

**FINAL REPORT AND RECOMMENDATIONS**

**ESCAPE FROM CUSTODY**

**July 9, 2023**

**Placer County Sheriff's Office**

**Prepared for Sheriff Wayne Woo**

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## **SCOPE OF REVIEW**

This report reviews the events leading up to the escape of Eric James Abril from the Placer County Jail from the perspective of policies, practices, cultures, and discretionary decisions that may have allowed, contributed to, or exacerbated his escape. The purpose of this review is not necessarily to find every fault or red flag in this escape—which are always easier to identify looking backward—but rather to potentially identify policies or practices that could be improved upon to mitigate the potential for similar future recurrences. In other words, it is not merely a review of this particular incident, but also using this incident as a catalyst to help ensure more effective policies and practices going forward.

## **EXCLUSION**

There are clearly internal investigations into the actions of personnel that will supplement my efforts here, and are outside the scope or intent of this report. Nothing in this report should be taken as qualitative judgments on the actions of any employee. Rather, this report is intended to be a more global review than the specific individual actions that may have also contributed to this particular event.

## **METHODOLOGY**

For this review, I not only reviewed salient policies, procedures and practices from the Placer County Sheriff's Office, but I interviewed a number of personnel in relevant positions for their input. Initially, I met with Sheriff Woo, Undersheriff Wright, and Assistant Sheriff Powers. Subsequent interviews included classification staff, supervisors, and watch commanders from both jail facilities, as well as the commanders for each. I also met with or spoke to the following:

- Chief Troy Bergstrom of the Roseville Police Department
- Scott Parker, Security Manager for Sutter Roseville Hospital

- Tim Elsasser, Senior Director and Risk Manager for Allied Universal Security (contract security for Sutter medical facilities)

I also reviewed policies from other agencies and industry “best practices,” and drew upon my 34-year body of experience working with a very large correctional system as the department legal advisor, jail deputy, jail sergeant, jail watch commander, jail commander, assistant to the chief of corrections, and as Sheriff.

## **SUMMARY**

Placer County inmate Eric James Abril was arrested on April 6, 2023, and was housed in the Placer County Jail in Auburn.

On July 6, 2023, Abril was transported via ambulance from the jail to Sutter Roseville Medical Center for treatment and monitoring of possible seizure activity. He was admitted to the hospital and housed in a treatment room. During his time in the hospital he was continuously supervised by a single deputy on rotating shifts.

At approximately 0258 hours on July 9, 2023, Abril, who had managed to slip his only remaining cuff off his right hand, ran out of the room, down a staircase, out an emergency exit, and escaped. During the time of Abril's initial flight, the deputy's attention was distracted but he was almost immediately able to give chase. The deputy was unable to locate or apprehend Abril and several minutes later broadcast the escape to engage other law enforcement resources.

After a significant and constant law enforcement pursuit by the Placer County Sheriff's Office and other agencies, Abril was re-captured the next day and returned to the Placer County Jail with additional charges relating to the escape. Fortunately, nobody was injured or further victimized by Abril's escape or his 33 hours on the run.

### **ERIC JAMES ABRIL**

Placer County inmate Eric James Abril had been in custody since April 6, 2023, and housed in the Placer County Jail on the following charges:

- Homicide
- Attempted Homicide x 2 (Including shooting a CHP Officer)
- Using a human shield to avoid arrest
- Possession of a firearm by a felon
- Carrying a loaded firearm to commit a felony
- Assault with a deadly weapon
- Assault with a deadly weapon: firearm

During the incident he was wearing body armor. He was shot during his arrest, but recovered quickly and was ultimately housed at the Auburn jail.

Abril has five prior convictions for PC 148 (resisting an officer) during four separate years, a conviction for PC 69 (felony resisting an officer with force), and several other burglary, theft and weapons convictions. He had previously served two years in state prison.

Abril was initially classified as “Administrative Separation (AdSep)” which commands a higher level of security, due to his charges. His classification also necessitated that he had two officers escort him within the facility. Approximately 33 days after his initial classification review, after several successful weekly “AdSep” reviews, his need for two-officer escorts within the facility was dropped to one. He remained classified as Administrative Separation. By all accounts, Abril was consistently compliant within the facility.

