

## Humboldt County Correctional Facility Study

June 2007

Larry Miller, Commissioner

**Introduction:** Over half of the total contacts received by the Humboldt County Human Rights Commission (HRC) are related to law enforcement with some of the most troubling allegations concerning treatment in our main County Correctional Facility(the jail). For example, early in 2006, a very distraught woman call our voice mail box and claimed that she was stripped naked in the presence of male guards and thrown into a small padded cell(the safety cell) where she spent a very cold miserable night. The Humboldt County Grand Jury ( GJ) has a mandated responsibility to look into conditions of our jails every year and their annual reports was where Commissioner Larry Miller began our research into conditions in the main county jail.

He reviewed the last 10 years of the GJ reports and found the GJ investigations of the facilities limited and often only involved a tour of one or more of the Counties numerous facilities. He also found that the “safety cell” protocols were reviewed by the 2002-03 GJ but no recommendation for modification to them was made. He reported to the Commission that these procedures could have allowed the situation described above to occur. According to the protocols, inmates in danger of hurting themselves or others are stripped of all clothing by available staff, provided a padded velcro closing gown, and placed in the safety cell. No attempt is made to help the inmate with the gown or require that it be put on. Shortly after the report of his findings the HRC voted to expand inmate access to the Commission.

**Acknowledgments:** The information in this report could not have been generated without the willing and very capable assistance of County jail staff and the County Mental Health Department. Lt. Lee Figas, the jails staff services officer, facilitated a tour of the jail by the Commission and answered our questions. He volunteered to be the jail liaison for the Commission and continues to be our contact for any questions and concerns. His help in getting approval for our somewhat unorthodox activities speaks very highly not only of him personally but also of Captain Ciarabellini, the jail administrator and Sheriff Philp who has the ultimate responsibility for the facility. The Commission would like to thank Donna Wheeler, Mental Health Department Director and her very able program manager, Mary Johnson for their help in answering questions dealing with mental and medical health issues in the facility. The Commissions would like to also thank Supervisor Woolley for his assistance and Deputy Public Defender Christina Allbright for her astute legal consultation.

**Methodology:** During the summer of 2006 the HRC got permission to place notices in on jails dormitory bulletin boards with information about the Commission. (see attachment ) They included our phone number should the inmates have a concern about human rights. Lt. Figas was able to get our number “unblocked” and set up an interview procedure so inmates could have direct access to the Commission.

Inmates wishing to speak with a Commissioner were interviewed in a booth in the visitors processing area in the basement of the facility. The booth is equipped with a glass window and a intercom phone on each side. The inmates were brought downstairs by jail staff to speak with a Commissioner. Most of the interviews took place on Monday evenings after dinner and the shift change so the impact of the visits on normal routine would be minimized. One interview was conducted in the upstairs visiting area. The interviews were conducted by Commissioner Larry Miller with the exception of one where he was assisted by Commissioner Tharp and two in which Commissioner Lyons assisted.

The interviews began in August of 2006 and were terminated in March of 2007. They lasted anywhere from 5 minutes to a half hour. The interviews followed a very simple format. Each inmate was introduced to the interviewer and asked to restate why they had called the Commission. Notes were taken by the interviewer. The interviewer would explain to the inmate the functions of the Commission and its volunteer Commissioners. Inmate complaints were documented. Where appropriate and possible, the interviewer would attempt to provide the inmate assistance. In a few instances family members were contacted and inquiries were made to other agencies.

Beyond the research concerning the Grand Jury, no attempt was made to judge or investigate any of the specific allegations. If appropriate they were discussed with the Lt. with permission of the inmate involved, with Mary Johnson from Mental Health or Christina Allbright from the P.Ds. office.

**Results:** Most of the complaints about living conditions were answered by the Lt. as being not legitimate or part of the reality of living in a dormitory environment in a big multi story concrete building. His responses to the claims of harassment were, generally, that the inmates making them were trouble makers who filed numerous complaints just to “tweak” the system. His responses to the medical/mental concerns generally directed responsibility to the Medical or Mental Health staff but included a rhetoric about the realities of living on the streets vs. inside.

During the seven months the signs were in place, thirty nine (39) inmates contacted the Commission. Some numerous times. Twenty nine (29) of the inmates were interviewed, seven (7) had been released or transferred before they could be seen and three(3) contacted the Commission after the interviews had been discontinued and were sent letters and stamped, self addressed envelopes.

Thirty six(36) of the inmates contacting the Commission were male. All three female inmates were interviewed. The County jail is disproportionately representative of the County's poor and uneducated. Males constituted 90% of those interviewed. Almost 20% were young Native Americans. Virtually all of the inmates were deemed poor enough to have legal services provided by the County and/ or the State. Almost all were not first time offenders and many of them were there for violations of parole. Interview notes were reviewed and the complaints/concerns were placed in four general categories.

