

Transportation of Indigent Detainees in Accordance with California Penal Code Section 686.5

2-25-2015

SUMMARY

By law, each Humboldt County Grand Jury is required to visit and report on the conditions of all correctional facilities within the confines of Humboldt County. While fulfilling its mandated investigations of the Humboldt County Correctional facility the Grand Jury became aware of possible violations of California Penal Code Section 686.5.

The Grand Jury discovered there are people arrested in the outlying areas of Humboldt County, brought to The Humboldt County Correctional Facility who qualify for California Penal Code Section 686.5 mandated travel assistance, who are not being informed they have the legal right to request such assistance. The Grand Jury also discovered that the refusal to inform those that qualify for that travel assistance is the official practice of the Humboldt County Sheriff.

The Humboldt County Grand Jury recommends that Humboldt County Correctional Facility Officers, as part of the release process, inform those people, who qualify under California Penal Code 686.5, that they are eligible for transportation assistance back to the place of their arrest and that they have the legal right to ask for such assistance.

BACKGROUND

The Humboldt County Sheriffs Department serves a culturally diverse and geographically expansive county. The Humboldt County Correctional Facility in Eureka, California serves as the county's only facility for the detention and incarceration of individuals accused or convicted of crimes. Recent California State mandates (A.B. 109 and Prop. 47) have only made that responsibility more difficult. The Humboldt County Correctional Facility also serves as the county's temporary holding facility for the "drunk and disorderly", with some detainees being transported to the Humboldt County Correctional Facility for that purpose from as far away as Garberville, Shelter Cove and Willow Creek.

METHODOLOGY

Members of the Grand Jury familiarized themselves with Penal Code Section 686.5.

Members of the Grand Jury reviewed the 2013-2014 Grand Jury report and the Sheriff's response to that report.

Members of the Grand Jury met with Humboldt County Correctional Facility Officers to discuss policies currently in place to inform those that qualify that they could ask for transportation assistance back to the site of their arrest.

Members of the Grand Jury met with the Sheriff to review existing transportation assistance policy and whether the Humboldt County Correctional Facility was informing those qualified they had the right to request that assistance.

Members of the Grand Jury engaged in the aforementioned activities to ascertain the number of inmates that are arrested more than "25 airline" miles from the Humboldt County Correctional Facility and then transported to that facility. We also wanted to know how many inmates qualified for transportation assistance, what information is provided to those inmates upon their release, about their legal rights under California Penal Code 686.5 by Humboldt County Correctional Officers. The Grand Jury also wanted to know what the policies of the current Sheriff of Humboldt County were regarding the communication of that information to the inmates upon their release.

DISCUSSION

California Penal Code Section 686.5 states: *"In any case in which a person is arrested and released without trial or in which a person is arrested, tried, and acquitted, if such person is indigent and is released or acquitted at a place to which he has been transported by the arresting agency and which is more than 25 airline miles from the place of his arrest, the arresting agency shall, at his request, return or provide for return of such person to the place of his arrest."*

Humboldt County Correctional Facility Officers do not, as of the date of this report, inform those that qualify that they have the legal right to request transportation assistance. The Humboldt County Sheriff further attests that the Humboldt County Correctional Facility will not inform those that qualify for that assistance since, in his opinion, Correctional Officers are not legally mandated to do so. The Grand Jury found no evidence of any existing policy regarding how to transport those detainees that were legally qualified for transportation assistance. Furthermore, the Grand Jury found no evidence of any qualified detainees asking for transportation assistance.

The Grand Jury cannot accurately conclude how many people qualify under the guidelines of California Penal Code Section 686.5 for transportation assistance due to a number of factors. The data provided by the Sheriff and Humboldt County Correctional Officers are inconsistent as to the number of qualified individuals transported to the Humboldt County Correctional Facility from Garberville and the Willow Creek area. The actual determination of who, in fact, qualifies under California Penal Code Section 686.5 is currently under advisement. There may be

disagreement about the numbers, but the fact that there are people who qualify and that they are not being told that they qualify is not open for disagreement.

The Grand Jury is appreciative of the apparent difficulties in the implementation of any transportation program that would adequately address California Penal Code Section 686.5.

The Grand Jury does however disagree with the current policy of not informing those that qualify under California Penal Code Section 686.5. Our findings conclude that the Sheriff's practice and the Humboldt County Correctional Officers actions are evading their responsibilities to the qualified inmates and that it might not technically be considered a violation of the law, but that a reasonable person would conclude that the Sheriff was not acting in good faith by evading the issue and not informing those who qualify of their legal rights.

FINDINGS

1. There are people arrested in the outlying areas of Humboldt County, brought to the Humboldt County Correctional Facility who qualify for California Penal Code Section 686.5 mandated travel assistance, who are not being informed they have the legal right to request such assistance.
2. The refusal to inform those that qualify under California Penal Code Section 686.5, that they have the legal right to ask for travel assistance is currently the deliberate practice of the Humboldt County Correctional Facility under the direction of the Humboldt County Sheriff.

RECOMMENDATIONS

- R1. The Humboldt County Grand Jury recommends that Humboldt County Correctional Facility Officers, as part of the release process, inform those people, who qualify under California Penal Code 686.5, that they are eligible for transportation assistance back to the place of their arrest and that they have the legal right to ask for such assistance. (F1, F2)

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following individual:

- The Humboldt County Sheriff is to respond to Recommendation R1.

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| 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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