

Recommendation to Audit the Mendocino County Sheriff's Office

Objectives

We request that the Mendocino County Board of Supervisors task an independent auditor to conduct a comprehensive performance and fiscal audit of the Mendocino County Sheriff's Office (MCSO) budget, as well as related Public Protection budget areas as needed. The audit of the MCSO budget shall assess areas of spending, including a comparison of adopted budgets with actual expenditures. Additionally, the audit should analyze the policies and practices that drive line-item costs, such as the use of county jail bed days, classification of jail population, corrections facility use, and the staffing of deputies across correctional facilities. The independent auditor will be selected with input from the Board of Supervisors, utilizing an open, competitive selection process. The independent auditor shall provide the Board with recommendations on best practices, ensuring responsible stewardship of our finite budget to promote public safety for all in the county.

Guiding Questions

1. Are increases to the MCSO budget warranted given the current size of the jail population?
2. What is the true cost of operating the Mendocino County jail system? Are jail-related budgets and staffing practices managed cost-effectively and efficiently?
3. How do changes in the jail population affect jail system costs?
4. How do the MCSO's contracts, state and federal grants, and MOUs impact the Sheriff's budget and jail use?
5. Which communities are disproportionately represented in the county jail system?
6. How are those who require special care housed and/or classified? What alternatives to jail exist for housing of persons with mental health needs?
7. What policy, programmatic, and operational changes can be recommended – based on the information generated by this audit – that can reduce costs while maintaining security and other legitimate MCSO objectives?
8. What unmet critical needs exists for currently and formerly incarcerated people and are they being addressed by MCSO?

Scope of Work

The independent auditor will collaborate with the MCSO, Department of Auditor-Controller (A-C), the County Chief Executive Office (CEO), and the Board of Supervisors, to provide an analysis and assessment of the MCSO budget, policies, and practices. The independent auditor shall also provide a set of recommendations to the Board in a timely and thorough fashion. The independent auditor shall perform the following:

1. Evaluate Sheriff's Office Revenue, Expenditures, & Contract Practices

- a) **County Expenditures FY 2009/10 to Present** - A detailed annual assessment from Fiscal Year 2009/10 to the present of Mendocino County Sheriff's Office expenditures, including but not limited to full time employees, part time employees, professional services contracts, food and supplies, assets (such as vehicles), capital improvements, small capital and maintenance. This will include:
 - i. Analysis of trends year to year.

- ii. Comparison to other counties with similar size and demographic profiles to assess reasonability of expenditures.
- b) **Salaries, Use of Overtime, Training Incentive Award Programs, and Other Pay** - A detailed annual assessment from 2009-present of salaries and benefits, with a particular focus on the use of overtime and other pay. This will include:
 - i. Analysis of salaries and benefits for all full time and part time MCSO employees.
 - ii. An audit of the policies and procedures that determine placement and usage of salaried staff.
 - iii. An analysis of processes used to authorize overtime and "other pay," including who is involved in decision-making and an assessment as to whether use overtime is proven to be efficient.
 - iv. An analysis of how many (and which positions) staff receive salary increases, including through training incentive award programs, and the consequent costs.
- c) **AB109 Allocations for the Sheriff's Office** - A review of the Sheriff's Office's share of AB109 (2011) Public Safety Realignment allocations since 2011 to present, including detailed annual expenditures.
- d) **Federal, State, Private, and Other Revenues of the Sheriff's Office** - An accounting of all federal and state grants, as well as private or corporate contracts, received by the Mendocino County Sheriff's Office since 2009; detailing for each grant and revenue source(s):
 - i. The amount of funds received that are flexible or otherwise discretionary over that time period
 - ii. The programs supported by each fund(s)
 - iii. Other resources in addition to the grant funds that were expended to carry out the supported programs (including but not limited to FTE personnel, professional services contracts, and county funds)
 - iv. The management of Federal and State revenues and contracts, and compliance with statutory funding requirements
 - v. The number of staff or contracted personnel dedicated to carrying out the grant
 - vi. Whether and how grant funds were used to enhance county jail facilities, services, or population size
 - vii. The planning in place for consequences to budget and services of the completion or non-renewal of the grant
 - viii. The management and use of Federal and State funds with those allocated to other relevant, model jurisdictions
- e) **Contracting Practices & MOUs** - An accounting and analysis of policies and practices since 2009 for contracting food, equipment acquisition, medical care, mental health services, communications, and other services, including a list of contractors and MOUs with other jurisdictions. Additionally, for each contract or MOU, the audit shall identify:
 - i. Amount expended
 - ii. Duration
 - iii. Scope of the contract or MOU