In the medical/mental category were; 1. not getting their prescription drugs 2. drugs provided as substitutes by staff didn't work 3. huge variation in what meds are prescribed in different counties 4. not receiving needed medical equipment(back braces,leg braces) 5.not receiving necessary x rays or other diagnostic procedures 6. not receiving needed dental work

In the legal category were; 1. lack of contact with their public defender(PD) 2. PD not prepared 3. PD had bad attitude 4. inappropriate plea recommendations by PDs. 5. misinformation or lack of information about legal rights

In the Facility/guard/ other law enforcement category were;  
 1. building temperature 2. the allotment of additional clothing and or blankets 3. restrictions on day time use of their beds 4. quality and quantify of the food  
 5. favoritism and variable enforcement of the rules 6. unnecessary use of force/ harassment by guards 7. inappropriate plea bargaining by the District Attorneys Office  
 8. bad probation reports

<b>Complaint/concern:</b>	<b>Number</b>	<b>Percentage</b>
Medical/mental	10	27%
Legal	13	35%
Facility/guard	11	30%
Just wanted to check us out	<u>3</u>	<u>8%</u>
	37*	100

\* Total exceeds the number interviewed because some inmates had multiple issues.

**Conclusions:**

The following conclusions probably will surprise no one if they have had a personal experience with incarceration or other reason to focus on this institution.

However, the vast majority of our community has no experience with it. It is an incredibly complex, large, expensive and critical institution that has the power of life and death over those required to spend time there.

The jail is in many ways the County's poor house. It is a difficult place to work and not a good environment in which to live. Lt. Figas claims that some inmates prefer it to the street. They get three meals a day, a place to sleep out of the rain and have their medical needs attended to, he said. Certainly that must be true for some, but according to the interviewer, none of the folks interviewed would agree. The inmates are completely dependent, on the guards, their P.Ds. and the medical and mental health staff.

The vast majority of the inmates interviewed seemed to the interviewer to be basically good people handicapped by poverty, ignorance and or addiction. They seemed, in general, undereducated and unaware or misinformed about their rights while incarcerated. The facility staff that interacted with the interviewer seemed to be good people too. They impressed the interviewer as competent but concerned about the real and potential problems facing the institution. According to Lt. Figas, staffing levels are at their lowest since the new facility opened in 1998. They are short 35 full time employees and every member of the staff is required to put in a minimum of 24 hours of over time per two week time period. Attrition is high due to the low pay scales relative to other correctional facilities in the State. In an attempt to address these problems the County has reduced the employment requirements to essentially being at least 18 years old and having a clean record.

### **Final Thoughts and Recommendations:**

The experience doing this study has left us with the impression that our jail is not getting the attention it should. Staffing problems must be addressed and civilian oversight must increase. The jail operation in general is better than most and according to recent reports the County Administration is attempting to address some of the budgetary problems. However, the jail does have total control of the inmates lives and power does have the potential to corrupt. The infamous Stanford Prison experiment and realities like Abu Ghraib should sensitize us to the fact that some of the concerns expressed by the inmates may be valid. Conditions like, low moral, overwork, lack of experience and overcrowding helped create the problems at ABu Ghraib. These conditions exist today in our own County jail.

The HRC has already recommended that the County move forward with the creation of a Civilian Review Board. One function of this board could be to hear inmates complaints and review jail procedures such as the "safety cell" protocols and make recommendations for change, if necessary.

Another function would be to create a “inmate Bill of Rights” which would be given to inmates and which in clear, simple, bilingual, language lets them know what basic human rights they have while incarcerated in the Humboldt County jail and under what circumstances these rights can be taken away or limited. It would also include an explanation of the limited nature of the legal and medical services available to them. If such a Board is not feasible then I would recommend that these and other as yet undefined functions be taken up by a Jail Advisory Board perhaps modeled on the County Mental Health Advisory Board or the Juvenile Justice Commission. The Humboldt County Grand Jury has mandated oversight responsibilities of all correctional facilities but in review of their work on the main facility it was found that their oversight was sporadic and often superficial. They have a lot on their plate and the facility needs more attention than they can apparently give.

## **Attachment**

Notice posted on jail bulletin boards

### **Humboldt County Human Rights Commission**

**Who we are:**

A commission of community volunteers appointed by the County Board of Supervisors, "to be their eyes and ears in matters of human rights".

**Who we are not:**

lawyers, experts, a messenger service or someone who can help you get out.

**\*What we do:**

Investigate complaints of human rights violations.  
Educate the citizens of Humboldt County concerning Human Rights.  
Cosponsor public forums to gather information and opinion.  
Prepare an annual report to the Board of supervisors on our activities.

\*If you have a question or concern about human rights give us a call, **268-2548**. (this number is not blocked) This is a voice mail box. A commissioner will get back to you as soon as possible.

A toll free voice mail phone number; 1-866-809-4373, is available for those calling from out of the area.