## **INTERIM MEASURES**

Almost immediately after Abril’s escape, the Placer County Sheriff’s Office initiated several key measures to help minimize the potential for a similar recurrence. These included:

- A review with all staff of relevant policies
- A list of serious offenses (pursuant to Penal Code sections 1192.7(c) and 1192.8(a)) for which a two-person transport is mandatory
- Lieutenant or Captain approval for downgrades from a ‘two officer’ to a ‘one officer’ transport
- A protocol for ensuring transport deputies are logged on with dispatch
- Requirement that when alternative restraints are medically necessary, restraints that offer the highest level of security shall be used
- An hourly restraint check of hospitalized inmates

Additionally, a process was implemented whereby a “hospital packet” will be created and taken by deputies transporting an inmate to the hospital. This packet includes relevant equipment and information for the deputies—as well as those relieving them—to more effectively supervise a hospitalized inmate.

This process should continue to be refined and codified into policy. Such hospital packets should minimally contain (most of these items are currently being included):

- Visitation tablet/battery
- Monitoring equipment
- Additional restraints (inc. soft and plastic restraints)
- Copy of Policy 1-18
- Inmate information (minimally):
  - Head Card
  - Booking form
  - Arrest AND conviction history
  - Classification tree

Finally, the Sheriff's Office is currently exploring the potential of utilizing secured GPS devices within the hospital.

## **FINDINGS AND RECOMMENDATIONS**

### **INITIAL FINDINGS**

Although there were specific actions by personnel that might have prevented *this* incident, there were a number of other factors that not only contributed to this escape but also, perhaps more importantly, may unintentionally allow similar incidents in the future if not addressed.

There are over 2,000 escapes from custody nationally each year. Further, over 300 of these escapes occur specifically during transports to and from outside locations, and 68% of those are from a caged vehicle. All other things being equal, a jail facility is the most secure place to house an inmate. Conversely, when inmates are out of the facility they are less secure and therefore more prone to both planned and impromptu/opportunistic escapes. An inmate needs three things to escape: intent, ability, and opportunity. It should be assumed that *every* inmate has the intent to escape. That is the *only* factor of the three that officers or an agency has no control over.

Further adding to this problem is the distillation of the inmate population, starting with AB109 and continuing with countless laws, initiatives, and “reforms” that allow all but the most dangerous to remain out of jail. Compounding this challenge is the requirement on the Sheriff’s Office to routinely review and evaluate inmate classification status for least restrictive housing, per Board of State and Community Corrections (BSCC) and California Code of Regulations (CCR) Title 15 requirements. Finally, add the ever-increasing percentage of medically and psychologically fragile inmates in our institutions, and this issue is going to get worse, not better.

Best practices and security dictate that, ideally, every transportation of an inmate outside a facility should be conducted by two or more officers. This is the only way to ensure an uninterrupted flow of attention, visual monitoring, and deterrence. Even during transportation to routine medical appointments, there should be one officer who can continually supervise the inmate passengers while the other officer is properly focused on safe driving. This may not always be practical, however, so agencies must make the best decisions possible in each case. Clear policy and consistent practices help ensure that.



## **SPECIFIC FINDINGS AND RECOMMENDATIONS**

I found several areas that could be improved upon to help minimize the potential for future similar escapes. They can generally be classified into three broad categories; *staffing, policy, and practice.*

### **1. STAFFING**

**Finding 1.a.      *Current staffing models and realities encourage 1-person transports.***

Both jails consistently operate at “minimum staffing”—which is to say they have no officers additional to the mandatory fixed-post positions that must be filled. There is little to no staffing allocation to cover planned time off or sick leave. This has resulted in a current climate where forced overtime is the norm. On the day I conducted interviews at the South Placer Jail, for example, there were seven officers on forced overtime, either by being held over the prior shift, coming in early for the next shift, or called in to work the entire shift.