2. Describe Characteristics of the Jail Population

- a) **Demographics of Jail Population** - A detailed monthly accounting of the jail system from 2009 until present. What possible trends in jail population can be linked to policies and practices within and beyond the Sheriff's Office? The data shall account for the following demographics for the Mendocino County Jail:
- i. Monthly Average Daily Population (distinguishing between county ADP & contract ADP, as well as differentiating data from each contracted jurisdiction)
 - ii. Age
 - iii. Race/Ethnicity
 - iv. Sex and gender identity, including numbers of individuals who identify as transgender or gender non-conforming
 - v. Sexual orientation
 - vi. Number of undocumented immigrants in-custody
 - vii. Number of persons with diagnoses of each of the following: mental health needs, physical disabilities, substance use disorders
 - viii. Number of pregnant people
 - ix. Number of parents
 - x. Number of persons who have been charged and those not yet charged
 - xi. Number of persons who are not yet sentenced, sentenced by offense type, and incarcerated for probation and/or parole violations
- b) **Pre-Trial Population Data** - A detailed monthly accounting of pre-trial jail population numbers from 2009-present for:
- i. Persons with no bail assigned;
 - ii. Persons assigned bail but were not able to pay;
 - iii. Persons who have violated probation conditions;
 - iv. Persons for each type of criminal charge, disaggregated by those whose charges are filed or those that are dismissed
- c) **Recidivism** – A detailed accounting of people who were re-incarcerated into the Mendocino County jail between 2009-present, including:
- a. The number of individuals who have entered the jails once, twice, and each successive number of entries into the jail
 - b. The average length of jail stay for individuals, disaggregated by number of jail stays

- c. Percentage of people who were referred to re-entry services in the community, disaggregated by number of jail stays

3. Conduct an Assessment of Jail Conditions

- a) **Causes of deaths in-custody or within 24 hours of release**– Assess the cause and frequency of such deaths, including:
 - i. Number and job titles of staff present at time of death, if any
 - ii. Medical histories and care received by deceased individuals
 - iii. Housing and unit status at time of death
 - iv. Comparison to other counties with similar size and demographic profiles to assess likelihood of contextual factors.
- b) **Housing Policies** - Analyze whether in-custody housing policies and practices are meeting the needs of all who are incarcerated. This will include analysis of:
 - i. Monthly records from 2009-present of the numbers of individuals, duration, and reason individuals were held in administrative segregation, protective custody, and/or confinement.
 - ii. The policies and practices that drive the use of restrictive environments.
 - iii. Mean and median duration of time in solitary confinement and other restrictive environments.
 - iv. The policies and practices that govern cellmates and moving cells.
 - v. Number of at-risk individuals/populations, including pregnant people, people with accessibility needs, and people with mental illnesses, who are housed in administrative segregation, protective custody, and/or solitary confinement.
 - vi. Identify the research and best practices in staffing and appropriate policy interventions for each population that supports a high-quality needs-based continuum of physical health, trauma-informed mental health, and substance abuse support.
- c) Violence prevention and intervention – Assessment of policies and practices to prevent, respond to, and intervene in violence, including sexual violence.
- d) Use-of-force policy for Sheriff's Office and jail staff and contract workers.
- e) Discipline policies and practices for Sheriff's Office and jail staff and contractors who use force.
- f) Identify procedure for reporting sexual violence (e.g., to whom, by when if applicable, through what communication medium)

- g) Number of reports of violence, including sexual violence, with the perpetration by staff or other inmates noted.
- h) Practices to separate people with high likelihood of violent interaction (e.g., due to past violent encounters with each other, due to threats, due to rival affiliations, due to offense type)
- i) Administration of care after violence.
- j) Complaint process and resolution: Assessment of policies and practices
- k) What personnel are authorized to receive complaints by jail population, regarding food, health, exercise, visitation, cell assignments, and other conditions, and how is that communicated to jail population?
- l) What is process for addressing and resolving such complaints, including what personnel have authority to address or close complaints?

Stakeholders

Auditors shall ensure meaningful participation by impacted populations — including people currently and formerly incarcerated in the Mendocino County Jail as well as their families — through confidential interviews that include space for individuals to recount experiences, read and respond to this scope of work, and respond to prepared questions.

Final Analysis and Recommendations

Provide a finalized written analysis of this research that includes budget and policy recommendations to the Mendocino County Sheriff's Office and the Board of Supervisors where duplication of effort or other opportunities for improved efficiencies or options to maximize the County's return on investment can be identified. Auditors shall include an annex that lists all documentation and data obtained during the course of the audit and share such documentation with the Board of Supervisors. Based on the information generated by this audit, the recommendations shall identify policy, programmatic, and operational changes that can reduce costs while maintaining security and other legitimate MCSO objectives.