.

Finding – “9) CG Roxane violated California Health and Safety Codes and was issued a summary of violations from the Department of Toxic Substances.”

County Response: *Unable to agree or disagree.* The County does not have jurisdiction in this matter and is not in a position to affirm whether or not the State Department of Toxic Substances has taken any action on this matter or what that action might be.

Finding – “10) The arsenic pond liner failed and arsenic was released into the aquifer and surrounding soils over a period of years.”

County Response: *Agree.* Based on information provided by the Lahontan Regional Water Quality Control Board during the public meeting the County hosted in Olancho, the County understands this to be a reasonable summary of the situation.

Finding – “11) Cartago Mutual Water Company was concerned that its well would be contaminated by the illegal arsenic discharge.”

County Response: *Agree.* That is the County’s understanding based on statements made in different forums by representatives of the Cartago Mutual Water Company. However, the County does not have jurisdiction over the Cartago Mutual Water Company and is not attempting to speak on behalf of the Cartago Mutual water Company which can, and should speak for itself.

Finding – “12) Cartago Mutual Water Company brought the arsenic issue/illegal discharge to Inyo County staff during EIR process in 2011 for expansion of its existing facility.”

County Response: *Disagree partially.* A representative from the Cartago Mutual Water Company raised the issue of arsenic discharges at the existing CG Roxane plant during the CEQA process for Cabin Bar Ranch project in the context that there would be discharges from the new Cabin Bar plant because there were discharges as the old plant. However, allegations about the lack of permitting at the existing CG Roxane plant do not appear in the record until after the Final EIR for the Cabin Bar project was published in late 2012.

Finding – “13) Inyo County staff were not responsive to Cartago Mutual Water Company.”

County Response: *Disagree wholly.* The County responded appropriately with written materials presented during the Cabin Bar Ranch proceedings. And, staff from the County’s Water department, Planning department, and Environmental Health department, as well as a member of the Board of Supervisors have had ongoing responsive and proactive communications, both responsive and proactive, with the representative from the Cartago Mutual Water Company. The County also offered to attend and provide updates at Cartago Mutual Water Company meetings and the offer was declined with the County being told to work with the Water Company’s representative.

Finding – “14) Cartago Municipal Water Company consultants requested a permit review from the Lahontan Regional Water Quality Control Board in 2012.”

County Response: *Unable to agree or disagree.* The County does not have jurisdiction in this matter and is not in a position to affirm possible actions on the part of CG Roxane relative to the Regional Water Quality Control Board.

Finding – “15) Lahontan Regional Water Quality Control Board had not issued any permits for Crystal Geyser’s arsenic extraction process and discharge.”

County Response: *Unable to agree or disagree.* The County does not have jurisdiction in this matter and is not in a position to affirm whether or not the Regional Water Quality Control Board has taken any action on this matter or what that action might be. The County is working with the Regional Water Quality Control Board to keep the public appropriately informed of its activities.

Finding – “16) Cartago Municipal Water Company informed Inyo County staff of lack of permitting for the arsenic pond.”

County Response: *Agree.* The County was made aware of potential arsenic issues on the neighboring property during the CG Roxane’s Cabin Bar Project in part by representatives of the Cartago Mutual Water Company.

Finding – “17) Lahontan Regional Water Quality Control Board followed up with CG Roxane to remove the arsenic pond with specific guidelines for the removal.”

County Response: *Unable to agree or disagree.* The County does not have jurisdiction in this matter and is not in a position to affirm whether or not the Regional Water Quality Control Board has taken any action on this matter or what that action might be. The County continues to work with the Regional Water Quality Control Board to keep the public appropriately informed of its activities relative to CG Roxane.

Finding – “18) CG Roxane did not comply with guidelines of the Lahontan Regional Water Quality Control Board in removing the arsenic pond or providing a plan to the Department of Toxic Substances.”

County Response: *Unable to agree or disagree.* The County does not have jurisdiction in this matter and is not in a position to affirm any actions or inactions of CG Roxane in regard to the requirements of the Regional Water Quality Control Board or Department of Toxic Substances.

Finding – “19) Inyo County was not responsive to citizen concerns until Lahontan Regional Water Quality Control Board got involved.”