In addition to the lean staffing, there are normally only 3 deputy sheriffs assigned to each shift at the South Placer jail (4 in Auburn jail). The rest of the custodial staff are correctional officers. Of course, this number of deputies is negatively impacted by time off, various leaves, sickness, etc. On one day of interviews, there was only one deputy sheriff in the entire South Placer facility. Any transportation out of the facility must be undertaken by a deputy rather than a correctional officer due to legal designation and powers. That means there are precious few deputies to actually make a transport, let alone sparing *two* deputies to transport an inmate to the hospital, or to supervise the inmate round-the-clock if he or she is admitted. The consequences of doubly taxing the already strained staffing scheme is just too much, and often results in going below minimum staffing, necessitating a reduction in programs and/or facility lockdown. Often, additional deputies have to be gleaned from the non-transporting jail, or from patrol. Multiple emergency medical transports intensify the crisis.

How this staffing plays into the determination of whether an inmate will be transported by one or two officers is deafening in the face of policy silence. By all accounts there is a tremendous pressure—necessitated by staffing conditions—to have a single officer transport and supervise inmates who are transported and/or housed in the hospital. Although inmates who are designated as “two officer transports” by Classification (this designation will be further explored under the ‘policy’ and ‘practice’ sections below) appear to be regularly transported by two deputies, the vast majority of transports are designated as “one officer transports” and the staffing pressure against a supervisor or watch commander discretionarily increasing that number to two, is significant.

In the case of Abril’s transfer and subsequent hospital stay, a sergeant, lieutenant and captain independently were concerned about only having one officer supervise him, yet they all cited either staffing, his recent classification downgrade to ‘one officer’, or both, as their ultimate determination to leave it as it was.

**Recommendation 1.a. Increase staffing of deputy sheriffs on each shift.**

The South Placer Jail averages about 33 medical transports per month (23 routine appointments/10 emergency transports), while Auburn Jail averages about 13 (8 routine appointments/5 emergency transports). It should also be noted that these numbers should reasonably be expected to increase over time due to the changing nature of jail populations as more chronic medical and psychological issues continue to plague the inmate population in general.

An assessment of the current staffing models and allocations of each shift in either jail is beyond the scope of this report. However, logic would dictate that an increased number of deputy sheriffs and overall staff allocated to each shift would alleviate the staffing crisis point that is felt each day when a decision must be made as to the level of escort for an outside transportation, or when multiple transports are necessary.

Further, increasing the *ratio* of deputy sheriffs on each shift will likewise help mitigate the potential crisis situation that is experienced when one or more inmate has to leave the facility. It will also give the appropriate supervisor or

manager greater autonomy to make the security determination of an inmate transport without the concurrent pressures that currently exist. Obviously, greater staffing numbers overall could help eliminate this issue entirely, but even if no more staff is added, consideration should be given to increasing the number of deputies assigned to each shift, among the total staff allocated. *Placer County Sheriff's Office Response: Effective July 1, 2023, the Placer County Board of Supervisors approved five new Deputy Sheriff positions to address West Placer growth. Sheriff Woo has made the decision to utilize these positions in the corrections division. They will specifically focus on handling medical tasks, hospital transports, and related security responsibilities across the corrections division.*

**Finding 1.b.      *Only field-trained deputy sheriffs are considered for transportation and supervision of inmates.***

Currently, when a deputy completes the academy he or she is assigned to a two-month training program in corrections. Then, upon successful completion, begins a training cycle in patrol. Ultimately that deputy will then be assigned to the jail after field training. Currently, only deputy sheriffs who have completed field training are considered for transportation of inmates and supervision of hospitalized inmates. A two-officer transport would therefore necessitate two field-trained officers to be pulled off shift. As discussed previously, correctional officers are inappropriate for this duty, and new deputies in the training program are not utilized due to their lack of field training. Thus, field-trained deputies are the only personnel considered for this duty.

**Recommendation 1.b. *Consider additional options for the “second officer” of a two-officer transport.***

While I wholeheartedly agree that a deputy sheriff is the appropriate escort for an inmate out of custody, a deputy in training may be an appropriate “second officer.” He or she has completed a POST academy and would be working directly with a field-trained officer. Plus, if it makes the difference whether an inmate can be sent with two or only one officer, the security benefit of having a second deputy would far outweigh the speculative detriment of a lack of field training. Although the number that fit this category is small at any given time, it may provide slight relief.

