



# MARIN COUNTY SHERIFF'S OFFICE

1600 Los Gamos Drive, Suite 200, San Rafael, CA 94903

JAMIE SCARDINA

Sheriff - Coroner  
SYLVIA MOIR  
Undersheriff

June 15, 2023

Pat Shepherd, Foreperson  
Marin County Civil Grand Jury  
3501 Civic Center Drive, Room #275  
San Rafael, CA 94903

**Reference Response by Sheriff Jamie Scardina to the Civil Grand Jury Report Entitled "Justice Delayed is Justice Denied – Marin District Attorney's Office in Crisis"**

Dear Ms. Shepherd,

Pursuant to Penal Code Section 933.05(F) I am responding to the above-mentioned Grand Jury Report dated May 15, 2023.

**Finding 9: People in custody awaiting trial are treated the same as convicted inmates and are subjected to unduly restrictive conditions in the county jail.**

I disagree with this finding. Safety and security are our primary concerns when operating our Jail facility and serve as our guiding light in terms of policy and procedure. The guilt or innocence of an incarcerated person is a matter for the courts, not Sheriff custodial staff. Because of this, the Sheriff's Office does not impose restrictions, or otherwise deny or grant privileges based solely on conviction status. Title 15 of the California Code of regulations does not require us to do so. This is why over 20 County Jails surveyed in California do not make this distinction and why the practice of not making one is industry standard.

**R8. By October 1, 2023, people in custody who are awaiting trial should be granted more accommodation than inmates who have been convicted. Possible accommodations include, where appropriate, contact visits with family, utilization of technology (e.g., tablets) within their cells, and contact visits with defense counsel.**

This recommendation will not be implemented because it is not warranted or reasonable. Our policy in this regard is based on Title 15 of the California Code of regulations, section

AREA CODE 415

24-HOUR NUMBER  
479-2311

FAX  
473-4126

ADMINISTRATION  
473-7250

CIVIL  
473-7282

COMMUNICATION  
SERVICES  
479-5324

CORONER  
473-6043

COURTS  
473-7393

EMERGENCY  
SERVICES  
473-6584

INVESTIGATIONS  
473-7265

JAIL  
473-6655

SPECIAL INVESTIGATIONS  
UNIT  
884-4878

PATROL  
473-7233

RECORDS  
473-7284

WARRANTS  
473-7297

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1050, paragraph (a). This section does not include conviction status as a basis for the classification of incarcerated persons. Our policy and procedures are set forth to ensure incarcerated persons awaiting trial have full access to counsel and legal resources to protect their rights to Due Process.

Our Jail is not designed to safely allow contact visits with family or defense counsel. We simply do not have the space or adequate staffing to conduct these visits and ensure the safety of staff, incarcerated persons, and those visiting. Per our policy, some attorney contact visits can be allowed in egregious criminal cases such as Capital Murder cases.

I do believe that utilization of technology for incarcerated persons can be expanded to all persons, not just pre-conviction persons. This is why our Jail staff is currently in contract negotiations with our tablet vendor to increase accessibility of tablets within our facility. These tablets provide additional access to personal and legal visits and provide educational and vocational applications for incarcerated persons to use while in custody. Currently our tablet to incarcerated person ratio is one tablet to every three incarcerated persons. This new contract will increase that ratio to one tablet for each incarcerated person. The addition of more tablets into our facility will increase access to these services for all incarcerated persons.

Yours truly,



JAMIE SCARDINA  
SHERIFF - CORONER