County Response: *Disagree wholly.* The County has facilitated the Lahontan Regional Water Quality Control Board’s rightful and appropriate involvement in this matter. The Regional Water Quality Control Boards are uniquely suited to address such issues, in Inyo as well as most other counties in California, and the County will rely on the findings of the LRWQCB investigation to inform any County action that may subsequently be appropriate.

Based upon public interest in the Investigation, the County spent considerable resources initiating, organizing and hosting a public meeting in Olancho, which was attended by the Grand Jury, to disseminate information about the LRWQCB Investigation of the arsenic pond. The County has been responsive to public input regarding the arsenic pond.

Finding – “20) Inyo County left no options for the residents of Cartago Mutual Water Company but to file a lawsuit to protect their drinking water and surrounding environment.”

County Response: *Disagree wholly.* Filing of a lawsuit was a decision made by the Cartago Mutual Water Company. The County is not privy to the factors that went into making that decision. It is also noted that there are a number of regulatory agencies that are well situated to assist in the protection of drinking water and surrounding environment including Lahontan Regional Water Quality Control Board and the Department of Toxic Substance Control.

Finding – “21) CG Roxane filed a counter suit against Cartago Mutual Water Company this year.”

County Response: *Unable to agree or disagree.* This finding is outside the jurisdiction of Inyo County and any comment by the County would amount to hearsay.

RECOMMENDATIONS

Recommendation – “1) Inyo County needs to review the Conditional Use Permits and develop a policy to review permits that have a potential for impacts.”

County Response: *This recommendation has been implemented.* The County developed a process a number of years ago whereby Inyo County reviews all Conditional Use Permits for compliance with the conditions approval, which are vetted and approved through a public process. This process has been reviewed and major changes are unwarranted.

Recommendation – “2) Inyo County needs to be responsive to its citizens concerns.”

County Response: *This recommendation has been implemented.* As discussed in the response to Finding #19, Inyo County is, and has been responsive to public concerns about the arsenic pond. The Board of Supervisors expects the County to be as responsive to its citizens' concerns as possible, but recognizes that there is always room for improvement in this area. The County understands that whether it will be judged as being responsive in any particular situation will often depend whether the person or entity involved has had its needs or objectives met. It is not always possible for the County to meet a particular party's needs or expectations. The fact that the County, appropriately, did not yield to the demands of a single representative from the Cartago Mutual Water Company does not mean that it has been unresponsive to the needs of its citizens. On the contrary, the County has taken steps to monitor a situation largely outside its jurisdiction and keeps its citizens informed. The County stands by willing and ready to take further action as appropriate and warranted based on any additional information that comes to light.

Recommendation – “3) Inyo County needs to ensure CG Roxane follows all rules and regulations in its operations.”

County Response: *This recommendation has been implemented.* Inyo County has an obligation to ensure that all rules and regulations within the County's jurisdiction and authority are followed, and does so. However, the County is not in a position to monitor or enforce regulations that do not fall within its jurisdiction or authority.

Recommendation – “4) Inyo County needs to give assistance to Cartago Municipal Water Company in its lawsuit against CG Roxane.”

County Response: *This recommendation will not be implemented because it is not reasonable.* It is the County's understanding that the Cartago Mutual Water Company lawsuit has been withdrawn. Furthermore, it is not clear what type of assistance the Grand Jury expects the County to provide a private water company? Some assistance may be inappropriate or even illegal depending on the circumstances. However, regardless, as noted in the County's responses to Finding #20, the filing of a lawsuit was a decision made by the Cartago Mutual Water Company. The County is not privy to the factors that went into making that decision. Furthermore, it would not be appropriate to support either the Cartago Mutual Water Company or, for that matter, support CG Roxane in any counter-suit against the Water Company.

Recommendation – “5) Inyo County needs to be held accountable for its inaction.”

County Response: *This recommendation will not be implemented because it is not warranted or reasonable.* As noted in the response to findings above, the County has acted appropriately within its scope of authority and jurisdiction. Additionally, the County has no idea how it would implement such a recommendation.

Recommendation – “6) CG Roxane needs to be held accountable for its actions.”

County Response: *This recommendation requires further analysis.* The County understands that investigations regarding regulatory compliance and remediation regarding the arsenic pond are ongoing. Depending on the outcomes of the ongoing investigation and studies, the agency or agencies with jurisdiction could take actions.