Additionally, consider a private security officer as a “second officer.” I spoke with Tim Elsasser, a Senior Director and Risk Manager of Allied Universal Security, the contract security provider for Sutter medical facilities, and he indicated that it would be a relatively routine matter to fashion a master service agreement (MSA) to augment deputy forces to supervise a hospitalized inmate

on shifts along with a deputy, and he would be open to a discourse regarding how the needs and concerns of the Sheriff's Office could be met. It is important to note that two deputy sheriffs on a two-person transport or supervision should always be the goal, but this option could perhaps bridge an occasional security gap when only one deputy is available. It may also prevent the need to pull another deputy from the other jail facility or patrol. *Placer County Sheriff's Office Response: The Placer County Sheriff's Office has already updated the jail policy to ensure that two or more deputies are assigned to every emergency medical escort and/or hospitalization of an inmate.*

**Finding 1.c.      *There is no facility effort to discover and prevent potential escape attempts before they occur.***

In this instance, subsequent investigation revealed some documentation in Abril's cell that could have triggered further inquiry. There were also recorded calls captured on the jail telephone system that could have likewise triggered further investigation. Neither may have been enough on their own to decipher the escape plot or his intent, but may have prompted enough concern to elevate his transport to two officers.

The jail's telephone system is not only capable of capturing all calls from the facility, but is also able to be queried by specific terms, words, or other factors. Unfortunately, this is seldom done, unless by a detective for a case they are working, the District Attorney's Office for one of their cases, or an outside agency for a specific case or suspect. In short, there is no targeted effort within the jail to try and discover and thwart crimes, contraband, escape plans, or any other nefarious conduct regularly committed by inmates.

**Recommendation 1.c. *Add one deputy to each facility as an "Intelligence Officer."***

It is my understanding that this position did occur in the past but has given way to staffing needs. The benefit of this position—not only to uncover potential escape attempts, but other criminal or aberrant activity—is tangible and could help keep staff and other inmates safer by discovering and preventing various types of inmate transgressions. A deputy assigned to that position could also develop a network of inmate informants that could prove particularly beneficial.

*Placer County Sheriff's Office Response: The Placer County Sheriff's Office has approved adding one deputy within corrections to serve as an "Intelligence Officer." This position will be filled through the resources outlined in our response to recommendation 1a.*

## 2. POLICY

**Finding 2.a.** *The current policies 1-18 and 1-32 do not provide enough guidance in the determination of how many officers will transport or guard an inmate.*

Policy No. 1-18 (The Guarding of Inmates Admitted to Hospitals) states:

“... An evaluation of the inmate’s charges, criminal history and medical condition shall be done by the on-duty jail Shift Sergeant to determine whether the need for a guard is required. The determination shall be based on the prisoner’s ability to escape and the threat posed to hospital staff and the general public.”

A plain reading of this section implies that the decision to be made is only between a single guard or no guard at all (‘whether the need for a guard is required’), Further, the two Penal Code sections cited in the policy relate to removing ALL supervision from an inmate, directed either by the court or the Sheriff’s Office. It lists for consideration in the determination the topics of prior charges, criminal history, medical condition, the prisoner’s physical ability, and the threat to staff and the general public, but gives no guidance or value to these concepts.

There is nowhere in Policy No. 1-18 that speaks to the number of officers that shall guard an inmate. Likewise, there is no mention in Policy No. 1-32 (Transportation of Prisoners) of how many officers will transport an inmate during routine medical appointments or emergencies.

**Recommendation 2.a** *Modify Policies 1-18 and 1-32 to specifically address the number of officers that will transport or guard an inmate admitted in the hospital, and provide clear guidance for making that decision.*

Policies are designed to provide guidance to all members of an agency to make consistent decisions. While they cannot be written in stone or cover every situation, they should provide enough guidance so every rank and job

classification has enough direction to make similar decisions. For example, Classification utilizes a “Decision Tree” to determine initial classification of all inmates. This flowchart is very effective at arriving at consistent, correct decisions in the classification process no matter which shift or officer is applying it.

A similar tree or other decision-making matrix should be employed to determine whether an inmate should be transported by one or two (or more) officers. This tree could be completed initially at the time of intake by classification, or more appropriately at the time of transport to input all relevant and current data. Such a template should minimally include considerations for:

- Charges
- Potential Sentence of Current Charges
- Criminal History
- Prior Arrests
- Prior Violence
- Prior Resisting, Flight, or Escape
- Mental Health History
- Prior Prison (including conduct and level while imprisoned)
- Notoriety
- Conduct in Placer County Jail(s) (write-ups, classification, level of cooperation, etc.)
- Physical Size/Abilities
- Level of infirmity/Incapacitation
- Level of Threat to Public if the Prisoner Escapes
- Any other co-mitigating (or co-aggravating) factor not listed

Further, consideration should be made in the policy for designating the default standard for transportation as two officers unless the result of the above exercise downgrades the need to one officer. Doing so not only maximizes safety, but helps ensure an appropriate level of security if the above process for some reason is not able to be completed. Going through such an exercise for each transport, while taking some effort and time, will help ensure maximum safety of officers, other inmates, and the public.

*Placer County Sheriff's Office Response: The Placer County Sheriff's Office agrees with this recommendation and will employ this measure as a final option, subject to the authorization of the jail commander.*

**Finding 2.b.      *The current policy 1-18 does not adequately address restraints for hospitalized inmates***

Policy No. 1-18 (Guarding of Inmates Admitted to Hospitals) states:

“... The deputy will have available restraint devices (extra handcuffs, leg shackles, soft restraints, belly chains) to secure the inmate **as needed**. (emphasis added).”

This is the only mention of restraints in the entire policy and seems to imply that an officer need only have the restraints available, then make his or her own determination of whether they are necessary in any given situation.

**Recommendation 2.b. *Modify Policy No. 1-18 to require restraints, whenever possible.***

Restraints should be required at all times while an inmate is outside of the facility, when medically or legally allowable. This is also true of an inmate who is hospitalized, regardless of whether they are being supervised by one or two officers. Belly-chains, handcuffs, and/or leg shackles should be employed to limit the inmate’s movement and mobility. Consideration should also be given to securing the inmate to a fixed object, such as the bed rail, when allowable by medical standard or State law. If a hard restraint must be removed for a medical procedure, consideration should be given to soft restraints or zip-ties if they will not interfere with the medical procedure. Restraints should not be removed unless medically necessary, and only as long as necessary.

*Placer County Sheriff's Office Response: Current jail policies for the Placer County Sheriff's Office have been updated to state, "Deputies shall use restraints that offer the maximum level of security without compromising the need for medical care."*

**Finding 2.c.      *The current policy 1-18 is inconsistent regarding constant supervision and deputy restroom breaks.***

Policy No. 1-18 (The Guarding of Inmates Admitted to Hospitals) states:

“A deputy shall remain with the inmate at all times, excluding medical procedures requiring the deputy to adhere to hospital/professional protocol. Deputies will secure inmates during deputy restroom breaks.”

Unless the deputy is willing to take the inmate with him or her to the bathroom, the deputy cannot 'remain with the inmate at all times' as required by the Policy.

**Recommendation 2.c. Modify Policy No. 1-18 to provide guidance for deputy restroom breaks.**

Obviously the mandate to remain with the inmate at all times is paramount (it is even underlined in the policy), so further guidance must be given for the unavoidable event of an employee restroom break. Of course, if the inmate is guarded by two officers, this is not an issue. However, in the case of a single officer, other options should be explored so as to maintain constant supervision over the inmate, and guidance given if supervision is to be temporarily interrupted.

Relief by another officer: Ideally, the guarding deputy would be relieved temporarily by another officer to utilize the restroom. This could be effectuated by another deputy, either from the jail or patrol. This could also be accomplished by the Roseville PD officer assigned to the Sutter Roseville facility. I met with Roseville Police Chief Troy Bergstrom about their contract with Sutter Roseville, and he indicated that generally they will have an officer on site from 0700-0200 seven days a week when their contract is full. Although he expressed a priority for taking care of hospital issues pursuant to the contract, he did indicate a willingness to temporarily relieve an officer to use the restroom on occasion if the officer was available.

I also spoke with Scott Parker, the security manager for Sutter Roseville, who indicated that he would NOT be willing to allow his security officers to likewise relieve an officer.

In the absence of being able to utilize a relief officer, the policy should also indicate that the guarding deputy should physically check the inmate's restraints prior to using the restroom, and ensure the inmate is secured to a fixed object (i.e. bed rail) if possible.

*Placer County Sheriff's Office Response: The Placer County Sheriff's Office has amended jail policy to reflect that two deputies shall guard inmates admitted to the hospital.*



### 3. PRACTICE

**Finding 3.a.** *The determination of whether an inmate will be transported by one or two officers rests largely on his or her classification escort status*

When inmates are classified upon intake, they are designated for one or two officer transports within the facility, meaning that their security level or conduct requires them to be escorted by one or two officers when being moved throughout the facility. The default designation of course is ‘one officer’ but based on a variety of factors inmates can be classified as “two officer transports.” This designation is then largely determinative on how many officers are utilized to transport inmates out of the facility and guard hospitalized inmates.

In this case, Abril was initially designated as “two officer” and was classified as Administrative Separation due to his charges and notoriety. Classification conducted weekly reviews as required, and 33 days later reduced him from a ‘two officer’ to a ‘one officer’ transport. This was due to his level of cooperation and successful programming within the facility and was the correct decision for Classification to make. This unfortunately led to the unintended result that when it came time for his transportation and supervision in the hospital, his downgraded classification status was determinative in the decision of how many deputies to utilize.

**Recommendation 3.a.** *Completely separate the determination of how many escort officers are required from the determination of how many transport officers are required.*

The problem is that historically, this one or two-person *internal* Classification designation has been extrapolated to control how many officers escort an inmate *outside* the facility. Classification based on conduct within the facility should have very little to do with the determination of how many officers should transport an inmate outside the facility.

Practical vernacular should be diverged so as not to cause confusion. “Escort Officers” should be used for inmate moves within the facility, and “Transport Officers” should be used for transporting and guarding prisoners outside the facility. These separate terms—or terms similar—should be infused into policy, culture and practice. This practical change, combined with Recommendation 2.a. above, should completely bifurcate the determination of how many officers will escort, or transport and guard an individual inmate.

*Placer County Sheriff's Office Response: The Placer County Sheriff's Office has made the appropriate changes to jail policy that distinguish between escort and transport officers.*

## **CONCLUSION**

On July 9<sup>th</sup>, 2024, the Placer County Sheriff's Office suffered what almost every agency that manages a correctional system has faced—an escape. Fortunately in this instance, there was no violence or additional criminality committed by the suspect during his escape or his short time on the run. The Placer County Sheriff's Office, along with a collaborative and coordinated effort with numerous local law enforcement agencies, brought the episode to a rapid and peaceful conclusion. Very soon after the incident, senior staff noticed deficiencies that contributed to the escape and implemented interim measures to remediate them. Sheriff Woo stood up in front of local, regional and national television outlets to accept responsibility and ensure the public that the Placer County Sheriff's Office would do whatever it could to help safeguard against a similar recurrence.

The Placer County Sheriff's Office response to this incident was swift, effective, and professional. During this exercise of reviewing policy, interviewing members of the Sheriff's Office, and asking sometimes difficult questions, the entire staff—from the Sheriff and his executive staff all the way down—were exceptionally cooperative and insightful, and committed to making positive changes. I found Classification staff in particular, who I believe bore much of the initial outside scrutiny, to be both professional and effective at their function. I can say unequivocally that the Classification process in Abril's case was completed within law and policy, and appropriate conclusions reached.

In this particular incident, there were several contributing factors that allowed Abril to combine his 'intent' with the 'opportunity' and 'ability' to effectuate his escape. In addition to any potential human failures, staffing shortages and pressures, policy deficiencies and ambiguities, and historical internal practices were chief contributing factors.

In all, the Placer County Sheriff's Office correctional system—like many such systems—is overburdened and has a difficult time meeting emergency outside transport needs with current staffing. This is especially true due to the dynamic of correctional officers staffing the majority of fixed-post positions and a minimal number of assigned deputies. The recommendations contained in this report are calculated to help alleviate that burden and increase safety and

security, as well as provide greater clarity and guidance for staff when making transportation and supervision decisions. Whether these recommendations are taken in total, partially, or modified, it is my hope that they will serve as a catalyst for positive and effective change, and promote greater safety among staff, the public and inmates.

**-END OF REPORT-**